

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, JULY 16, 2003

SESSION OF 2003

187TH OF THE GENERAL ASSEMBLY

No. 63

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (JOHN M. PERZEL)

PRESIDING

PRAYER

RABBI SOLOMON ISAACSON, Guest Chaplain of the House of Representatives, offered the following prayer:

I have been told that today you will be considering some bills and especially one that might be dealing with bringing more money to the Commonwealth. Therefore, I brought some dough along, in case you want to add it to whatever bill, and that will make that much less you have to raise.

As I stand before all of you today, I stand before the Almighty and yourselves, and there is a story that is told that the Almighty decided that there was enough skepticism in the world, and He decided to come down, so He approached a clothing manufacturer, and He said to him, "I'm coming down, but I don't want to come down just like this. Please make me a very beautiful robe." And the clothing manufacturer said, "Okay," and he came back in 2 weeks and made a gorgeous robe. And then God said, "But wait; I'm not coming down myself. I need some for some of the holiest patriarchs that are in heaven." And He comes down 2 weeks later, God, and He is ready, and there are these 12 beautiful robes, plus the one for God, and He looks at the clothing manufacturer, and He says, "You know, this is very nice," He says, and the manufacturer says to Him – of course, he must have been Jewish; right? – so he says to Him, "God, you know, maybe we should form a partnership." So God says, "Yes; maybe we'll call it Lord & Taylor."

All right. Now that I have— I promised at the inauguration I would not tell a joke, but I did not promise I would not tell a joke here. I am sorry.

Almighty God, who grants salvation to kings and dominion to rulers; whose kingdom is a kingdom spanning all eternities; who releases David, His servant, from the evil sword; who places a road in the sea and a path in the mighty waters, may He bless, safeguard, preserve, help, exalt, make great, extol, and raise high all the members of the House of Representatives, who have been given an opportunity to not only serve You, Almighty, but serve the wonderful people of our wonderful and great Commonwealth. Instill in them the wisdom, kindness, and compassion that is needed to make many important decisions. Give them the strength to withstand all temptations to go off the wrong way.

O King who reigns over kings, and in His mercy, may He sustain them and protect them from every trouble, woe, and injury. May He rescue them. May He gather peoples under their sway and call all of their enemies before them. Wherever they turn, may they succeed with Your help, Almighty.

God who reigns over all the world and who is very merciful, put into their heart, to all of their counselors and the officials, compassion to do good with us and with all the people of the Commonwealth, for the great State of Pennsylvania, and in their days and ours, may we have the opportunity to watch and be part of their great venture in making our Commonwealth the greatest Commonwealth in the United States of America. Amen.

I would just like to add a special thanks to the Speaker, a personal friend of mine, and Mr. DeWeese, who was so very kind to invite me to do this benediction. Thank you.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, July 15, 2003, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1862 By Representatives CAUSER, ARGALL, BALDWIN, BASTIAN, DALEY, DENLINGER, EGOLF, FABRIZIO, FAIRCHILD, GILLESPIE, HERSHEY, KELLER, MAITLAND, McILHATTAN, R. MILLER, NAILOR, NICKOL, O'NEILL, PICKETT, PISTELLA, REICHLEY, ROHRER, ROSS, SATHER, SAYLOR, B. SMITH, STERN, R. STEVENSON, SURRA, E. Z. TAYLOR, J. TAYLOR, YOUNGBLOOD, ARMSTRONG and THOMAS

An Act repealing the act of May 20, 1857 (P.L.617, No.658), entitled "An act making an Appropriation from the State Treasury, in aid of the Farmers' High School."

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, July 16, 2003.

No. 1863 By Representatives CAUSER, ARGALL, ARMSTRONG, BALDWIN, BASTIAN, CORRIGAN, DALEY, DENLINGER, EGOLF, FABRIZIO, FAIRCHILD,

FORCIER, GILLESPIE, HERMAN, HERSHEY, JAMES, KELLER, MAITLAND, McILHATTAN, R. MILLER, NAILOR, NICKOL, O'NEILL, PAYNE, PICKETT, PISTELLA, REICHLEY, ROHRER, ROSS, RUBLEY, SATHER, SAYLOR, B. SMITH, STERN, R. STEVENSON, SURRA, E. Z. TAYLOR, J. TAYLOR, WATSON, YOUNGBLOOD and THOMAS

An Act repealing the act of March 11, 1853 (P.L.165, No.124), entitled "An act authorizing the incorporation of a company to plank the old Lancaster road from Henderson's store to the Spread Eagle, in Delaware county, entitled "The Radnor plank road company;" relative to certain election districts; to fees for adjusting beam and patent balances, in the city and county of Philadelphia; and relative to the real estate of William Crawford, of Erie county; and to extending the chancery powers of certain courts to Erie county."

Referred to Committee on STATE GOVERNMENT, July 16, 2003.

No. 1864 By Representatives CAUSER, ARGALL, ARMSTRONG, BALDWIN, BASTIAN, CORRIGAN, DALEY, DENLINGER, EGOLF, FABRIZIO, FAIRCHILD, FORCIER, GILLESPIE, HERMAN, HERSHEY, JAMES, KELLER, MAITLAND, McILHATTAN, R. MILLER, NAILOR, NICKOL, O'NEILL, PAYNE, PICKETT, PISTELLA, REICHLEY, ROHRER, ROSS, RUBLEY, SATHER, SAYLOR, B. SMITH, STERN, R. STEVENSON, SURRA, E. Z. TAYLOR, J. TAYLOR, WATSON, YOUNGBLOOD and THOMAS

An Act amending the act of March 23, 1819 (P.L.150, No.97), entitled "An act prescribing the form of the Bushel, to be used for measuring Lime, in certain counties therein mentioned," repealing provisions relating to appointment of person to mark bushel for measuring of lime.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, July 16, 2003.

No. 1865 By Representatives CAUSER, ARGALL, ARMSTRONG, BALDWIN, BASTIAN, CORRIGAN, DALEY, DENLINGER, EGOLF, FABRIZIO, FAIRCHILD, FORCIER, GILLESPIE, HERMAN, HERSHEY, JAMES, KELLER, MAITLAND, McILHATTAN, R. MILLER, NAILOR, NICKOL, O'NEILL, PAYNE, PICKETT, PISTELLA, REICHLEY, ROHRER, ROSS, RUBLEY, SATHER, SAYLOR, B. SMITH, STERN, R. STEVENSON, SURRA, E. Z. TAYLOR, J. TAYLOR, WATSON, YOUNGBLOOD and THOMAS

An Act amending the act of February 18, 1769 (1 Sm.L.284, No.594), entitled "An act for regulating, pitching, paving and cleansing, the highways, streets, lanes and alleys; and for regulating, making and amending the water courses and common sewers, within the inhabited and settled parts of the city of Philadelphia; for raising of money to defray the expenses thereof; and for other purposes therein mentioned," repealing provisions relating to wood haulers, stacking of wood and penalties for stealing wood in Philadelphia.

Referred to Committee on LOCAL GOVERNMENT, July 16, 2003.

No. 1866 By Representatives CAUSER, ARGALL, ARMSTRONG, BALDWIN, BASTIAN, CORRIGAN,

DALEY, DENLINGER, EGOLF, FABRIZIO, FAIRCHILD, FORCIER, GILLESPIE, HERMAN, HERSHEY, JAMES, KELLER, MAITLAND, McILHATTAN, R. MILLER, NAILOR, NICKOL, O'NEILL, PAYNE, PICKETT, PISTELLA, REICHLEY, ROHRER, ROSS, RUBLEY, SATHER, SAYLOR, B. SMITH, STERN, R. STEVENSON, SURRA, E. Z. TAYLOR, J. TAYLOR, YOUNGBLOOD and THOMAS

An Act repealing the act of April 17, 1861 (P.L.324, No.309), entitled "An act to secure to Farmers certain rights in the Markets of the city of Philadelphia."

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, July 16, 2003.

No. 1867 By Representatives CAUSER, ARGALL, ARMSTRONG, BALDWIN, BASTIAN, CORRIGAN, DALEY, DENLINGER, EGOLF, FABRIZIO, FAIRCHILD, FORCIER, GILLESPIE, HERMAN, HERSHEY, JAMES, KELLER, MAITLAND, McILHATTAN, R. MILLER, NAILOR, NICKOL, O'NEILL, PAYNE, PICKETT, PISTELLA, REICHLEY, ROHRER, ROSS, RUBLEY, SATHER, SAYLOR, B. SMITH, STERN, R. STEVENSON, SURRA, E. Z. TAYLOR, J. TAYLOR, WATSON, YOUNGBLOOD and THOMAS

An Act amending the act of April 12, 1842 (P.L.262, No.91), entitled "A supplement to an act, entitled 'An act authorizing the Governor to incorporate the Tioga Navigation Company,' passed the twenty-six day of February, one thousand eight hundred and twenty-six, and for other purposes," repealing provisions relating to fees for measuring grain in Philadelphia.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, July 16, 2003.

No. 1868 By Representatives CAUSER, ARGALL, ARMSTRONG, BALDWIN, BASTIAN, CORRIGAN, DALEY, DENLINGER, EGOLF, FABRIZIO, FAIRCHILD, FORCIER, GILLESPIE, HERMAN, HERSHEY, JAMES, KELLER, MAITLAND, McILHATTAN, R. MILLER, NAILOR, NICKOL, O'NEILL, PAYNE, PICKETT, PISTELLA, REICHLEY, ROHRER, ROSS, RUBLEY, SATHER, SAYLOR, B. SMITH, STERN, R. STEVENSON, SURRA, E. Z. TAYLOR, J. TAYLOR, WATSON, YOUNGBLOOD and THOMAS

An Act amending the act of April 26, 1850 (P.L.618, No.364), entitled "An act to vest in Barbara Griffith and Polly Conrad certain supposed escheated personal estate; to incorporate the Delaware and Schuylkill plank road company; and relative to market stalls in the city of Philadelphia," repealing provisions relating to farmers who lease stalls or stands in Philadelphia to sublet them.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, July 16, 2003.

No. 1869 By Representatives COHEN, LaGROTTA, BIANCUCCI, WASHINGTON, CAWLEY, SOLOBAY, BUXTON, GEORGE, DeWEESE, KENNEY, CORRIGAN, COY, READSHAW, CURRY, BEBKO-JONES, LAUGHLIN, BELFANTI, ROONEY, BROWNE, BISHOP, GRUCELA, HERSHEY, MANDERINO, SCRIMENTI, LEACH,

PISTELLA, E. Z. TAYLOR, McCALL, HERMAN, DALEY, YOUNGBLOOD, WALKO, WHEATLEY, BELARDI, GOODMAN, SURRA, DAILEY, HORSEY, HARHAI, JOSEPHS, THOMAS, HESS, J. TAYLOR, TIGUE, SHANER, FREEMAN, PALLONE and TANGRETTI

An Act amending the act of March 20, 2003 (P.L. , No.1A), known as the General Appropriation Act of 2003, adding Federal and State appropriations to the Department of Public Welfare.

Referred to Committee on APPROPRIATIONS, July 16, 2003.

No. 1870 By Representatives COHEN, LaGROTTA, BIANCUCCI, WASHINGTON, CAWLEY, SOLOBAY, BUXTON, GEORGE, DeWEESE, KENNEY, CORRIGAN, COY, READSHAW, CURRY, BEBKO-JONES, LAUGHLIN, BELFANTI, ROONEY, BROWNE, BISHOP, GRUCELA, HERSHEY, MANDERINO, SCRIMENTI, LEACH, PISTELLA, E. Z. TAYLOR, McCALL, HERMAN, DALEY, YOUNGBLOOD, WALKO, WHEATLEY, BELARDI, GOODMAN, SURRA, HORSEY, HARHAI, JOSEPHS, THOMAS, HESS, J. TAYLOR, TIGUE, SHANER, FREEMAN, PALLONE and TANGRETTI

An Act amending the act of March 20, 2003 (P.L. , No.1A), known as the General Appropriation Act of 2003, adding State appropriations to the Department of Health.

Referred to Committee on APPROPRIATIONS, July 16, 2003.

No. 1871 By Representatives CIVERA, DeLUCA, ALLEN, BALDWIN, BEBKO-JONES, BIANCUCCI, COY, CRAHALLA, DAILEY, FICHTER, GERGELY, KELLER, LEDERER, MARKOSEK, MELIO, MICOZZIE, PETRI, READSHAW, REICHLEY, SAYLOR, SCAVELLO, E. Z. TAYLOR, TIGUE, TRUE, VANCE, WANSACZ, WASHINGTON, WEBER, YOUNGBLOOD, YUDICHAK, WILT and THOMAS

An Act amending the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, further providing for definitions; and providing for registration, qualifications and supervision of pharmacy technicians.

Referred to Committee on PROFESSIONAL LICENSURE, July 16, 2003.

No. 1872 By Representatives CIVERA, ARMSTRONG, BEBKO-JONES, COY, CRAHALLA, CREIGHTON, CURRY, DALLY, DONATUCCI, GERGELY, McGEEHAN, MICOZZIE, O'NEILL, PETRI, E. Z. TAYLOR, WASHINGTON, WATSON, WEBER and YOUNGBLOOD

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for no limitation period in certain actions; and repealing certain provisions relating to period of limitations involving infancy, insanity or imprisonment.

Referred to Committee on JUDICIARY, July 16, 2003.

No. 1873 By Representatives STERN, BARRAR, THOMAS, T. STEVENSON, CRUZ, HERMAN, FICHTER, RUBLEY, LEACH, WILT, BAKER, RAYMOND, R. STEVENSON, HUTCHINSON, MANDERINO, DALLY, REED, TIGUE, SATHER, CAPPELLI, MUNDY, TRUE, HERSHEY, HENNESSEY, STEIL, R. MILLER, GRUCELA, McILHATTAN, STURLA, DeLUCA, JOSEPHS, LAUGHLIN, REICHLEY, HORSEY, SOLOBAY, CAWLEY, ROSS, YOUNGBLOOD, FREEMAN, FLICK, COSTA, SCHRODER, MICOZZIE, BEBKO-JONES, CRAHALLA, SURRA, GINGRICH, BARD, HESS, E. Z. TAYLOR, SEMMEL, FRANKEL, DiGIROLAMO, SAINATO, HARPER, BELFANTI, BROWNE, JAMES, ADOLPH, MYERS, GEIST, CAUSER and SAYLOR

An Act amending the act of March 20, 2003 (P.L. , No.1A), known as the General Appropriation Act of 2003, adding a State appropriation for New Choices/New Options in the Department of Education.

Referred to Committee on APPROPRIATIONS, July 16, 2003.

No. 1874 By Representatives STERN, BARRAR, THOMAS, T. STEVENSON, CRUZ, HERMAN, NAILOR, FICHTER, RUBLEY, LEACH, WILT, BAKER, WATSON, RAYMOND, R. STEVENSON, HUTCHINSON, MANDERINO, DALLY, REED, TIGUE, SATHER, CAPPELLI, TRUE, HERSHEY, HENNESSEY, STEIL, R. MILLER, GRUCELA, McILHATTAN, STURLA, DeLUCA, JOSEPHS, LAUGHLIN, REICHLEY, HORSEY, SOLOBAY, CAWLEY, ROSS, YOUNGBLOOD, FREEMAN, FLICK, COSTA, SCHRODER, MICOZZIE, BEBKO-JONES, CRAHALLA, SURRA, GINGRICH, BARD, HESS, E. Z. TAYLOR, SEMMEL, FRANKEL, SAINATO, HARPER, BELFANTI, JAMES, ADOLPH, GEIST, CAUSER and SAYLOR

An Act amending the act of March 20, 2003 (P.L. , No.1A), known as the General Appropriation Act of 2003, adding a State appropriation for New Choices/New Options in the Department of Education.

Referred to Committee on APPROPRIATIONS, July 16, 2003.

No. 1875 By Representatives DALLY, ARMSTRONG, BASTIAN, BROWNE, BUNT, BUXTON, CAPPELLI, CORNELL, DeLUCA, GEIST, GODSHALL, GRUCELA, LEWIS, McILHATTAN, R. MILLER, S. MILLER, PAYNE, REICHLEY, ROSS, SAYLOR, R. STEVENSON, T. STEVENSON, E. Z. TAYLOR, TIGUE, WILT, HARHART and JAMES

An Act providing for civil actions or arbitration proceedings for damages or indemnity for injury or loss to a dwelling or personal property arising out of or related to the design, construction, condition, sale or remodeling of a dwelling, for notice and opportunity to repair, for insurance requirements, for contract of sale, for contractor notification requirements and for actions of associations.

Referred to Committee on JUDICIARY, July 16, 2003.

No. 1876 By Representatives FLICK, ROHRER, CREIGHTON, SHANER, ARMSTRONG, BALDWIN, BOYD, CAPPELLI, COY, CRAHALLA, GOODMAN, HALUSKA, HARHAI, HERSHEY, HORSEY, KENNEY, LEDERER, LEWIS, O'NEILL, REICHLEY, RUBLEY, SAYLOR, SCHRODER and E. Z. TAYLOR

An Act providing for residency tuition; and defining requirements for tuition fees, regulations and policies.

Referred to Committee on EDUCATION, July 16, 2003.

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1534, PN 1997**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for hotel room rental tax; and providing for an annual report.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 1534 be placed upon the table.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 1534 be taken off the table.

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

RULES COMMITTEE MEETING

The SPEAKER. The majority leader calls for an immediate meeting of the Rules Committee.

BILL REREPORTED FROM COMMITTEE

HB 774, PN 908 By Rep. S. SMITH

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 defining "daily drawing."

RULES.

BILL ON SECOND CONSIDERATION

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

HB 774, PN 908.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 774 be recommitted to the Committee on Appropriations.

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

LEAVES OF ABSENCE

The SPEAKER. For the information of the members, there have been no requests for leaves of absence for the day.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—201

Adolph	Evans, D.	Lewis	Samuelson
Allen	Evans, J.	Lynch	Santoni
Argall	Fabrizio	Mackereth	Sather
Armstrong	Fairchild	Maher	Saylor
Baker	Feese	Maitland	Scavello
Baldwin	Fichter	Major	Schroder
Bard	Fleagle	Manderino	Scrimenti
Barrar	Flick	Mann	Semmel
Bastian	Forcier	Markosek	Shaner
Bebko-Jones	Frankel	Marsico	Smith, B.
Belardi	Freeman	McCall	Smith, S. H.
Belfanti	Gabig	McGeehan	Solobay
Benninghoff	Gannon	McGill	Staback
Biancucci	Geist	McIlhattan	Stairs
Birmelin	George	McIlhinney	Steil
Bishop	Gergely	McNaughton	Stern
Blaum	Gillespie	Melio	Stetler
Boyd	Gingrich	Metcalfe	Stevenson, R.
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Goodman	Miller, R.	Sturla
Butkovitz	Gordner	Miller, S.	Surra
Buxton	Grucela	Mundy	Tangretti
Caltagirone	Gruitza	Mustio	Taylor, E. Z.
Cappelli	Habay	Myers	Taylor, J.
Casorio	Haluska	Nailor	Thomas
Causar	Hanna	Nickol	Tigue
Cawley	Harhai	O'Brien	Travaglio
Civera	Harhart	Oliver	True
Clymer	Harper	O'Neill	Turzai
Cohen	Harris	Pallone	Vance
Coleman	Hasay	Payne	Veon
Cornell	Hennessey	Petrarca	Vitali
Corrigan	Herman	Petri	Walko
Costa	Hershey	Petrone	Wansacz
Coy	Hess	Phillips	Washington
Crahalla	Hickernell	Pickett	Waters

Creighton	Horsey	Pistella	Watson
Cruz	Hutchinson	Preston	Weber
Curry	James	Raymond	Wheatley
Dailey	Josephs	Readshaw	Williams
Daley	Keller	Reed	Wilt
Dally	Kenney	Reichley	Wojnaroski
DeLuca	Killion	Rieger	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolamo	Laughlin	Rooney	Zug
Diven	Leach	Ross	
Donatucci	Lederer	Rubley	
Eachus	Leh	Ruffing	Perzel,
Egolf	Levdansky	Sainato	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Lescovitz

LEAVES ADDED—1

Evans, D.

GUEST INTRODUCED

The SPEAKER. The Chair welcomes to the hall of the House Nina Ivory, an intern from Upper Merion, who is the guest here today of Representative Daylin Leach. She is to the left of the Speaker. Would she please rise.

REPUBLICAN CAUCUS

The SPEAKER. For the information of the members, there is a caucus at 11:30 for the Republicans.

DEMOCRATIC CAUCUS

The SPEAKER. Do the Democrats wish— The Chair recognizes the gentleman, Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

There will certainly be informal discussions at the Democratic caucus upon the time of our recess, and members will be notified through the Chief Clerk's Office when our caucus will actually begin. But informal discussions upon the declaration of recess.

The SPEAKER. The Chair thanks the gentleman.

EDUCATION COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I would like to make an announcement for the Education Committee. For the Education Committee members, we will meet at the back of the House at the recess momentarily, so all Education Committee members. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Education Committee will meet at the back of the House at the recess.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

At the declaration of the recess, the House Appropriations Committee will meet in room 245.

The SPEAKER. The Chair thanks the gentleman.

At the recess the Appropriations Committee will meet in room 245.

REMARKS SUBMITTED FOR THE RECORD**VOTE CORRECTIONS**

The SPEAKER. The Chair recognizes the lady, Mrs. Miller, who submits remarks for the record.

Mrs. MILLER submitted the following remarks for the Legislative Journal:

I was unable to be in attendance for the July 15, 2003, session day. Votes were taken on HR 358, HR 359, HB 1718, SB 92, HB 782, SB 387, HB 565, and HR 338. My vote would have reflected my affirmative support for these resolutions and bills.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 44, PN 1082**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Millennium Neighborhood Church, Inc., certain lands situate in Susquehanna Township, Dauphin County; and authorizing and directing the Department of General Services, with the approval of the Governor, to transfer jurisdiction and control from the Department of General Services to the Department of Conservation and Natural Resources, of certain lands situate in the City of Philadelphia, Philadelphia County; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Authority for Industrial Development a tract of land situate in the City of Philadelphia, Philadelphia County.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. It is moved by the gentleman, Mr. Smith, that the House concur in the amendments.

The Chair recognizes the gentleman, Mr. Cawley. The Chair thanks the gentleman for putting his jacket on.

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. Speaker, could we just have a second that I make sure that there are no amendments in this regarding the property in the city of Scranton? Could I have just a couple minutes?

The SPEAKER. The House will be at ease, awaiting Mr. Cawley's reading of the bill.

Mr. CAWLEY. Thank you, Mr. Speaker.

The SPEAKER. The Chair trusts that the gentleman had speed-reading courses while he was in school.

The Chair recognizes the gentleman, Mr. Cawley.

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

I checked the bill, and that language is not in, and I recommend voting in favor of the bill. Thank you.

The SPEAKER. The Chair thanks the gentleman.

It is moved by the gentleman, Mr. Smith, that the House concur in the amendments.

The Chair recognizes the gentleman from Philadelphia, Mr. Horsey.

Mr. HORSEY. Thank you, Mr. Speaker.

In an effort to be prudent, can we have someone just briefly go over the Senate bill; just briefly to tell us what the Senate did?

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Clymer, indicates that he will stand to give a brief explanation of what is in the bill.

Mr. CLYMER. Thank you, Mr. Speaker.

This was a bill that was originally submitted by Senator Piccola that dealt with granting and conveying land to the Millennium Neighborhood Church in Susquehanna Township, as you follow me, and then there were amendments put in for two Philadelphia, I think, parcels of land. Representative Kenney had an interest in this land that would be conveyed to the Department of Conservation and Natural Resources, approved of these lands in the city of Philadelphia; authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Authority for Industrial Development a tract of land in the city, and that land was what we call Byberry, parts of land that they wanted to have conveyed to the Philadelphia Authority for Industrial Development.

That particular land transfer, Mr. Speaker, had been negotiated for 2 or 3 years, and it was decided the best way to move that land transfer through, so we could deal with it by the end of summer recess, was to insert it into SB 44, which we have done, and that is a brief explanation of the bill.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS—201

Adolph	Evans, D.	Lewis	Samuelson
Allen	Evans, J.	Lynch	Santoni
Argall	Fabrizio	Mackereth	Sather
Armstrong	Fairchild	Maher	Saylor
Baker	Feese	Maitland	Scavello
Baldwin	Fichter	Major	Schroder
Bard	Fleagle	Manderino	Scrimenti
Barrar	Flick	Mann	Semmel
Bastian	Forcier	Markosek	Shaner
Bebko-Jones	Frankel	Marsico	Smith, B.
Belardi	Freeman	McCall	Smith, S. H.
Belfanti	Gabig	McGeehan	Solobay

Benninghoff	Gannon	McGill	Staback
Biancucci	Geist	McIlhattan	Stairs
Birmelin	George	McIlhinney	Steil
Bishop	Gergely	McNaughton	Stern
Blaum	Gillespie	Melio	Stetler
Boyd	Gingrich	Metcalfe	Stevenson, R.
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Goodman	Miller, R.	Sturla
Butkovitz	Gordner	Miller, S.	Surra
Buxton	Grucela	Mundy	Tangretti
Caltagirone	Gruitza	Mustio	Taylor, E. Z.
Cappelli	Habay	Myers	Taylor, J.
Casorio	Haluska	Nailor	Thomas
Causer	Hanna	Nickol	Tigue
Cawley	Harhai	O'Brien	Travaglio
Civera	Harhart	Oliver	True
Clymer	Harper	O'Neill	Turzai
Cohen	Harris	Pallone	Vance
Coleman	Hasay	Payne	Veon
Cornell	Hennessey	Petrarca	Vitali
Corrigan	Herman	Petri	Walko
Costa	Hershey	Petrone	Wansacz
Coy	Hess	Phillips	Washington
Crahalla	Hickernell	Pickett	Waters
Creighton	Horsey	Pistella	Watson
Cruz	Hutchinson	Preston	Weber
Curry	James	Raymond	Wheatley
Dailey	Josephs	Readshaw	Williams
Daley	Keller	Reed	Wilt
Dally	Kenney	Reichley	Wojnaroski
DeLuca	Killion	Rieger	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolamo	Laughlin	Rooney	Zug
Diven	Leach	Ross	
Donatucci	Lederer	Rubley	
Eachus	Leh	Ruffing	Perzel,
Egolf	Levdansky	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Lescovitz

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. Are there any further announcements?

RECESS

The SPEAKER. This House is in recess until 1:30.

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE**HB 774, PN 908**

By Rep. ARGALL

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 defining "daily drawing."

APPROPRIATIONS.

SB 696, PN 1048

By Rep. ARGALL

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for prohibition on political activity relating to police officers and for powers and duties of the Municipal Police Officers' Education and Training Commission.

APPROPRIATIONS.

SB 850, PN 1107 (Amended)

By Rep. ARGALL

An Act authorizing the City of Scranton and Redevelopment Authority of the City of Scranton, Lackawanna County, to transfer, sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act.

APPROPRIATIONS.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to announce, as guests of Representative Ron Buxton, seated in the gallery, Ron Mont and Betty Dodaro. Would those guests please rise and be recognized by the House.

CALENDAR CONTINUED**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 521, PN 1053**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for assessment and commitment of certain sexually violent persons.

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

Mr. **BLAUM** offered the following amendment No. **A2956**:

Amend Bill, page 1, lines 9 through 16; pages 2 through 13, lines 1 through 30, by striking out all of said lines on said pages and inserting

Section 1. Section 6302 of Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a definition to read:
§ 6302. Definitions.

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

* * *

"Board." The State Sexual Offenders Assessment Board.

* * *

Section 2. Section 6307 of Title 42 is amended by adding a paragraph to read:

§ 6307. Inspection of court files and records.

All files and records of the court in a proceeding under this chapter are open to inspection only by:

* * *

(6.4) The board for use in completing assessments.

* * *

Section 3. Title 42 is amended by adding a section to read:

§ 6358. Assessment of delinquent children by the State Sexual Offenders Assessment Board.

(a) General rule.—A child who has been found to be delinquent for an act of sexual violence which if committed by an adult would be a violation of 18 Pa.C.S. § 3121 (relating to rape), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault), 3125 (relating to aggravated indecent assault), 3126 (relating to indecent assault) or 4302 (relating to incest) who is committed to an institution or other facility pursuant to section 6352 (relating to disposition of delinquent child) and who remains in such facility upon attaining 20 years of age shall be subject to an assessment by the board.

(b) Duty of probation officer.—Ninety days prior to the 20th birthday of the child, the probation officer shall have the duty to notify the board of the status of the delinquent child and the institution or other facility where the child is presently committed. The probation officer shall assist the board in obtaining access to the child and any information required by the board to perform the assessment.

(b.1) Notification to board.—The probation officer shall, within five days of the effective date of this subsection, notify the board of any child whose age precludes compliance with subsection (b) provided the child has not yet attained 21 years of age.

(c) Assessment.—The board shall conduct an assessment, which shall include the board's determination of whether or not the child is in need of commitment for involuntary treatment due to a mental abnormality, as defined in § 6402 (relating to definitions), or a personality disorder, either of which results in serious difficulty in controlling sexually violent behavior. Upon the completion of the assessment pursuant to this section, the board shall provide the assessment to the court. In no case shall the board file the assessment later than 90 days after the child's 20th birthday unless notification of the board was delayed under subsection (b.1), in which case the assessment shall be filed no later than 180 days after the child's 20th birthday.

(d) Duty of court.—The court shall provide a copy of the assessment by the board to the probation officer, the district attorney, county solicitor or designee and the child's attorney.

(e) Dispositional review hearing.—Where the board has concluded that the child is in need of involuntary treatment pursuant to the provisions of Chapter 64 (relating to court-ordered involuntary treatment of certain sexually violent persons), the court shall conduct a hearing at which the county solicitor or a designee, the probation officer and the child's attorney are present. The court shall consider the assessment, treatment information and any other relevant information regarding the delinquent child at the dispositional review hearing pursuant to section 6353 (relating to limitation on and change in place of commitment), which shall be held no later than 180 days before the 21st birthday of the child. Where the submission of the report was delayed pursuant to subsection (c), the dispositional review hearing shall be held no later than 90 days before the 21st birthday of the child.

(f) Subsequent proceeding.—If, at the conclusion of the dispositional review hearing required in subsection (e), the court finds there is a prima facie case that the child is in need of involuntary treatment under the provisions of Chapter 64, the court shall direct that the county solicitor or a designee file a petition to initiate proceedings under the provisions of that chapter.

Section 4. Title 42 is amended by adding a chapter to read:

CHAPTER 64

COURT-ORDERED INVOLUNTARY TREATMENT
OF CERTAIN SEXUALLY VIOLENT PERSONS

Sec.

6401. Scope of chapter.

6402. Definitions.

6403. Court-ordered involuntary treatment.

6404. Duration of commitment and review.

6405. Right to counsel.

6406. Duty of Department of Public Welfare.

6407. Regulations.

6408. Jurisdiction.

6409. Immunity for good faith conduct.

§ 6401. Scope of chapter.

This chapter establishes rights and procedures for the civil commitment of sexually violent delinquent children who due to a mental abnormality or personality disorder have serious difficulty in controlling sexually violent behavior and thereby pose a danger to the public and further provides for additional periods of commitment for involuntary treatment for said persons.

§ 6402. Definitions.

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

“Act of sexual violence.” Any conduct prohibited under the following provisions of law:

(1) 18 Pa.C.S. § 3121 (relating to rape).

(2) 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

(3) 18 Pa.C.S. § 3124.1 (relating to sexual assault).

(4) 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

(5) 18 Pa.C.S. § 3126 (relating to indecent assault).

(6) 18 Pa.C.S. § 4302 (relating to incest).

“Board.” The board as defined in section 6302 (relating to definitions).

“County Solicitor.” The solicitor appointed by the county commissioners or a similar body in home rule counties.

“Department.” The Department of Public Welfare of the Commonwealth.

“Mental abnormality.” A congenital or acquired condition of a person affecting the person’s emotional or volitional capacity.

“Sexually violent delinquent child.” A person who has been found delinquent for an act of sexual violence which if committed by an adult would be a violation of 18 Pa.C.S. § 3121 (relating to rape), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault), 3125 (relating to aggravated indecent assault), 3126 (relating to indecent assault) or 4302 (relating to incest) and who has been determined to be in need of commitment for involuntary treatment under this chapter.

§ 6403. Court-ordered involuntary treatment.

(a) Persons subject to involuntary treatment.—A person may be subject to court-ordered commitment for involuntary treatment under this chapter if the person:

(1) Has been adjudicated delinquent for an act of sexual violence which if committed by an adult would be a violation of 18 Pa.C.S. § 3121 (relating to rape), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault), 3125 (relating to aggravated indecent assault), 3126 (relating to indecent assault) or 4302 (relating to incest).

(2) Has been committed to an institution or other facility pursuant to section 6352 (relating to disposition of delinquent child) and remains in the institution or other facility upon attaining 20 years of age.

(3) Is in need of involuntary treatment due to a mental abnormality or personality disorder which results in serious difficulty in controlling sexually violent behavior that makes the person likely to engage in an act of sexual violence.

(b) Procedures for initiating court-ordered involuntary commitment.—

(1) Where, pursuant to the provisions of section 6358(f) (relating to assessment of delinquent children by the State Sexual Offenders Assessment Board), the court determines that a prima facie case has been presented that the child is in need of involuntary treatment under the provisions of this chapter, the court shall order that a petition be filed by the county solicitor or a designee before the court having jurisdiction of the person pursuant to Chapter 63 (relating to juvenile matters).

(2) The petition shall be in writing in a form adopted by the department and shall set forth the facts constituting reasonable grounds to believe the individual is within the criteria for court-ordered involuntary treatment as set forth in subsection (a). The petition shall include the assessment of the person by the board as required in section 6358.

(3) The court shall set a date for the hearing which shall be held within 30 days of the filing of the petition pursuant to paragraph (1) and direct the person to appear for the hearing. A copy of the petition and notice of the hearing date shall be served on the person, the attorney who represented the person at the most recent dispositional review hearing pursuant to section 6358(e), and the county solicitor or a designee. The person and the attorney who represented the person shall, along with copies of the petition, also be provided with written notice advising that the person has the right to counsel and that, if he cannot afford one, counsel shall be appointed for the person.

(4) The person shall be informed that the person has a right to be assisted in the proceedings by an independent expert in the field of sexually violent behavior. If the person cannot afford to engage such an expert, the court shall allow a reasonable fee for such purpose.

(c) Hearing.—A hearing pursuant to this chapter shall be conducted as follows:

(1) The person shall not be called as a witness without the person’s consent.

(2) The person shall have the right to confront and cross-examine all witnesses and to present evidence on the person’s own behalf.

(3) The hearing shall be public.

(4) A stenographic or other sufficient record shall be made.

(5) The hearing shall be conducted by the court.

(6) A decision shall be rendered within five days after the conclusion of the hearing.

(d) Determination and order.—Upon a finding by clear and convincing evidence that the person has a mental abnormality or personality disorder which results in serious difficulty in controlling sexually violent behavior that makes the person likely to engage in an act of sexual violence, an order shall be entered directing the immediate commitment of the person for inpatient involuntary treatment to a facility designated by the department. The order shall be in writing and shall be consistent with the protection of the public safety and the appropriate control, care and treatment of the person. An appeal shall not stay the execution of the order.

§ 6404. Duration of commitment and review.

(a) Initial period of commitment.—The person shall be subject to a period of commitment for inpatient treatment for one year.

(b) Annual review.—

(1) Sixty days prior to the expiration of the one-year commitment period, the director of the facility or a designee shall submit an evaluation and the board shall submit an assessment of the person to the court.

(2) The court shall schedule a review hearing which shall be conducted pursuant to section 6403(c) (relating to court-ordered involuntary treatment) and which shall be held no later than 30 days after receipt of both the evaluation and the assessment under paragraph (1). Notice of the review hearing shall be provided to the person, the attorney who represented the person at the previous hearing held pursuant to this subsection or

section 6403, the district attorney and the county solicitor or a designee. The person and the person's attorney shall also be provided with written notice advising that the person has the right to counsel and that, if he cannot afford one, counsel shall be appointed for the person. If the court determines by clear and convincing evidence that the person continues to have serious difficulty controlling sexually violent behavior due to a mental abnormality or personality disorder that makes the person likely to engage in an act of sexual violence, the court shall order an additional period of involuntary treatment of one year, otherwise the court shall order the discharge of the person. The order shall be in writing and shall be consistent with the protection of the public safety and appropriate control, care and treatment of the person.

(c) Discharge.—

(1) If at any time the director or a designee of the facility to which the person was committed concludes the person no longer has serious difficulty in controlling sexually violent behavior, the director shall petition the court for a hearing. Notice of the petition shall be given to the person, the attorney who represented the person at the previous hearing held pursuant to subsection (b) or section 6403, the board, the district attorney and the county solicitor. The person and the person's attorney shall also be provided with written notice advising that the person has the right to counsel and that, if he cannot afford one, counsel shall be appointed for the person.

(2) Upon receipt of notice under paragraph (1), the board shall conduct a new assessment within 30 days and provide that assessment to the court.

(3) Within 15 days after the petition has been filed, the court shall hold a hearing pursuant to section 6403(c). If the court determines the person no longer has serious difficulty controlling sexually violent behavior, the court shall order the discharge of the person. If the court denies the petition, the person shall be subject to the remainder of the period of commitment.

(4) The department shall provide the person with notice of the person's right to petition the court for discharge over the objection of the department. The court, after review of the petition, may schedule a hearing pursuant to section 6403(c).

§ 6405. Right to counsel.

At each proceeding conducted pursuant to the provisions of this chapter, the person who is the subject of the proceeding shall have the right to assistance of counsel.

§ 6406. Duty of Department of Public Welfare.

(a) General rule.—The department shall have the duty to provide a separate, secure State-owned facility or unit utilized solely for the control, care and treatment of persons committed pursuant to this chapter. The department shall be responsible for all costs relating to the control, care and treatment of persons committed to custody pursuant to this chapter.

(b) Interim facility.—The department may designate a State-owned facility or unit which currently receives children who are adjudicated delinquent and committed under Chapter 63 (relating to juvenile matters) to receive individuals committed under this chapter as long as these individuals are segregated at all times from children committed under Chapter 63. This subsection shall expire July 1, 2006.

(c) Treatment plans.—The department, in consultation with the Juvenile Court Judges' Commission and the board, shall develop policies and procedures for providing individualized treatment and discharge plans based on clinical guidelines and professional standards in the fields of sexual offender treatment and mental health.

§ 6407. Regulations.

The department shall adopt in consultation with the Juvenile Court Judges' Commission and the board such regulations as are necessary to effectuate the provisions of this chapter.

§ 6408. Jurisdiction.

The court of common pleas for the county which entered the order for commitment of the person for a delinquent act pursuant to

Chapter 63 (relating to juvenile matters) shall have jurisdiction for proceedings under this chapter including subsequent proceedings.

§ 6409. Immunity for good faith conduct.

The following entities shall be immune from liability for good faith conduct under this subchapter:

- (1) Members of the board and its agents and employees.
- (2) The department and its agents and employees.
- (3) County probation departments and their agents and employees.

Section 5. Section 9795.4(c) of Title 42 is amended and the section is amended by adding a subsection to read:

§ 9795.4. Assessments.

* * *

(c) Release of information.—All State, county and local agencies, offices or entities in this Commonwealth, including juvenile probation offices, shall cooperate by providing copies of records and information as requested by the board in connection with the court-ordered assessment and the assessment requested by the Pennsylvania Board of Probation and Parole.

* * *

(h) Delinquent children.—Except where section 6358(b.1) (relating to assessment of delinquent children by the State Sexual Offenders Assessment Board) is applicable, the probation officer shall notify the board 90 days prior to the 20th birthday of the child of the status of the delinquent child who is committed to an institution or other facility pursuant to section 6352 (relating to disposition of delinquent child) after having been found delinquent for an act of sexual violence which if committed by an adult would be a violation of 18 Pa.C.S. § 3121 (relating to rape), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault), 3125 (relating to aggravated indecent assault), 3126 (relating to indecent assault) or 4302 (relating to incest) together with the location of the facility where the child is committed. The board shall conduct an assessment of the child, which shall include the board's determination of whether or not the child is in need of commitment due to a mental abnormality, as defined in section 6402 (relating to definitions), or a personality disorder, either of which results in serious difficulty in controlling sexually violent behavior, and provide a report to the court no later than 90 days after the child's 20th birthday. The probation officer shall assist the board in obtaining access to the child and any records or information as requested by the board in connection with the assessment. The assessment shall be conducted pursuant to subsection (b).

Section 6. This act shall take effect in 180 days.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman for a brief explanation.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, this is an agreed-to amendment which strengthens the bill and clarifies a couple of definitions, and I would ask members for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

The SPEAKER. The gentleman, Mr. Blaum, indicates that he will.

Mr. VITALI. Thank you, Mr. Speaker.

Could initially the maker of the amendment outline what the amendment does? It is my understanding that the amendment is quite lengthy. In fact, it is in effect the bill itself plus two other

additional amendments. So if you could just outline what that does for the benefit of the members, it would be appreciated.

Mr. BLAUM. Thank you, Mr. Speaker.

SB 521 is an excellent piece of legislation, sponsored by Senator Brightbill, and has been worked on by the House Judiciary Committee on both sides, and what this amendment does, while it is lengthy, if you read it, you would know that it is basically the entire bill word for word, but we do add some definitions to strengthen the bill. For instance, in section 6402 we add a definition for the “act of sexual violence.” We also add another criteria for the judge to use when dealing with sexually violent predators. In addition to determining that the person is in need of involuntary treatment due to a mental health abnormality or personality disorder which results in serious difficulty in controlling sexually violent behavior, the court would also need to consider that the person is likely to engage in an act of sexual violence again.

So we believe that this strengthens the bill, and I would ask the members for an affirmative vote.

The SPEAKER. The gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I would like to speak on the amendment.

The SPEAKER. The gentleman is in order.

Mr. VITALI. Mr. Speaker, I would urge a “no” vote on this amendment.

I think House members have to understand that this amendment – and in fact, it now becomes in effect the bill if it is passed, because it will knock many other amendments out of order – really breaks new ground nationally in the area of dealing with adults and their confinement. What this amendment does that is new is allows the confinement of an adult indefinitely, in perpetuity, without a jury trial and without a finding of proof beyond a reasonable doubt, and has numerous provisions that may raise some serious constitutional questions, which may ultimately have this bill ruled unconstitutional. I in fact have some amendments that would attempt to deal with some of these problems drafted to the bill in chief, but this amendment, because it becomes the bill, will knock those amendments out of order.

Essentially what this amendment does is say that if you commit certain acts as a juvenile, certain sexual crimes, like rape and indecent assault and so forth, you may be held for those acts beyond your juvenile years and year after year after year after year be continued to be confined, albeit, albeit in a place designated for sexual offenders, but confined, nonetheless, year after year after year. The law – and this is really, if you think about it, kind of frightening; something you may expect in Stalinist Russia – but to be able to be confined year after year after year as an adult for an act you may have committed as a 14-year-old is kind of frightening.

Our Constitution affords us certain protections, and they are that if you are incarcerated as an adult, first, you are entitled to be convicted by a jury of your peers, and second, you are required to be found guilty beyond a reasonable doubt, and neither of these two provisions are in this amendment.

The amendment also lacks other safeguards which the bill in an earlier draft had. One of those safeguards was at least a limitation that you could not be confined for more than 10 years, but that slipped out in Judiciary Committee and remains out.

Mr. Speaker, I would ask that the Blaum amendment be defeated so that we could at least make an effort to deal with some of the problems, some of the problems; to, one, make it a fairer bill, but perhaps equally important, prevent it from being found unconstitutional by the courts.

So I would ask for a “no” vote.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence, and the minority whip requests a leave of absence for the gentleman from Philadelphia, Mr. EVANS. Without objection, the leave will be granted.

CONSIDERATION OF SB 521 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O’Brien.

Mr. O’BRIEN. Thank you, Mr. Speaker.

I rise to support enthusiastically the Blaum amendment.

Basically, we are not talking about adults. We are talking about juveniles who have been convicted of very serious offenses very late in their life, probably from the age of 17 through 21. The Blaum amendment very simply provides for an assessment, and that assessment has been determined to be constitutional by the United States Supreme Court. The standard that the United States Supreme Court provides is “that makes the person likely to engage in an act of sexual violence.” That standard will now be “the person is in need of involuntary treatment due to a mental abnormality or personality disorder which results in serious difficulty in controlling sexually violent behavior that makes the person likely to engage in an act of sexual violence.”

Very simply stated, Mr. Speaker, very similar language has been adopted in several States – Washington, South Carolina, Massachusetts, Illinois. They permit civil commitment of juveniles. It works very well there. It is something that is much needed in Pennsylvania, and I ask for the support of the Blaum amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman, Mr. Vitali’s description of this bill borders on the outrageous. It came out of the House Judiciary Committee with only one negative vote, and that was the gentleman, Mr. Vitali.

This stems from a case in central Pennsylvania, which a great many members here are aware of, in which a violent sexual offender told the judge, I am going to do it again. Under current law, that judge had to release him.

This corrects this; Senator Brightbill’s legislation corrects this problem, and what it does is it guarantees that that person will not be released upon their 21st birthday but will be given another year of treatment, and at the end of that year, they will be reevaluated again, and if they are still inclined to commit the same acts against a 6-year-old girl, they will be given another year of treatment.

This is for the protection of the young children of this Commonwealth, and it is a darn good piece of legislation.

This amendment strengthens it, and I would ask the members for an affirmative vote.

By the way, Mr. Speaker, this bill is supported by the Pennsylvania Coalition Against Rape. It is also supported by the district attorneys of the Commonwealth.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady from Lebanon, Mrs. Gingrich.

Mrs. GINGRICH. Thank you, Mr. Speaker.

Mr. Speaker, I rise in heartfelt support of this amendment. This amendment does provide clarity and vital definitions in the bill and is essential to the intent of the bill itself.

I heard the situation referred to by my colleague earlier. The situation we are referring to arose in my district in Lebanon County, in the 101st District, but that situation can happen anywhere across the Commonwealth.

In our situation, a young man was convicted at age 17 of a violent sexual assault, a rape, and he was scheduled for release on his 21st birthday, as he aged out of the juvenile justice system, and under current law, as we all know, a juvenile that is incarcerated is automatically released, without registration, without restriction or monitoring, at age 21, regardless of the person's rehabilitation readiness. This particular individual consistently refused all rehabilitation efforts and professed his full intent to rape again.

This amendment will require an assessment that would determine fully and capably whether or not the individual is ready for release and safe in the community. It will also allow for and require annual assessment to determine that individual's readiness, and if we do not address the situation with this amendment, those experiences such as we had will not go away; they will simply be delayed. There is no way to determine, within any certain block of time, when a sex offender will no longer pose a grave danger to our communities and to the public at large.

This Senate bill is a vital and timely piece of legislation, and this amendment makes it even more effective. I thank all those who addressed this problem, and I urge my colleagues on both sides of the aisle to support this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman from Lebanon, Mr. Zug.

Mr. ZUG. Thank you, Mr. Speaker.

First of all, let me thank Chairman O'Brien and Chairman Blaum and Mike Schwoyer and everyone who worked on the bill with Senator Brightbill; Representative Gingrich, who has been an advocate of this bill in the House.

This is important; this is important not only for Lebanon County but for all of Pennsylvania.

The local newspaper wrote, "A rapist identified as someone with homicidal tendencies continues to fantasize about raping 4- to 6-year-old girls but will be released from prison Friday on his 21st birthday." Fantasizing about raping 4- to 6-year-old girls. I have a 9-year-old daughter, and that scares the bejesus out of me, I will tell you.

This gentleman who is being incarcerated, his crimes were so heinous that a local judge in Lebanon County released his records, because he knew of the public outcry and he would know that something will have to happen to keep people who

are like this, who have troubles, incarcerated so they can get further treatment.

What we are doing with this bill, SB 521, is protecting our children, protecting our neighborhoods, protecting our Commonwealth from predators – in this case, a sexual predator. This bill just simply will not keep somebody incarcerated; what we will do is try to get them treatment – treatment that will hopefully make them a productive member of society, not a sexual predator.

Again we ask everyone today to please join us and support our delegation in voting for the Blaum amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware, Mr. Vitali, for the second time.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for further interrogation?

The SPEAKER. Does the gentleman— The gentleman, Mr. Blaum, indicates that he does not wish to be interrogated.

Mr. VITALI. Is there anyone else who may— Would the chairman of the Judiciary Committee then stand for interrogation?

The SPEAKER. Would the gentleman, Mr. O'Brien, stand for interrogation? The gentleman, Mr. O'Brien, indicates that he will not stand for interrogation.

Mr. VITALI. Thank you, Mr. Speaker.

Then I would like to speak on the bill.

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

Mr. VITALI. On the amendment, rather.

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

Mr. VITALI. Thank you, Mr. Speaker.

First of all, I think it is a very bad precedent in this House, and I think the maker of the amendment should not be happy with the fact that he refuses to stand for interrogation and defend his amendment.

I think it is further a very bad precedent when certain statements of fact that I made are challenged, and then the maker of the amendment fails to outline in fact what statements I made in fact were incorrect and will not stand to defend them.

So I think there are some troubling questions here, and they are made more troubling by the fact that those who would have us vote for this bill would not answer questions.

But let me say that I agree generally with the intent of this legislation, which is to protect our society from sexual predators. That is a very good goal, which I wholeheartedly endorse. Yet at the same time, if we pass this, what will happen today will be the same thing that when we overwhelmingly passed a year or two ago the flag amendment, requiring the Pledge of Allegiance to be recited by schoolkids. It was found to be unconstitutional, even though this House overwhelmingly endorsed it, but yesterday it was found to be unconstitutional, and the Commonwealth was required to expend considerable sums of money in defending something found to be unconstitutional. The reality is, this legislature cannot do whatever it wants; it has to operate within the bounds of the Constitution.

This amendment has some real constitutional problems, which we need to deal with. The first problem, and the U.S. Supreme Court, which the proponents of this are using as a basis to defend this, they defended legislation like this but with

certain key differences. That was the United States v. Kansas. That is what was made reference to. There are some important distinctions there. That involved, one, an adult, and two, a situation where we are dealing with language that says proof beyond a reasonable doubt.

Mr. Speaker, I understand that this is going to pass overwhelmingly right now; I understand we may not get 10 votes, but I want all the members, when they cast their vote, to be aware of the problems with this bill, and just as when we voted overwhelmingly for the Pledge of Allegiance years ago, we will come back and revisit this again, and we will add up how much we cost the Commonwealth by voting for something unconstitutional.

So I would ask for a negative vote.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—197

Adolph	Egolf	Lewis	Sainato
Allen	Evans, J.	Lynch	Samuelson
Argall	Fabrizio	Mackereth	Santoni
Armstrong	Fairchild	Maher	Sather
Baker	Feese	Maitland	Saylor
Baldwin	Fichter	Major	Scavello
Bard	Fleagle	Manderino	Schroder
Barrar	Flick	Mann	Scrimenti
Bastian	Forcier	Markosek	Semmel
Bebko-Jones	Frankel	Marsico	Shaner
Belardi	Freeman	McCall	Smith, B.
Belfanti	Gabig	McGeehan	Smith, S. H.
Benninghoff	Gannon	McGill	Solobay
Biancucci	Geist	McIlhattan	Staback
Birmelin	George	McIlhinney	Stairs
Bishop	Gergely	McNaughton	Steil
Blaum	Gillespie	Melio	Stern
Boyd	Gingrich	Metcalfe	Stetler
Browne	Godshall	Micozzie	Stevenson, R.
Bunt	Goodman	Miller, R.	Stevenson, T.
Butkovitz	Gordner	Miller, S.	Sturla
Buxton	Grucela	Mundy	Surra
Caltagirone	Gruitza	Mustio	Tangretti
Cappelli	Habay	Myers	Taylor, E. Z.
Casorio	Haluska	Nailor	Taylor, J.
Causar	Hanna	Nickol	Tigue
Cawley	Harhai	O'Brien	Travaglio
Civera	Harhart	Oliver	True
Clymer	Harper	O'Neill	Turzai
Cohen	Harris	Pallone	Vance
Coleman	Hasay	Payne	Veon
Cornell	Hennessey	Petrarca	Walko
Corrigan	Herman	Petri	Wansacz
Costa	Hershey	Petrone	Washington
Coy	Hess	Phillips	Waters
Crahalla	Hickernell	Pickett	Watson
Creighton	Horsey	Pistella	Weber
Cruz	Hutchinson	Preston	Wheatley
Curry	James	Raymond	Williams
Dailey	Keller	Readshaw	Wilt
Daley	Kenney	Reed	Wojnaroski
Dally	Killion	Reichley	Wright
DeLuca	Kirkland	Rieger	Yewcic
Denlinger	Kotik	Roberts	Youngblood
Dermody	LaGrotta	Roebuck	Yudichak
DeWeese	Laughlin	Rohrer	Zug
DiGirolamo	Leach	Rooney	
Diven	Lederer	Ross	

Donatucci	Leh	Rubley	Perzel,
Eachus	Levdansky	Ruffing	Speaker

NAYS—3

Josephs	Thomas	Vitali
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NOT VOTING—0

EXCUSED—2

Evans, D.	Lescovitz
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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?

Mr. VITALI offered the following amendment No. A2911:

Amend Title, page 1, line 2, by inserting after "Statutes," Establishing standards of conduct for district attorneys; providing for duties of the Supreme Court; imposing penalties; and Amend Bill, page 1, lines 9 and 10, by striking out all of said lines and inserting

Section 1. Chapter 17 of Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a subchapter to read:

SUBCHAPTER D
DISTRICT ATTORNEYS

Sec.

1741. Definitions.

1742. Ethical standards for district attorneys.

1743. Complaints.

§ 1741. Definitions.

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

"Employee." The term shall include, but not be limited to, an attorney, investigator, special prosecutor or other employee of the office of district attorney as well as an attorney, investigator, accountant or a special prosecutor acting under the authority of the office of district attorney.

§ 1742. Ethical standards for district attorneys.

(a) General rule.—District attorneys and assistant district attorneys, and employees of the office of district attorney shall be subject to Commonwealth laws and rules and local court rules governing attorneys, including the rules of professional conduct, where the attorney engages in the duties of district attorney to the same extent and in the same manner as other attorneys in that jurisdiction.

(b) Violations.—No district attorney or assistant district attorney shall:

- (1) In the absence of probable cause, seek the indictment of any person.
- (2) Fail promptly to release information that would exonerate a person under indictment.
- (3) Intentionally mislead a court as to the guilt of any person.
- (4) Intentionally or knowingly misstate evidence.
- (5) Intentionally or knowingly alter evidence.
- (6) Attempt to influence or color the testimony of a witness.
- (7) Act to frustrate or impede a defendant's right to discovery.

- (8) Offer or provide sexual activities to any government witness or potential witness.
- (9) Leak or otherwise improperly disseminate information to any person during an investigation.
- (10) Knowingly misstate statutory or case law.
- (11) Engage in conduct that discredits the office of district attorney.

(c) Penalties.—Persons violating the provisions described in subsection (b) shall, upon finding that a violation occurred, be subject to:

- (1) Probation.
- (2) Demotion.
- (3) Dismissal.
- (4) Referral of ethical charges to the bar.
- (5) Loss of pension or other retirement benefits.
- (6) Suspension from employment.
- (7) Referral of the allegations, if appropriate, to a grand jury for possible criminal prosecution.

§ 1743. Complaints.

(a) Written statement.—A person who believes that a district attorney or employee of the office of district attorney has engaged in conduct in violation of section 1742 (relating to ethical standards for district attorneys) may submit a written statement to the Disciplinary Board of the Supreme Court of Pennsylvania, in such form as the Supreme Court may require, describing the alleged conduct.

(b) Preliminary investigation.—Not later than 30 days after receipt of a written statement submitted under subsection (a), the Supreme Court Disciplinary Counsel shall conduct a preliminary investigation and determine whether the allegations contained in such written statement warrant further investigation.

(c) Investigation and penalty.—If the Supreme Court, upon receipt of findings by the Supreme Court Disciplinary Counsel, determines that further investigation is warranted, the court shall within 90 days further investigate the allegations and, if the court determines that a preponderance of the evidence supports the allegations, impose an appropriate penalty.

Section 1.1. Section 6302 of Title 42 is amended by adding a definition to read:

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Mr. Speaker, I would request to be recognized for the purpose of making a motion.

The SPEAKER. Mr. Vitali, does that relate to amendment A2911, which is before the body at this moment?

Mr. VITALI. It relates to passing the bill over temporarily.

The SPEAKER. The correct motion is to postpone the bill and the amendment temporarily.

**MOTION TO PLACE BILL ON
THIRD CONSIDERATION
POSTPONED CALENDAR**

Mr. VITALI. Thank you, Mr. Speaker.

I would like to postpone the bill and the amendment – well, more to the point, the bill – temporarily, and I would be happy to state my reasons.

The SPEAKER. The gentleman is in order.

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

Mr. VITALI. There were three very good, I think, critically important points and defects in the Blaum amendment we just passed, which I would like to address the amendment. I had those amendments drafted to the bill in chief, but they, I believe, will be rendered out of order by the Blaum amendment. I have ordered new amendments, and I would like to have the bill passed over temporarily so we can have those amendments brought down from Reference.

Those amendments would do three things: One, it would restore a right to trial by jury for an adult in order for him to be confined; two, it would change the standard of proof in confining an adult to proof beyond a reasonable doubt; and three, it would place the amount of time an adult could be confined to 10 years. Right now the bill, the amendment, says an adult can be confined indefinitely.

So I would like to pass over temporarily so that I can have those amendments come down from Reference. I think we have adequate time here today, given our schedule, to do that.

So I would now move.

The SPEAKER. On the motion to postpone, the Chair recognizes the gentleman, Mr. O'Brien.

Mr. O'BRIEN. Thank you, Mr. Speaker.

What the gentleman is talking about involves a criminal process. What we are talking about is a civil process here, and I would ask that the members vote against this.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I agree and ask the members to vote “no.” It has been said more than once that all these amendments are designed to bog this bill down, and I urge a negative vote on postponement. Let us get this passed for the good of the children of Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—12

Bebko-Jones	Freeman	Pallone	Tangretti
Curry	Josephs	Preston	Vitali
Fabrizio	Manderino	Rooney	Wheatley

NAYS—188

Adolph	Egolf	Lewis	Samuelson
Allen	Evans, J.	Lynch	Santoni
Argall	Fairchild	Mackereth	Sather
Armstrong	Feese	Maher	Saylor
Baker	Fichter	Maitland	Scavello
Baldwin	Fleagle	Major	Schroder
Bard	Flick	Mann	Scrimonti
Barrar	Forcier	Markosek	Semmel
Bastian	Frankel	Marsico	Shaner
Belardi	Gabig	McCall	Smith, B.
Belfanti	Gannon	McGeehan	Smith, S. H.
Benninghoff	Geist	McGill	Solobay
Biancucci	George	McIlhattan	Staback
Birmelin	Gergely	McIlhinney	Stairs
Bishop	Gillespie	McNaughton	Steil
Blaum	Gingrich	Melio	Stern
Boyd	Godshall	Metcalfe	Stetler

Browne	Goodman	Micozzie	Stevenson, R.
Bunt	Gordner	Miller, R.	Stevenson, T.
Butkovitz	Grucela	Miller, S.	Sturla
Buxton	Gruitza	Mundy	Surra
Caltagirone	Habay	Mustio	Taylor, E. Z.
Cappelli	Haluska	Myers	Taylor, J.
Casorio	Hanna	Nailor	Thomas
Causer	Harhai	Nickol	Tigue
Cawley	Harhart	O'Brien	Travaglio
Civera	Harper	Oliver	True
Clymer	Harris	O'Neill	Turzai
Cohen	Hasay	Payne	Vance
Coleman	Hennessey	Petrarca	Veon
Cornell	Herman	Petri	Walko
Corrigan	Hershey	Petrone	Wansacz
Costa	Hess	Phillips	Washington
Coy	Hickernell	Pickett	Waters
Crahalla	Horsey	Pistella	Watson
Creighton	Hutchinson	Raymond	Weber
Cruz	James	Readshaw	Williams
Dailey	Keller	Reed	Wilt
Daley	Kenney	Reichley	Wojnaroski
Dally	Killion	Rieger	Wright
DeLuca	Kirkland	Roberts	Yewcic
Denlinger	Kotik	Roebuck	Youngblood
Dermody	LaGrotta	Rohrer	Yudichak
DeWeese	Laughlin	Ross	Zug
DiGirolo	Leach	Rubley	
Diven	Lederer	Ruffing	
Donatucci	Leh	Sainato	Perzel,
Eachus	Levdansky		Speaker

NOT VOTING—0

EXCUSED—2

Evans, D. Lescovitz

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

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

AMENDMENT WITHDRAWN

The SPEAKER. Does the gentleman, Mr. Vitali, wish to offer amendment A2911?

The gentleman, Mr. Vitali, withdraws — is that correct? — withdraws amendment A2911.

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—197

Adolph	Egolf	Lewis	Sainato
Allen	Evans, J.	Lynch	Samuelson
Argall	Fabrizio	Mackereth	Santoni
Armstrong	Fairchild	Maher	Sather
Baker	Feese	Maitland	Saylor
Baldwin	Fichter	Major	Scavello
Bard	Fleagle	Manderino	Schroder
Barrar	Flick	Mann	Scrimenti
Bastian	Forcier	Markosek	Semmel
Bebko-Jones	Frankel	Marsico	Shaner
Belardi	Freeman	McCall	Smith, B.
Belfanti	Gabig	McGeehan	Smith, S. H.
Benninghoff	Gannon	McGill	Solobay
Biancucci	Geist	McIlhattan	Staback
Birmelin	George	McIlhinney	Stairs
Bishop	Gergely	McNaughton	Steil
Blaum	Gillespie	Melio	Stern
Boyd	Gingrich	Metcalfe	Stetler
Browne	Godshall	Micozzie	Stevenson, R.
Bunt	Goodman	Miller, R.	Stevenson, T.
Butkovitz	Gordner	Miller, S.	Sturla
Buxton	Grucela	Mundy	Surra
Caltagirone	Gruitza	Mustio	Tangretti
Cappelli	Habay	Myers	Taylor, E. Z.
Casorio	Haluska	Nailor	Taylor, J.
Causer	Hanna	Nickol	Tigue
Cawley	Harhai	O'Brien	Travaglio
Civera	Harhart	Oliver	True
Clymer	Harper	O'Neill	Turzai
Cohen	Harris	Pallone	Vance
Coleman	Hasay	Payne	Veon
Cornell	Hennessey	Petrarca	Walko
Corrigan	Herman	Petri	Wansacz
Costa	Hershey	Petrone	Washington
Coy	Hess	Phillips	Waters
Crahalla	Hickernell	Pickett	Watson
Creighton	Horsey	Pistella	Weber
Cruz	Hutchinson	Preston	Wheatley
Curry	James	Raymond	Williams
Dailey	Keller	Readshaw	Wilt
Daley	Kenney	Reed	Wojnaroski
Dally	Killion	Reichley	Wright
DeLuca	Kirkland	Rieger	Yewcic
Denlinger	Kotik	Roberts	Youngblood
Dermody	LaGrotta	Roebuck	Yudichak
DeWeese	Laughlin	Rohrer	Zug
DiGirolo	Leach	Rooney	
Diven	Lederer	Ross	
Donatucci	Leh	Rubley	Perzel,
Eachus	Levdansky	Ruffing	Speaker

NAYS—3

Josephs Thomas Vitali

NOT VOTING—0

EXCUSED—2

Evans, D. Lescovitz

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

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

GUESTS INTRODUCED

The SPEAKER. The Chair welcomes to the floor of the hall of the House, who is at the left of the Speaker, Dominic Biacchi, who is the guest of Representative Mark McNaughton. Dominic, would you please rise.

The Chair recognizes, as guests to the left of the Speaker, guests of Representative John Taylor. They are Dennis Weldon and Vince Fenerty. Would those guests please rise and be recognized by the members.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1034, PN 2061**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for drivers in funeral processions.

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

The SPEAKER. The gentleman, Mr. Solobay, offers the following amendment, which will be read by the clerk.

It is for the information of the membership that that amendment is withdrawn.

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

Mr. DeLUCA offered the following amendment No. **A2246**:

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

, for stop intersections or junctions and for traffic-control devices.

Amend Bill, page 1, by inserting after line 15

Section 2. Sections 6109(e) and 6122(a) of Title 75 are amended to read:

§ 6109. Specific powers of department and local authorities.

* * *

(e) Engineering and traffic investigation required.—

(1) Action by local authorities under this section shall be taken only after completing an engineering and traffic investigation when and in such manner as required by regulations promulgated by the department. No engineering and traffic investigation is required to establish a speed limit under section 3362(a)(1.2) (relating to maximum speed limits).

(2) This subsection shall not apply to actions by local authorities in adopting regulations or ordinances designating any intersection or junction of non-Federal and noninterstate highways or roadways within a residence district as a stop intersection or junction and in erecting official traffic-control devices giving notice of such designation.

* * *

§ 6122. Authority to erect traffic-control devices.

(a) General rule.—The department on State-designated highways and local authorities on any highway within their boundaries may erect official traffic-control devices, which shall be installed and maintained in conformance with the manual and regulations published by the department upon all highways as required to carry out the provisions of this title or to regulate, restrict, direct, warn, prohibit or guide traffic.

(1) [Local] Except as provided in paragraph 3, local authorities shall obtain approval of the department prior to

erecting an official traffic-control device on a State-designated highway except where department regulations provide otherwise.

(2) [Local] Except as provided in paragraph 3, local authorities shall obtain approval of the department prior to erecting any traffic signal except in a municipality with a traffic engineer qualified in accordance with department regulations.

(3) Notwithstanding any other provision of this section, a local authority may erect a stop sign on a non-Federal and noninterstate highway in a residence district within its boundaries without the approval of the department.

* * *

Amend Sec. 2, page 2, line 1, by striking out "2" and inserting
3

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

AMENDMENT WITHDRAWN

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. DeLuca, for a brief explanation. The gentleman, Mr. DeLuca, waives off.

Mr. DeLuca, you are withdrawing that amendment? The Chair thanks the gentleman.

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

Mr. WILT offered the following amendment No. **A2737**:

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

and for refunds of tax imposed upon liquid fuels or certain other fuels.

Amend Bill, page 1, by inserting after line 15

Section 2. Section 9017(d) of Title 75 is amended and the section is amended by adding a subsection to read:

§ 9017. Refunds.

* * *

[(d) Off-highway recreational vehicles.—

(1) When the tax imposed by this chapter has been paid on fuel used in off-highway recreational vehicles within this Commonwealth, an amount equal to the revenue generated by the tax, but not derived therefrom, may be appropriated through the General Fund to the Department of Conservation and Natural Resources. It is the intent of this chapter that all proceeds from the tax paid on fuel used in off-highway recreational vehicles within this Commonwealth be paid without diminution of the Motor License Fund.

(2) The Department of Conservation and Natural Resources shall biennially calculate the amount of liquid fuel consumed by off-highway recreational vehicles and furnish information relating to its calculations and data as may be required by the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives.

(3) The General Assembly shall review the fuel consumption calculations of the Department of Conservation and Natural Resources to determine the amount of liquid fuels tax paid on liquid fuels consumed in the propulsion of off-highway recreational vehicles in this Commonwealth and may annually appropriate to the Department of Conservation and Natural Resources the amount so determined.

(4) Money appropriated under paragraph (3) shall be used for the benefit of motorized and nonmotorized recreational trails by the Department of Conservation and Natural Resources

as provided in the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240, 105 Stat. 1914.)

(d.1) Motorized recreational vehicles.—

(1) When the tax imposed by this chapter has been paid and the fuel on which the tax has been imposed has been consumed in the operation of motorized recreational vehicles on designated roads and bridges used as trails within and bordering on this Commonwealth, the amount of \$1,000,000 of the full amount of such taxes shall be refunded to the restricted account established in section 7706 (relating to restricted account) upon petition to the Board of Finance and Revenue.

(2) In accordance with prescribed procedures, the Department of Conservation and Natural Resources shall biennially calculate the amount of liquid fuels consumed by motorized recreational vehicles and furnish such information, relating to its calculations and data to the Board of Finance and Revenue. The board shall review the petition and motorized recreational vehicle fuel consumption calculations of the Department of Conservation and Natural Resources to determine the full amount of taxes paid and shall certify to the State Treasurer to refund annually \$1,000,000 of the full amount of such taxes to the restricted account established in section 7706.

(3) This money shall be used by the Department of Conservation and Natural Resources for the purposes established in section 7706, including the construction, reconstruction and maintenance of designated roads and bridges used as trails within and bordering on this Commonwealth on which motorized recreational vehicles are authorized by the Department of Conservation and Natural Resources or a municipality to operate and for safety enforcement of this chapter in State parks and State forests.

Amend Sec. 2, page 2, line 1, by striking out “2” and inserting

3

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Wilt.

The gentleman withdraws that amendment.

On the question recurring,

Will the House agree to the bill on third consideration?

The SPEAKER. The gentleman from Beaver, Mr. Veon, is he offering the amendment 2879?

The gentleman indicates that he is withdrawing that amendment.

The Chair rescinds. We will pass over that amendment temporarily.

The Chair recognizes the gentleman— Is the gentleman, Mr. Rooney, offering his amendment? That amendment has been withdrawn.

The gentleman, Mr. Veon, has withdrawn his amendments.

BILL PASSED OVER TEMPORARILY

The SPEAKER. The Chair will temporarily pass over HB 1034.

The House proceeded to third consideration of **HB 300, PN 2333**, entitled:

An Act providing for the remediation of blighted properties in cities of the first and second class.

On the question,

Will the House agree to the bill on third consideration?

Mr. **KELLER** offered the following amendment No. **A2852**:

Amend Sec. 4, page 3, line 15, by inserting after “department.”
The program shall be comprised of:

(1) Blight remediation grants.

(2) Blight remediation matching fund grants, which shall require a recipient to use funds from sources in an amount equal to or greater than the grant from the fund.

Amend Sec. 4, page 3, line 24, by striking out “The”

Amend Sec. 4, page 3, line 26, by inserting after “moneys”

A city of the first class in cooperation with the

Amend Sec. 4, page 3, line 26, by inserting after “AND”

a city of the second class in cooperation with

Amend Sec. 4, page 3, line 27, by inserting after “TO”

each city from

Amend Sec. 4, page 3, line 29, by striking out “Purchase” and inserting

Prior to the purchase of each blighted property, the city, in cooperation with its respective board, shall determine whether the blighted property purchase and related use of moneys from the fund shall be completed using a blight remediation grant or a blight remediation matching fund grant. Upon determination of the grant type, purchase

Amend Sec. 4, page 5, line 3, by inserting after “the” where it appears the third time

city in cooperation with the

Amend Sec. 6, page 7, line 3, by striking out “of board”

Amend Sec. 6, page 7, line 26, by inserting after “the” where it appears the second time

city in cooperation with the

Amend Sec. 6, page 8, line 18, by striking out all of said line and inserting

(1) The

Amend Sec. 6, page 8, line 20, by inserting after “PROPERTY”
purchased using a blight remediation grant

Amend Sec. 6, page 8, line 26, by striking out “, HEREBY ESTABLISHED IN THE STATE TREASURY.”

Amend Sec. 6, page 8, by inserting after line 30

(2) The grant agreement between the city and its respective board for each blighted property purchased using a blight remediation matching fund grant shall specify the amount and source of other funds to be provided by the city and the board. Projects funded through a blight remediation matching fund grant shall not require contributions to the continuation fund by the city, county or school district upon project completion.

Amend Sec. 6, page 9, line 3, by inserting after “the”

cities in cooperation with their respective

Amend Sec. 6, page 9, line 9, by striking out “boards” and inserting

department

Amend Sec. 6, page 9, line 15, by inserting after “the”

cities in cooperation with their respective

Amend Sec. 6, page 9, line 26, by inserting after “the”

city and its respective

Amend Sec. 7, page 10, line 6, by inserting after
“REMEDICATION”

grant

Amend Sec. 8, page 10, line 9, by striking out “Fund.” and inserting

Funds.

Amend Sec. 8, page 10, line 10, by striking out all of said line and inserting

(a) Establishment.—

(1) The Blight Remediation Fund is hereby

Amend Sec. 8, page 10, by inserting between lines 13 and 14

(2) The Blight Remediation Continuation Fund is hereby established in the State Treasury. All money in the fund is hereby appropriated to the department on a continuing basis for the program authorized by this act. Moneys in the continuation fund are to be utilized for blight remediation projects once moneys in the fund are no longer sufficient to fund the programs authorized by this act.

Amend Sec. 8, page 10, line 14, by striking out “the” and inserting

each

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman for a brief explanation.

Mr. KELLER. Thank you, Mr. Speaker.

This is an agreed-to amendment. However, it came with a lot of work, and I would like to thank Diane Warriner from the Urban Affairs Committee and Lisa Taglang from the Appropriations Committee. They put a lot of work in this amendment.

I believe Mr. Diven has agreed to this, and I would like to invoke the little known rule, 1062, which would commute all Green Street suspensions to time served, if that is okay with the prime sponsor.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—186

Adolph	Egolf	Leh	Sainato
Allen	Evans, J.	Levdansky	Samuelson
Argall	Fabrizio	Lynch	Santoni
Armstrong	Fairchild	Mackereth	Sather
Baker	Feese	Maher	Saylor
Baldwin	Fichter	Maitland	Schroder
Bard	Fleagle	Major	Scrimenti
Barrar	Flick	Manderino	Semmel
Bastian	Frankel	Mann	Shaner
Bebko-Jones	Freeman	Markosek	Smith, B.
Belardi	Gabig	Marsico	Smith, S. H.
Belfanti	Gannon	McCall	Solobay
Bianucci	Geist	McGeehan	Staback
Birmelin	George	McGill	Stairs
Bishop	Gergely	McIlhinney	Steil
Blaum	Gillespie	McNaughton	Stern
Boyd	Gingrich	Melio	Stetler
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Goodman	Miller, R.	Sturla
Butkovitz	Gordner	Miller, S.	Surra
Buxton	Grucela	Mundy	Tangretti
Caltagirone	Gruitza	Mustio	Taylor, E. Z.
Cappelli	Habay	Myers	Taylor, J.
Casorio	Haluska	Nailor	Thomas

Causer	Hanna	Nickol	Tigue
Cawley	Harhai	O’Brien	Travaglio
Civera	Harhart	Oliver	True
Clymer	Harper	O’Neill	Vance
Cohen	Harris	Pallone	Veon
Cornell	Hasay	Petrarca	Vitali
Corrigan	Hennessey	Petri	Walko
Costa	Herman	Petrone	Wansacz
Coy	Hershey	Phillips	Washington
Crahalla	Hess	Pickett	Waters
Cruz	Hickernell	Pistella	Watson
Curry	Horsey	Preston	Weber
Dailey	James	Raymond	Wheatley
Daley	Josephs	Readshaw	Williams
Dally	Keller	Reed	Wojnaroski
DeLuca	Kenney	Rieger	Wright
Denlinger	Killion	Roberts	Yewwic
Dermody	Kirkland	Roebuck	Youngblood
DeWeese	Kotik	Rohrer	Yudichak
DiGirolamo	LaGrotta	Rooney	Zug
Diven	Laughlin	Ross	
Donatucci	Leach	Rublely	Perzel,
Eachus	Lederer	Ruffing	Speaker

NAYS—14

Benninghoff	Hutchinson	Payne	Stevenson, R.
Coleman	Lewis	Reichley	Turzai
Creighton	McIlhattan	Scavello	Wilt
Forcier	Metcalf		

NOT VOTING—0

EXCUSED—2

Evans, D.	Lescovitz
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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?

Mr. **BROWNE** offered the following amendment No. **A2973**:

Amend Bill, page 1, by inserting before line 1 (A2852)

Amend Title, page 1, lines 1 and 2, by striking out “cities” in line 1 and all of line 2 and inserting certain municipalities.

Amend Sec. 2, page 1, lines 12 and 13, by striking out “school districts and cities of the first and second class” and inserting municipalities

Amend Sec. 3, page 3, line 1, by striking out “and” and inserting a comma

Amend Sec. 3, page 3, line 2, by inserting after “Board” and the Urban Blight Remediation Board

Amend Sec. 3, page 3, by inserting between lines 7 and 8

“Municipality.” A city or borough.

Amend Bill, page 1, by inserting between lines 7 and 8 (A2852)

Amend Sec. 4, page 3, line 20, by striking out “and” and inserting a comma

Amend Sec. 4, page 3, line 23, by removing the period after “(c)” and inserting

and an aggregate amount of not more than \$50,000,000 shall be transferred to the Urban Blight Remediation Board. Municipalities

shall apply to the department for transfer of the moneys.

Amend Bill, page 1, lines 11 through 14 (A2852), by striking out all of said lines and inserting

Amend Sec. 4, page 3, line 26, by striking out “AND” and inserting

, a city of the second class in cooperation with

Amend Sec. 4, page 3, line 27, by striking out “SHALL UTILIZE THE MONEYS TRANSFERRED TO” and inserting

and the Urban Blight Remediation Board shall utilize the moneys transferred to each municipality from

Amend Sec. 4, page 1, line 17 (A2852), by striking out “city” and inserting

municipality

Amend Bill, page 1, by inserting between lines 22 and 23 (A2852)

Amend Sec. 4, page 4, lines 10 and 11, by striking out “the city of the first class and the city of the second class” and inserting each municipality

Amend Sec. 4, page 4, line 12, by inserting after “the” appropriate

Amend Sec. 4, page 1, line 25 (A2852), by striking out “city” and inserting

municipality

Amend Bill, page 1, by inserting between lines 25 and 26 (A2852)

Amend Sec. 5, page 6, line 17, by striking out “two” and inserting

a majority of the

Amend Bill, page 1, by inserting between lines 26 and 27 (A2852)

Amend Sec. 6, page 7, line 23, by striking out “CITY” and inserting

municipality

Amend Bill, page 2, by inserting between lines 5 and 6 (A2852)

Amend Sec. 6, page 8, line 19, by striking out “CITY” and inserting

municipality

Amend Bill, page 2, by inserting between lines 7 and 8 (A2852)

Amend Sec. 6, page 8, line 21, by striking out “CITY” and inserting

municipality

Amend Sec. 6, page 8, line 23, by striking out “CITY” and inserting

municipal

Amend Bill, page 2, by inserting between lines 9 and 10 (A2852)

Amend Sec. 6, page 8, line 28, by striking out all of said line and inserting

a municipality. The

Amend Sec. 6, page 2, line 11 (A2852), by striking out “city” and inserting

municipality

Amend Sec. 6, page 2, line 14 (A2852), by striking out “city” and inserting

municipality

Amend Sec. 6, page 2, line 17 (A2852), by striking out “city” and inserting

municipality

Amend Sec. 6, page 2, line 20 (A2852), by striking out “cities” and inserting

municipalities

Amend Sec. 6, page 2, line 25 (A2852), by striking out “cities” and inserting

municipalities

Amend Sec. 6, page 2, line 27 (A2852), by striking out “city” and inserting

municipality

Amend Bill, page 2, lines 28 through 30 (A2852), by striking out all of said lines and inserting

Amend Sec. 7, page 10, line 4, by striking out “CITY” and inserting

municipality

Amend Sec. 7, page 10, lines 6 and 7, by striking out “PROJECT FOR A CITY OF THE FIRST CLASS OR A CITY OF THE SECOND CLASS” and inserting

grant project for a municipality

Amend Bill, page 3, by inserting after line 15 (A2852)

Amend Sec. 9, page 10, line 18, by striking out “\$150,000,000” and inserting

\$200,000,000

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

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

Mr. BROWNE. Thank you, Mr. Speaker.

Very briefly, this amendment does a couple things. It adds cities and boroughs to HB 300, and it adds a separate board to distribute an additional \$50 million that is added to the \$150 million that is already in the bill for purposes of blight remediation, third class, second-class-A cities and boroughs.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—191

Adolph	Evans, J.	Leh	Sainato
Allen	Fabrizio	Levdansky	Samuelson
Argall	Fairchild	Lynch	Santoni
Armstrong	Feese	Mackereth	Sather
Baker	Fichter	Maher	Saylor
Baldwin	Fleagle	Maitland	Schroder
Bard	Flick	Major	Scrimenti
Barrar	Forcier	Manderino	Semmel
Bastian	Frankel	Mann	Shaner
Bebko-Jones	Freeman	Markosek	Smith, B.
Belardi	Gabig	Marsico	Smith, S. H.
Belfanti	Gannon	McCall	Solobay
Biancucci	Geist	McGeehan	Staback
Birmelin	George	McGill	Stairs
Bishop	Gergely	McIlhattan	Steil
Blaum	Gillespie	McIlhinney	Stern
Boyd	Gingrich	Melio	Stetler
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Goodman	Miller, R.	Sturla
Butkovitz	Gordner	Miller, S.	Surra
Buxton	Grucela	Mundy	Tangretti
Caltagirone	Gruitza	Mustio	Taylor, E. Z.
Cappelli	Habay	Myers	Taylor, J.
Casorio	Haluska	Nailor	Thomas
Causer	Hanna	Nickol	Tigue
Cawley	Harhai	O’Brien	Travaglio
Civera	Harhart	Oliver	True
Clymer	Harper	O’Neill	Turzai
Cohen	Harris	Pallone	Vance
Coleman	Hasay	Petrarca	Veon
Cornell	Hennessey	Petri	Vitali
Corrigan	Herman	Petrone	Walko
Costa	Hershey	Phillips	Wansacz
Coy	Hess	Pickett	Washington

Crahalla	Hickernell	Pistella	Waters
Cruz	Horsey	Preston	Watson
Curry	Hutchinson	Raymond	Weber
Dailey	James	Readshaw	Wheatley
Daley	Josephs	Reed	Williams
Dally	Keller	Reichley	Wojnaroski
DeLuca	Kenney	Rieger	Wright
Denlinger	Killion	Roberts	Yewcic
Dermody	Kirkland	Roebuck	Youngblood
DeWeese	Kotik	Rohrer	Yudichak
DiGirolamo	LaGrotta	Rooney	Zug
Diven	Laughlin	Ross	
Donatucci	Leach	Rubley	Perzel,
Eachus	Lederer	Ruffing	Speaker
Egolf			

NAYS—9

Benninghoff	McNaughton	Payne	Stevenson, R.
Creighton	Metcalfe	Scavello	Wilt
Lewis			

NOT VOTING—0

EXCUSED—2

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

On the question recurring,

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

The SPEAKER. The gentleman, Mr. George, offers the following amendment, which will be read by the clerk.

RULES SUSPENDED

Mr. GEORGE. Mr. Speaker?

The SPEAKER. Yes, Mr. George.

Mr. GEORGE. I believe, sir, that the amendment that had been offered previously, I had an amendment. We agreed to allow that one to run. That one is not complete to the degree that I know the sponsor and all the members would want in that it left out a very important part of our Commonwealth, which is townships.

And so I am asking to suspend the rules. I think it is agreed to, and then I will offer this amendment to supplement the gentleman, Mr. Browne's amendment, and the amendments I will be offering are 3094 and 3095, sir, if I could suspend the rules.

The SPEAKER. The gentleman, Mr. George, moves to suspend the rules for amendment 3094. It is the information of the Chair that this amendment has been agreed to by both sides of the aisle, 3094 and 3095. We will take separate votes.

So the motion is now to suspend for amendment A3094.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—190

Adolph	Eachus	Lederer	Sainato
Allen	Egolf	Leh	Samuelson
Argall	Evans, J.	Levdansky	Santoni
Armstrong	Fabrizio	Lynch	Sather
Baker	Fairchild	Maher	Saylor
Baldwin	Feese	Maitland	Schroder
Bard	Fichter	Major	Scrimenti
Barrar	Fleagle	Manderino	Semmel
Bastian	Flick	Mann	Shaner
Bebko-Jones	Forcier	Markosek	Smith, B.
Belardi	Frankel	Marsico	Smith, S. H.
Belfanti	Freeman	McCall	Solobay
Benninghoff	Gannon	McGeehan	Staback
Biancucci	Geist	McGill	Stairs
Birmelin	George	McIlhattan	Steil
Bishop	Gergely	McIlhinney	Stern
Blaum	Gillespie	Melio	Stetler
Boyd	Gingrich	Metcalfe	Stevenson, R.
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Goodman	Miller, R.	Sturla
Butkovitz	Gordner	Miller, S.	Surra
Buxton	Grucela	Mundy	Tangretti
Caltagirone	Gruitza	Mustio	Taylor, E. Z.
Cappelli	Habay	Myers	Taylor, J.
Casorio	Haluska	Nailor	Thomas
Causar	Hanna	Nickol	Tigue
Cawley	Harhai	O'Brien	Travaglio
Civera	Harhart	Oliver	True
Clymer	Harper	O'Neill	Vance
Cohen	Harris	Pallone	Veon
Coleman	Hasay	Petrarca	Walko
Cornell	Hennessey	Petri	Wansacz
Corrigan	Herman	Petrone	Washington
Costa	Hershey	Phillips	Waters
Coy	Hess	Pickett	Watson
Crahalla	Hickernell	Pistella	Weber
Cruz	Horsey	Preston	Wheatley
Curry	Hutchinson	Raymond	Williams
Dailey	James	Readshaw	Wilt
Daley	Josephs	Reed	Wojnaroski
Dally	Keller	Rieger	Wright
DeLuca	Kenney	Roberts	Yewcic
Denlinger	Killion	Roebuck	Youngblood
Dermody	Kirkland	Rohrer	Yudichak
DeWeese	Kotik	Rooney	Zug
DiGirolamo	LaGrotta	Ross	
Diven	Laughlin	Rubley	Perzel,
Donatucci	Leach	Ruffing	Speaker

NAYS—10

Creighton	Mackereth	Reichley	Turzai
Gabig	McNaughton	Scavello	Vitali
Lewis	Payne		

NOT VOTING—0

EXCUSED—2

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

On the question recurring,

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

Mr. **GEORGE** offered the following amendment No. **A3094**:

Amend Bill, page 1, by inserting before line 1 (A2852)
Amend Title, page 1, lines 1 and 2, by striking out “cities” in line 1 and all of line 2 and inserting
certain municipalities.

Amend Sec. 2, page 1, lines 12 and 13, by striking out “school districts and cities of the first and second class” and inserting municipalities

Amend Sec. 3, page 3, line 1, by striking out “and” and inserting a comma

Amend Sec. 3, page 3, line 2, by inserting after “Board” and the Urban Blight Remediation Board

Amend Sec. 3, page 3, by inserting between lines 7 and 8 “Municipality.” A city, borough or township of the first or second class.

Amend Bill, page 1, by inserting between lines 7 and 8 (A2852)

Amend Sec. 4, page 3, line 20, by striking out “and” and inserting a comma

Amend Sec. 4, page 3, line 23, by removing the period after “(c)” and inserting

and an aggregate amount of not more than \$50,000,000 shall be transferred to the Urban Blight Remediation Board. Municipalities shall apply to the department for transfer of the moneys.

Amend Bill, page 1, lines 11 through 14 (A2852), by striking out all of said lines and inserting

Amend Sec. 4, page 3, line 26, by striking out “AND” and inserting

, a city of the second class in cooperation with

Amend Sec. 4, page 3, line 27, by striking out “SHALL UTILIZE THE MONEYS TRANSFERRED TO” and inserting

and the Urban Blight Remediation Board shall utilize the moneys transferred to each municipality from

Amend Sec. 4, page 1, line 17 (A2852), by striking out “city” and inserting

municipality

Amend Bill, page 1, by inserting between lines 22 and 23 (A2852)

Amend Sec. 4, page 4, lines 10 and 11, by striking out “the city of the first class and the city of the second class” and inserting each municipality

Amend Sec. 4, page 4, line 12, by inserting after “the” appropriate

Amend Sec. 4, page 1, line 25 (A2852), by striking out “city” and inserting

municipality

Amend Bill, page 1, by inserting between lines 25 and 26 (A2852)

Amend Sec. 5, page 6, line 17, by striking out “two” and inserting

a majority of the

Amend Bill, page 1, by inserting between lines 26 and 27 (A2852)

Amend Sec. 6, page 7, line 23, by striking out “CITY” and inserting

municipality

Amend Bill, page 2, by inserting between lines 5 and 6 (A2852)

Amend Sec. 6, page 8, line 19, by striking out “CITY” and inserting

municipality

Amend Bill, page 2, by inserting between lines 7 and 8 (A2852)

Amend Sec. 6, page 8, line 21, by striking out “CITY” and inserting

municipality

Amend Sec. 6, page 8, line 23, by striking out “CITY” and inserting

municipal

Amend Bill, page 2, by inserting between lines 9 and 10 (A2852)

Amend Sec. 6, page 8, line 28, by striking out all of said line and inserting

a municipality. The

Amend Sec. 6, page 2, line 11 (A2852), by striking out “city” and inserting

municipality

Amend Sec. 6, page 2, line 14 (A2852), by striking out “city” and inserting

municipality

Amend Sec. 6, page 2, line 17 (A2852), by striking out “city” and inserting

municipality

Amend Sec. 6, page 2, line 20 (A2852), by striking out “cities” and inserting

municipalities

Amend Sec. 6, page 2, line 25 (A2852), by striking out “cities” and inserting

municipalities

Amend Sec. 6, page 2, line 27 (A2852), by striking out “city” and inserting

municipality

Amend Bill, page 2, lines 28 through 30 (A2852), by striking out all of said lines and inserting

Amend Sec. 7, page 10, line 4, by striking out “CITY” and inserting

municipality

Amend Sec. 7, page 10, lines 6 and 7, by striking out “PROJECT FOR A CITY OF THE FIRST CLASS OR A CITY OF THE SECOND CLASS” and inserting

grant project for a municipality

Amend Bill, page 3, by inserting after line 15 (A2852)

Amend Sec. 9, page 10, line 18, by striking out “\$150,000,000” and inserting

\$200,000,000

On the question,

Will the House agree to the amendment?

The **SPEAKER**. The Chair recognizes the gentleman, Mr. George, for an explanation of his amendment.

Mr. **GEORGE**. Mr. Speaker, the gentleman, Mr. Browne, offered an amendment, rightfully so, that would take care of other parts of the Commonwealth, not just the cities, and he included the third-A boroughs and such. Unfortunately, the amendment did not go far enough in that 95 percent of our land use and our use in the Commonwealth is townships, and “townships” was omitted from the bill.

I think it is agreed to by all concerned that we should add this amendment so that we could take care of all of Pennsylvania in the proper manner.

Thank you.

The **SPEAKER**. The Chair recognizes the gentleman from Northampton, Mr. Samuelson.

Mr. **SAMUELSON**. Thank you, Mr. Speaker.

I just wanted to point out the text of that amendment, 3094, is not yet available on the computer. Could I ask that we either pass over that amendment temporarily or distribute paper copies of amendment 3094? The text is not available on the computer.

The **SPEAKER**. Mr. Samuelson, we realize it is not on the computer. We are going to be sending copies up to you right now, but if you would like to ask Mr. George a question,

you are more than welcome to do that, too, but we will wait a few moments.

The Chair recognizes the gentledady from Montgomery, Ms. Harper.

Ms. HARPER. Thank you, Mr. Speaker.

Will the maker of the amendment stand for a brief interrogation?

The SPEAKER. The gentleman indicates that he will.

Ms. HARPER. Thank you very much, Mr. Speaker.

My question is this: When this bill only involved Pittsburgh and Philadelphia and the money was to be used for blight, I was less concerned about this issue, but I am wondering whether, if we add townships, if there is anything in your amendment which would require the money to be spent on blight and prohibited from being spent on greenfields development? I am worried about sprawl.

Mr. GEORGE. Mr. Speaker, it will not cause you any concern. It will run under the same regulations as those that will run in the first- and second-class cities and those that will run in 3 and 3-A boroughs. It will have a governing board the same. It will run into the same regulations.

Ms. HARPER. Mr. Speaker, one more question.

The SPEAKER. The lady is in order and can proceed.

Ms. HARPER. Since suburban sprawl is more likely a problem in a township than in a city of the first class, can you reassure me that the definition of "blight" will not permit this money to be used for greenfields development?

Mr. GEORGE. When you ask, can I assure, I can insist to you there is no intent, no implementation for it to do what your concern would be a problem. It will not affect the Growing Greener.

Ms. HARPER. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentledady.

The Chair recognizes the gentleman from Allegheny, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

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

The SPEAKER. The gentleman, Mr. George, indicates that he will stand for interrogation.

Mr. DeLUCA. Mr. Speaker, with your amendment, will that include home-rule municipalities?

Mr. GEORGE. Should we adopt this amendment, and I am hopeful we do, all communities in Pennsylvania will be covered for the purpose and intent of the bill.

Mr. DeLUCA. Very good. Thank you, Mr. Speaker.

I certainly rise to support the George amendment. I think it is a very good amendment. It certainly adds to HB 300, because what it will do is permit us and other municipalities and boroughs to take advantage of this program to clean up our municipalities.

So therefore, I urge an affirmative vote on the George amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I also rise to support the George amendment.

Urban sprawl or sprawl into the suburbs is caused also by decay outside the central cities, and whenever an area is

decayed or blighted, the tendency is for people to move out into green areas of the State of Pennsylvania and take over farms, take over other green areas, in order to endlessly expand the areas settled by people.

There is no reason at all not to support this legislation. It follows in the same principle that leads people to support measures against urban blight in Philadelphia and Pittsburgh; that is, if we fix up the blighted areas, we can settle these blighted areas, make them livable again, make them desirable again, and then there will be less need – less need – to sprawl out into other areas that are right now unsettled.

I think this is an antisprawl amendment; it is an antiblight amendment. It is something that has statewide effect. It is a very, very commendable effort by Mr. George, and I strongly urge support of all members of the House for this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

The amendment still does not appear on the computer, and as much as I would love to support Mr. George's amendment, I would like to see what it says before I vote on it.

Thank you, Mr. Speaker.

The SPEAKER. We will send copies back for you, Mr. Pallone.

The Chair recognizes the gentleman from Allegheny, Mr. Habay.

Mr. HABAY. Thank you, Mr. Speaker.

Right now the amendment is still not on the system. If I could ask the Chair to pause briefly until it comes on the system. Thank you.

The SPEAKER. Thank you, Mr. Habay, but that is what we were doing.

Has every member who wanted to see a copy of the amendment received one? If not, just push your button and get a copy.

For what purpose does the gentleman, Mr. Pallone, rise?

Mr. PALLONE. Just to thank the Speaker for providing a copy of the amendment. It is a proper amendment, in good order, and I support passing it.

Thank you, Mr. Speaker.

The SPEAKER. It is also in the system, Mr. Pallone.

The Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I am puzzled by some of the opposition to this amendment. I want to assure members of the House in both caucuses that there is absolutely nothing in this amendment that requires any local governmental body anywhere in the State to take any money to do anything that they do not want to do. It is totally optional whether any local government anywhere applies for this money. The decision to apply is totally within their own jurisdiction, and therefore, this money will only go where local governments actively seek it.

I see no reason why any member of this House would oppose this amendment. It is a very worthwhile amendment. I urge support for it.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. My apology to the Speaker and to the House. I never in my fondest dreams believed that I could do something so simple and cause so much grief in that all I did was change four words, which was to add the first- and second-class

townships to a much-needed bill, but these townships need our help, too, and I thank you for your indulgence.

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—191

Adolph	Evans, J.	Levdansky	Samuelson
Allen	Fabrizio	Lynch	Santoni
Argall	Fairchild	Mackereth	Sather
Armstrong	Feese	Maher	Saylor
Baker	Fichter	Maitland	Schroder
Baldwin	Fleagle	Major	Scrimenti
Bard	Flick	Manderino	Semmel
Barrar	Frankel	Mann	Shaner
Bastian	Freeman	Markosek	Smith, B.
Bebko-Jones	Gabig	Marsico	Smith, S. H.
Belardi	Gannon	McCall	Solobay
Belfanti	Geist	McGeehan	Staback
Benninghoff	George	McGill	Stairs
Biancucci	Gergely	McIlhattan	Steil
Birmelin	Gillespie	McIlhinney	Stern
Bishop	Gingrich	McNaughton	Stetler
Blaum	Godshall	Melio	Stevenson, R.
Boyd	Goodman	Micozzie	Stevenson, T.
Browne	Gordner	Miller, R.	Sturla
Bunt	Grucela	Miller, S.	Surra
Butkovitz	Gruitza	Mundy	Tangretti
Buxton	Habay	Mustio	Taylor, E. Z.
Caltagirone	Haluska	Myers	Taylor, J.
Cappelli	Hanna	Nailor	Thomas
Casorio	Harhai	Nickol	Tigue
Causer	Harhart	O'Brien	Travaglio
Cawley	Harper	Oliver	True
Civera	Harris	O'Neill	Turzai
Clymer	Hasay	Pallone	Vance
Cohen	Hennessey	Petrarca	Veon
Cornell	Herman	Petri	Vitali
Corrigan	Hershey	Petrone	Walko
Costa	Hess	Phillips	Wansacz
Coy	Hickernell	Pickett	Washington
Crahalla	Horsey	Pistella	Waters
Cruz	Hutchinson	Preston	Watson
Curry	James	Raymond	Weber
Dailey	Josephs	Readshaw	Wheatley
Daley	Keller	Reed	Williams
Dally	Kenney	Rieger	Wojnaroski
DeLuca	Killion	Roberts	Wright
Denlinger	Kirkland	Roebuck	Yewcic
Dermody	Kotik	Rohrer	Youngblood
DeWeese	LaGrotta	Rooney	Yudichak
DiGirolamo	Laughlin	Ross	Zug
Diven	Leach	Rubley	
Donatucci	Lederer	Ruffing	Perzel,
Eachus	Leh	Sainato	Speaker
Egolf			

NAYS—9

Coleman	Lewis	Payne	Scavello
Creighton	Metcalfe	Reichly	Wilt
Forcier			

NOT VOTING—0

EXCUSED—2

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

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman, Mr. George, who moves that the rules of the House be suspended for amendment A3095.

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

The reason I ask that our colleagues agree to suspend the rules, I think this amendment will even lessen the frustration of what is going on. Some of these smaller municipalities and townships have very few employees and very little money to go about getting a draft of engineering designs and things like this. So the amendment says that the board that will be governing this can make a statement or take a position of whether or not they have to go through the entire application process. This just simplifies it, and I would ask that we would suspend the rules, Mr. Speaker.

The SPEAKER. Before I go forward, I hope that the amendment is on the system.

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

The following roll call was recorded:

YEAS—191

Adolph	Egolf	Leh	Sainato
Allen	Evans, J.	Levdansky	Samuelson
Argall	Fabrizio	Lynch	Santoni
Armstrong	Fairchild	Mackereth	Sather
Baker	Feese	Maher	Saylor
Baldwin	Fichter	Maitland	Schroder
Bard	Fleagle	Major	Scrimenti
Barrar	Flick	Manderino	Semmel
Bastian	Frankel	Mann	Shaner
Bebko-Jones	Freeman	Markosek	Smith, B.
Belardi	Gabig	Marsico	Smith, S. H.
Belfanti	Gannon	McCall	Solobay
Benninghoff	Geist	McGeehan	Staback
Biancucci	George	McGill	Stairs
Birmelin	Gergely	McIlhattan	Steil
Bishop	Gillespie	McIlhinney	Stern
Blaum	Gingrich	Melio	Stetler
Boyd	Godshall	Metcalfe	Stevenson, R.
Browne	Goodman	Micozzie	Stevenson, T.
Bunt	Gordner	Miller, R.	Sturla
Butkovitz	Grucela	Miller, S.	Surra
Buxton	Gruitza	Mundy	Tangretti
Caltagirone	Habay	Mustio	Taylor, E. Z.
Cappelli	Haluska	Myers	Taylor, J.
Casorio	Hanna	Nailor	Thomas
Causer	Harhai	Nickol	Tigue
Cawley	Harhart	O'Brien	Travaglio

Civera	Harper	Oliver	True
Clymer	Harris	O'Neill	Vance
Cohen	Hasay	Pallone	Veon
Coleman	Hennessey	Petrarca	Vitali
Cornell	Herman	Petri	Walko
Corrigan	Hershey	Petrone	Wansacz
Costa	Hess	Phillips	Washington
Coy	Hickernell	Pickett	Waters
Crahalla	Horsey	Pistella	Watson
Cruz	Hutchinson	Preston	Weber
Curry	James	Raymond	Wheatley
Dailey	Josephs	Readshaw	Williams
Daley	Keller	Reed	Wojnaroski
Dally	Kenney	Rieger	Wright
DeLuca	Killion	Roberts	Yewcic
Denlinger	Kirkland	Roebuck	Youngblood
Dermody	Kotik	Rohrer	Yudichak
DeWeese	LaGrotta	Rooney	Zug
DiGirolamo	Laughlin	Ross	
Diven	Leach	Rubley	Perzel,
Donatucci	Lederer	Ruffing	Speaker
Eachus			

NAYS—9

Creighton	McNaughton	Reichley	Turzai
Forcier	Payne	Scavello	Wilt
Lewis			

NOT VOTING—0

EXCUSED—2

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

On the question recurring,

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

Mr. **GEORGE** offered the following amendment No. **A3095**:

Amend Sec. 4, page 1, line 24 (A2973), by inserting after "moneys."

The department shall develop outreach, application and program requirements to ensure that applying, receiving and utilizing funds from the Urban Blight Remediation Board will not be burdensome on municipalities with small or part-time staff.

On the question,

Will the House agree to the amendment?

The **SPEAKER**. Does the gentleman, Mr. George, wish to be recognized?

Mr. **GEORGE**. I would only ask that they would support this amendment. It helps the bill, and I thank you very much.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—188

Adolph	Egolf	Levdansky	Samuelson
Allen	Evans, J.	Lynch	Santoni
Argall	Fabrizio	Mackereth	Sather
Armstrong	Fairchild	Maher	Saylor
Baker	Feese	Major	Schroder
Baldwin	Fichter	Manderino	Scrimenti
Bard	Fleagle	Mann	Semmel
Barrar	Flick	Markosek	Shaner
Bastian	Frankel	Marsico	Smith, B.
Bebko-Jones	Freeman	McCall	Smith, S. H.
Belardi	Gabig	McGeehan	Solobay
Belfanti	Gannon	McGill	Staback
Benninghoff	Geist	McIlhattan	Stairs
Biancucci	George	McIlhinney	Steil
Birmelin	Gergely	McNaughton	Stern
Bishop	Gillespie	Melio	Stetler
Blaum	Gingrich	Micozzie	Stevenson, R.
Boyd	Godshall	Miller, R.	Stevenson, T.
Browne	Goodman	Miller, S.	Sturla
Bunt	Gordner	Mundy	Surra
Butkovitz	Grucela	Mustio	Tangretti
Buxton	Gruitza	Myers	Taylor, E. Z.
Caltagirone	Habay	Nailor	Taylor, J.
Capelli	Haluska	Nickol	Thomas
Casorio	Hanna	O'Brien	Tigue
Causer	Harhai	Oliver	Travaglio
Cawley	Harhart	O'Neill	True
Civera	Harper	Pallone	Vance
Clymer	Harris	Petrarca	Veon
Cohen	Hasay	Petri	Vitali
Cornell	Hennessey	Petrone	Walko
Corrigan	Herman	Phillips	Wansacz
Costa	Hershey	Pickett	Washington
Coy	Hess	Pistella	Waters
Crahalla	Hickernell	Preston	Watson
Cruz	Horsey	Raymond	Weber
Curry	Hutchinson	Readshaw	Wheatley
Dailey	James	Reed	Williams
Daley	Josephs	Rieger	Wojnaroski
Dally	Keller	Roberts	Wright
DeLuca	Kenney	Roebuck	Yewcic
Denlinger	Killion	Rohrer	Youngblood
Dermody	Kirkland	Rooney	Yudichak
DeWeese	Kotik	Ross	Zug
DiGirolamo	LaGrotta	Rubley	
Diven	Laughlin	Ruffing	
Donatucci	Leach	Sainato	Perzel,
Eachus	Lederer		Speaker

NAYS—12

Coleman	Leh	Metcalfe	Scavello
Creighton	Lewis	Payne	Turzai
Forcier	Maitland	Reichley	Wilt

NOT VOTING—0

EXCUSED—2

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

On the question recurring,

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

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Horsey.

Mr. HORSEY. Did you call me?

The SPEAKER. Mr. Horsey, do you have an amendment?

Mr. HORSEY. Yes.

The SPEAKER. 2069? I apologize; 2969?

Mr. HORSEY. Yes.

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

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, is the amendment up, Mr. Speaker? Okay. Wait a second.

The SPEAKER. We were not sure, Mr. Horsey, whether you were withdrawing or not.

Mr. HORSEY. Yes, I am going to withdraw, Mr. Speaker, but can I get comments on the record before I withdraw?

The SPEAKER. The gentleman is in order.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, about a month ago I am sitting in my living room and about 50 people show up at my door, and they knock on my door complaining about, why am I taking their houses? I had to explain to them that I was not taking their houses but that the Philadelphia Redevelopment Authority was taking their houses. They had not been informed, and most of these people had read about their houses being taken in the newspaper. They had not received written notice from the housing authority.

There were hearings being held on a Tuesday, and on that Tuesday there was going to be a vote by Philadelphia City Council to take these people's houses, and they insisted that I be there. So I in fact went, provided 2 minutes of testimony, in which I was reamed out as being the bad guy.

Now, it is okay, because I am going to withdraw this amendment, Mr. Speaker, and I am going to be away from the mike in a minute, but I am going to advise every single person in this chamber, and especially the Philadelphia delegation, in that the authorities in the city of Philadelphia are out of control. In the city of Philadelphia, there is about to be a nervous breakdown. Every single one of the authorities that the State set up is giving the city of Philadelphia problems. The redevelopment authority is taking houses, and we have a city council and an administration that takes great pride in the number of houses that they have condemned, and about a third of them have people actually living in them who have been in there for long periods of time. One family has been in there for 100 years in that house, and the city is coming along through the condemnation process and is taking their homes.

I understand – this issue was debated in this country a hundred years ago about condemnation – so I understand through eminent domain the city and municipalities have an absolute right to do this, but they have to do it in a judicious manner and in a fair manner, and in the city of Philadelphia it is not being done. The redevelopment authority is telling people like the chairman over here of the Urban Affairs Committee, oh, we are condemning these houses but there is nobody in them; they are vacant properties, and that is absolutely untrue. There are people living in these homes, and the city is taking their homes from them and giving them 30 days, 60 days to get out; take what we are going to give you and get out.

SEPTA (Southeastern Pennsylvania Transportation Authority), Mr. Speaker, they want \$50 million; they want \$50 million from city council, and the executive director of

SEPTA refuses to testify in front of city council to tell them why they want this \$50 million. And they tell them, if you do not give us the \$50 million, we are going to cut routes and we are going to raise the salaries or penalties for riding SEPTA, the fares. The Philadelphia Housing Authority, same thing, Mr. Speaker, refuses, and there has been an injunction given to Mr. Carl Greene, who refuses to come in front of city council and explain to them how he is spending close to \$200 million in housing, and the list goes on and on and on.

All the authorities are out of control, Mr. Speaker; they are out of control, and the point being, they were set up and organized by the Pennsylvania State Assembly, both the House and the Senate, with the Governor signing off. So that the reality is the city really cannot control these authorities, and if we as a legislative body do not do something about what is going on, there is going to be a breakdown in government structure.

I intend to withdraw this, and it is interesting in that there really were not any provisions in my original amendment. I am withdrawing it not because it is not proper; it is not due. I am going to bring it back later. I am withdrawing it because there is a technical mistake in the way it was drawn up. So I will be revisiting it again, and it puts a duty on the authority not to take people's houses in 30 days or in 10 days or in less than 10 days without giving them notice.

The city itself admitted we are wrong; we made a mistake; we did not do this. It would have been a snap of the finger to pull this issue into Federal court, a snap of the finger, but that is not what the real issue is. The real issue is there needs to be a structure put in place to regulate all of the authorities, to give the city some control over those authorities.

So with that, Mr. Speaker, I am going to withdraw my amendment and bring it back as a bill and put everybody in this chamber on notice again, in the city of the first class the authorities are out of control.

Thank you, Mr. Speaker.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Delaware, Mr. Barrar.

Mr. BARRAR. Thank you, Mr. Speaker.

I would ask the maker of the bill to stand for brief interrogation.

The SPEAKER. The gentleman, Mr. Diven, indicates that he will.

Mr. BARRAR. Mr. Speaker, can I ask you to maybe explain to me how properties for this money will be selected by the cities.

Mr. DIVEN. Well, according to the legislation, we have given a lot of flexibility to local areas to either purchase at tax sales, outright purchase, or eminent domain, similar to what they do in the Municipal Authorities Act.

Mr. BARRAR. Are the owners— Go ahead.

Mr. DIVEN. The redevelopment act.

Mr. BARRAR. So these are houses that have been targeted, properties that have been targeted by the city?

Mr. DIVEN. Well, the genesis of this legislation comes from, right now Philadelphia has about 60,000 vacant properties, the city of Pittsburgh has about 15,000 vacant properties, and they are an extreme blight on both of the communities, and now that we have expanded the program for the rest of the State, there are a number of properties in older industrial towns that have suffered a long time with properties that have been left for dead, abandoned, and have really drained the community of any kind of vitality or interest in development. What we have tried to do with this legislation is put the resources in to allow that redevelopment to happen.

One of the things that I looked at when we came up with this legislation was, between 1992 and 1997, Pennsylvania lost half a million acres of green space, and the reason why is because those areas, those brownfield areas and those brownfield communities, have been left for dead, yet we have not been in a position where we can get those properties reused efficiently and allow development to happen.

Right now the cost differential between greenfield development, especially for housing, affordable housing in urban settings, it is cheaper and more efficient for somebody to go buy a farm and plow it under and build there than it would to come back in and go through all the hoops and hurdles of the zoning boards and the variances and have to deal with the properties that are there. So this legislation creates the vehicle, which is a board that would be responsible for making this its focus, and more importantly, provides the funding resources to make this a priority so that we can begin to take back our urban centers and be in a position to limit the sprawl that Pennsylvania is faced with.

Mr. BARRAR. Mr. Speaker, I have a concern with this, because will this allow property owners and landlords to be compensated for properties that they have allowed to run down and become blighted? Now will they be reimbursed through a State fund that will basically compensate them for neglecting and just abandoning their properties?

Mr. DIVEN. Mr. Speaker, my understanding, in working with the mayor's office in the city of Pittsburgh and the controller's office in Philadelphia, for the properties that you are specifically concerned with, a lot of these properties have serious tax delinquency and they have been left for dead, and they would be able to acquire those properties either through eminent domain or through a sheriff's sale or a treasurer's sale process. So I would not look at this as a windfall for an absentee landlord that has bled the equity out of a property.

Mr. BARRAR. Mr. Speaker, with the Bud George amendment that was put in here for townships, now with the townships, there is a \$50 million pool of money for the townships in the Commonwealth. Will that money be given to the townships in a lump sum or is it a competitive grant nature administered by the DCED (Department of Community and Economic Development) or how does that money get distributed to the townships?

Mr. DIVEN. Under the legislation, Mr. Speaker, what they will be doing is, municipalities, both first-class municipalities – Philadelphia and Pittsburgh – and now the rest of the State, would have to identify properties and come up with a rough cost

estimate of what it would take to get those properties back on the tax rolls and get them redeveloped. They would submit them to one of the three blight remediation boards, and then the blight remediation boards would be then in a position to decide which are the most valuable redevelopment projects. So there is a process that we will go through.

Also, one of the things that we were concerned with, we wanted to target this so that we can get the most return for our money. They would have to be able to validate that there is no real long-term environmental consequences which could really take a lot of money out of the fund if it were, you know, a serious industrial disaster area that has to be cleaned up. We wanted to target this more for the blight that we see in the neighborhoods and the neighborhoods that have been left for dead when Pennsylvanians moved to the suburbs after World War II.

Mr. BARRAR. And the townships would pay the money back in the exact same fashion that you are saying the cities would pay the money back?

Mr. DIVEN. Yes.

Mr. BARRAR. Okay. Thank you.

That is all I have, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Tangretti. The Chair recognizes the gentleman, Mr. Tangretti.

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, I was wondering if the prime sponsor would submit to a brief question.

The SPEAKER. The gentleman, Mr. Diven, indicates that he will.

Mr. TANGRETTI. Mr. Speaker, the gentleman from Allegheny County makes a good case for the bill, but those of us who are concerned about historic properties obviously would be concerned that some of this money might be used for the demolition of historic properties in historic neighborhoods. Are there any provisions in your bill that would take into account those historic properties?

Mr. DIVEN. We considered doing something in the legislation, but rather, we thought that it would be better suited for that issue to be addressed when they promulgate the rules that the blight remediation boards operate by, but there will be a check in that system and there will be rules that have to be promulgated that specifically deal with historical sites. So there is, I guess, a concern that will be addressed.

Mr. TANGRETTI. Thank you. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Horsey.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, I would like to ask— Mr. Speaker, may I interrogate the maker of the bill, please?

The SPEAKER. The gentleman, Mr. Diven, indicates that he will stand for interrogation.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, this bill covers both Allegheny County and Philadelphia. Is that correct, Mr. Speaker?

Mr. DIVEN. Yes, sir. Actually, the city of Pittsburgh and the city of Philadelphia.

Mr. HORSEY. And it creates a blight remediation board. Is that correct, Mr. Speaker?

Mr. DIVEN. One for each of those municipalities, and then after the amendment today, there would be another board that would cover the rest of the cities, boroughs, and townships for the State.

Mr. HORSEY. Mr. Speaker, what will be the rules that these blight remediation boards will be operating from?

Mr. DIVEN. Excuse me?

Mr. HORSEY. What rules will they be operating from?

Mr. DIVEN. They are rules that would be promulgated later by the Department of Community and Economic Development to be able to— I mean, basically, the overall principles are laid out in the legislation where they are going to be responsible for selecting properties that, you know, meet the criteria that are laid out in the legislation as far as being blighted and problem properties, and then they would be responsible for evaluating those properties and then putting together the plan to get control of the properties, and then there would be a situation where they would be responsible for additional moneys that would help to prepare those sites for development, and then at the end the board's responsibility would be to select the developers, whether that is an individual, a community development corporation, a neighborhood-based community development corporation, or for-profit developer to actually come in and take ownership of that property and get the property redeveloped and back on the tax rolls.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, will any of these properties be lived in?

Mr. DIVEN. Excuse me?

Mr. HORSEY. Will any of these properties be owned and lived in? Will these properties that might be condemned, will they be lived in? Will people actually be living in any of them?

Mr. DIVEN. My belief, in talking with the people from the city of Philadelphia, is that there would not be properties targeted that had occupants in. These are properties that have been left for dead, and for the most part, vacant lands where there have been structures on in the past that have been demolished and now sit vacant.

Mr. HORSEY. Is there a provision in the bill that says these properties that will be vacant and abandoned will not have people living in them?

Mr. DIVEN. There is language in the legislation, but not specifically to what you are saying. There is language that lays out the criteria for what is considered—

Mr. HORSEY. A vacant or an abandoned—

Mr. DIVEN. —a vacant, abandoned, hazardous condition, all those things.

Mr. HORSEY. So suppose the city — because you are speaking for the city of the first class with this bill, which is why I am interrogating you. Will this review board that is set up on the State level right now, will it have the power of eminent domain or will that lie within the confines of the city itself, this blight removal board?

Mr. DIVEN. I believe so, yes; yes, Mr. Speaker.

Mr. HORSEY. Mr. Speaker, presently are there agencies within the confines of the city right now that have eminent domain powers?

Mr. DIVEN. Let me correct my last statement. My understanding is that the agency that would be responsible for acquiring the property would probably be the redevelopment authority in Philadelphia's case.

Mr. HORSEY. Okay. Back to the redevelopment authority would have this authority. So in their consideration again to take or identify properties that are vacant, will we know if these properties will be given additional consideration because they do have people living in them?

Mr. DIVEN. Mr. Speaker, I believe so. In the legislation it calls for them to submit a preliminary list to the blight remediation board, and then that blight remediation board would have to vote on whether or not they want to go after those properties. So there would be a check built into the system where, if there was a concern somebody was living in a house that, you know, did not want to leave or, you know, was comfortable in that property, there would be notification to the blight remediation board prior to any action taken to secure that site.

Mr. HORSEY. Mr. Speaker, you said the magic word, which is "notification." Is there anything in this legislation that identifies a system of notification for those people who might be living in those particular houses? Is there anything presently in this legislation that protects properties that are occupied?

Mr. DIVEN. If they were to take the property through eminent domain, they would have to follow the provisions in the redevelopment authority law. So we are not changing any of that legislation. But what I am saying is, in addition to all the things that they are required to do under the redevelopment law, we would also have a list that had to be presented from the municipality to the Urban Blight Remediation Board, you know, preliminary list that would have to be approved. So it adds another step for the case that you are discussing.

Mr. HORSEY. Well, I am a little leery, Mr. Speaker, because for the past 20 years the city of Philadelphia has had 20,000 vacant or abandoned properties and 10,000 homeless people and they have never done anything to match either one of them up. For 20 years they have given out less than 100 of those houses, but that is for comment. That is not as a question to you, Mr. Speaker.

Mr. DIVEN. Mr. Speaker, I believe this legislation helps that problem because it provides the financial resources and it narrows the focus to solve exactly the problem that you have discussed.

Mr. HORSEY. Okay. Let us take it a step further, Mr. Speaker, relative to people who might be living in these properties and we have to take them through eminent domain from these people, Mr. Speaker, because you are representing, you are speaking for cities of the first class again; that is why it is your bill. They decided to make you the man on this particular bill. So if they decide to take a piece of property that is not vacant and does have someone living in it, what exactly are the repercussions? I mean, what are the procedures? What will they do for or to that person if it is occupied?

Mr. DIVEN. Well, Mr. Speaker, like I said earlier, I believe that it has to go under the redevelopment law, which we are not dealing with. We are providing the vehicle, but they are going to go back and use the redevelopment law that prescribes what they have to do for eminent domain.

Mr. HORSEY. So, Mr. Speaker, you are not familiar with those rules at all?

See, my problem is, we are extending additional revenues and leverage to these authorities, and I am wondering how we rein them in if they make mistakes. Now, you mentioned

redevelopment and their rules, but what happens when they violate their rules?

Mr. DIVEN. I think the check on the system is the Urban Blight Remediation Board that would be selected by the leadership of the caucuses and the Governor. So that would be the stick that you could use in the future if there was a problem like you are describing.

Mr. HORSEY. Well, Mr. Speaker, I welcome that, but would you again advise me on who sits on this board? Can elected officials sit on it? Can developers who have an interest in these projects sit on this board?

Mr. DIVEN. Originally we had a smaller board. We had a three-member panel. There was language in the bill that dealt with people that had a background in development and real estate, but through the committee process, that language has been amended out and replaced with language that says that the four caucus leaders would be in a position to appoint a representative to the board as well as the Governor's Office. So it would be a five-member board.

Mr. HORSEY. Is there an exclusion for elected officials to be on this board?

Mr. DIVEN. I believe so; yes. There is an exclusion for elected officials.

Mr. HORSEY. Is there an exclusion for developers who might be appointed to this board, who have an interest in the development of these projects being on this board? In other words, can I be a developer of a particular project and still sit on this board?

Mr. DIVEN. I think that that would be a conflict of interest.

Mr. HORSEY. Conflict of interest.

Mr. DIVEN. Yes.

Mr. HORSEY. But does the legislation exclude or excuse a person who fits those parameters?

Mr. DIVEN. Not specifically, and we can address that in the promulgation of the regulations that, you know, will come after the legislation is enacted.

Mr. HORSEY. Okay. Thank you, Mr. Speaker.

Mr. Speaker, on the bill?

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

Mr. HORSEY. Thank you, Mr. Speaker.

In my particular community they are doing about \$150 million in remediation in or near my particular district. All of it surrounds local commercial development and/or housing – the Belmont area, Mantua area, Millcreek area. In my particular district, they received the largest HOPE VI grant ever provided to any major city in America. I would like to go on the record, even though it is probably out of line, to thank some folks in this chamber who were actually directly or indirectly involved with that, namely Tom McCormac. Just for the record, Mr. Speaker, I needed to say that, but they are doing this development in my particular district, and it is not without its problems, Mr. Speaker.

I am going to go back to what I said earlier that no one, and especially the government, should pin pins on their chests for how many people they have moved out of a community, out of homes that have been lived in for 50 and 100 years and they take great special pride in saying, yes, we condemned X number of houses and we do not care if the houses were vacant or not, and that is wrong, Mr. Speaker. Whether you are Mr. Rohrer or Mr. Metcalfe or Mr. Bud, it is called taking, Mr. Speaker, and that is not the duty of the government to be taking people's

property and taking their homes without giving them proper, proper refunds on having taken those houses, Mr. Speaker. You cannot set up one number and say you have got to go and you can never come back because it is within the government's interest to see people moved out. That is absolutely wrong and that is not what this government in America was set up to do. I think we fought a war in the establishment of this country relative to government taking people's land and taking private property owners' property. That is wrong; that is absolutely wrong, Mr. Speaker.

A great deal of the city is run by a group of people who had a very devastating development in this country, vis-a-vis Afro-Americans. If anyone else should be sensitive to human and individual rights, Mr. Speaker, it should be us, but yet we are actively involved in the process of taking and bullying people, Mr. Speaker, and that is wrong.

With that, Mr. Speaker, I am not sure what I am going to do with this bill, Mr. Speaker, but there is something that smells in the city of Philadelphia.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northampton, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, would the prime sponsor of the bill please stand for a brief period of interrogation?

The SPEAKER. The gentleman indicates that he will.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, as a followup to the question posed by the gentleman, Representative Tangretti, regarding historic structures, in order for properties to be categorized as blight, would they not have to meet one of the seven criteria laid down in the definition section of your bill, section 3, I believe, of page 2?

Mr. DIVEN. Yes, Mr. Speaker.

Mr. FREEMAN. So they would have to either be in a physical condition that would pose a public nuisance; they would either have to be a dwelling that was dilapidated, vermin infested, a structure which was a fire hazard, one of other criterion that would pose a real threat to public safety in order to be acquired as a blighted property. Is that correct?

Mr. DIVEN. Yes, Mr. Speaker.

Mr. FREEMAN. In regard with that also, Mr. Speaker, is there anything in your bill which mandates that once these blighted properties are acquired by the municipality, that they would have to tear them down? Could they choose as an option to remediate the property, to renovate it, and put it back on the market?

Mr. DIVEN. Yes, Mr. Speaker. We have left that up to the local remediation board to make a decision on what is the best way to get that property redeveloped, and we provide an opportunity for using funds to prepare the site, whether that is tearing down or whether that is, you know, keeping the property there, but I think that this will—

You know, one of the big problems that we have seen is, especially, you know, prior to being elected to the House, I served on Pittsburgh City Council where we have about 15,000 vacant properties, and a big chunk of those properties have liens on those properties, and over the years as the house is left vacant, the value of the property goes down but the lien still, you know, continues to increase. So we reach a point where the

actual real value of the property is less than the liens that are held on the property. So what has happened is nobody is going to come in and pay more than what the property is worth to then start the redevelopment. This legislation, I believe, allows them to level the playing field and allows somebody to come in and get a piece of property and be in a position to come in and rehab or rebuild and get it back on the tax rolls and get it a productive component of the neighborhood.

Mr. FREEMAN. As a followup to that, Mr. Speaker, is it your hope and anticipation that the vast majority of funds that would be used under this program would be used for remediation and the restoration of buildings as opposed to tearing them down? Obviously, there are some properties that are beyond saving, but in most cases, the focus would be on renovation and restoration and restoring them back to use?

Mr. DIVEN. Well, I can tell you that where I focused primarily on was the city of Pittsburgh and Philadelphia, and I would have to really look at the numbers for the rest of the State, but we have an awful lot of properties that have been previously torn down and we have a lot of vacant lands. So I think when you talk about reconstruction or building new homes, it is going to happen primarily on the vacant lands that exist, and there will be some homes that because of their conditions would have to be torn down but other homes that could be rehabed.

So right now I could not give you a real definite answer as far as what percentage and what mix would be new construction versus rehabilitation.

Mr. FREEMAN. Okay. Thank you, Mr. Speaker.

Mr. Speaker, if I could please speak to the bill?

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

Mr. FREEMAN. Thank you.

Mr. Speaker, initially I had some concerns regarding the legislation because of the failed policies of the Federal government back in the 1950s and '60s through its urban renewal efforts that resulted in the tearing down of neighborhoods, but I think what the gentleman, Mr. Diven, has presented to us today is a very valuable tool and one that can add a positive tool to our municipalities as they wrestle with the problems of how to revitalize their deteriorating neighborhoods.

If used wisely, as I anticipate it will be, it could be an added incentive to take back dilapidated neighborhoods, to restore those buildings that can be restored, to bring new life into our older neighborhoods, and I think that this blighted package bill, in addition to my Elm Street legislation and in addition to the gentleman, Mr. Tangretti's historic tax credits, if we combine those three elements, we give local municipalities, particularly our older urban areas, three very valuable tools to hopefully restore these older neighborhoods, bring them back to stability, and make them attractive places for families to come and live once again.

So I would urge the members to support the legislation.

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Dally.

Mr. DALLY. Mr. Speaker, may I interrogate the maker of the bill, please?

The SPEAKER. The gentleman, Mr. Diven, indicates that he will stand for interrogation.

Mr. DALLY. Mr. Speaker, my question pertains to the proposed funding of this remediation fund, and specifically my

question is, is there a precedent for taking money out of the capital budget for uses such as this?

Mr. DIVEN. Mr. Speaker, I guess that would probably be a question that would probably be better directed towards one of the chairmen of the Appropriations Committee, because I do not serve on that committee, so I would not be able to tell you what the precedent is in regards to this legislation.

Mr. DALLY. Okay.

Mr. Speaker, I do not know if there is anyone that can answer that question?

The SPEAKER. Is it possible that the Appropriations chairman might be able to answer the question for the gentleman from Northampton? Would the gentleman restate his question?

Mr. DALLY. My question, Mr. Speaker, was that this fund is proposed to be funded through the capital budget by an allocation from the capital budget. So we have money flowing from one fund, which is for capital purposes in the Commonwealth, going into this blight remediation board act fund, and I was wondering whether there is any precedent for that for other appropriations.

Mr. ARGALL. Yes, Mr. Speaker.

Mr. DALLY. And can you give me an example of those?

Mr. ARGALL. Redevelopment capital assistance projects have been used for a variety of similar projects across the State.

Mr. DALLY. Okay. Mr. Speaker, my question is though, this is basically an appropriation from the capital budget into another program, and what you are saying, Mr. Speaker, is that that occurs in that other fund that you just mentioned?

Mr. ARGALL. The end result would be the same. This bill, doing it in this way, could be a new wrinkle.

Mr. DALLY. I am sorry; I did not hear that. Could be what?

Mr. ARGALL. The end result is the same. However, this bill would set up a new mechanism, which we are not sure but we believe could be a new way to do it.

Mr. DALLY. All right. So is it safe to say, Mr. Speaker, that we are breaking new ground here by allocating money from the capital budget into other programs like this?

Mr. ARGALL. To a slight degree, yes.

Mr. DALLY. Okay. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lehigh, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

Would the author of the bill please rise for brief interrogation?

The SPEAKER. The gentleman, Mr. Diven, indicates that he will stand for interrogation.

Mr. REICHLEY. Thank you, Mr. Speaker.

Let me begin by first assuring the gentleman from Allegheny that I do not oppose the merits of the bill. I think it is a very well intentioned bill, and I think it has very good rationale behind it. What I would like to do first is try to understand, the bill as it was presented in committee made the Commonwealth itself the title owner to the properties identified as blighted properties. Is that correct?

Mr. DIVEN. Yes, sir.

Mr. REICHLEY. The bill has been amended—

Mr. DIVEN. Yes, it has been amended. Originally it was going to go to the Commonwealth. Now it would go to the municipality.

Mr. REICHLEY. Okay. There is reference, though, to a board that is created, particularly for a city of the first class, a city of the second class, that would identify the properties and convey those properties to the city.

Mr. DIVEN. Right.

Mr. REICHLEY. Is that correct?

Mr. DIVEN. Right.

Mr. REICHLEY. So the board itself then becomes the titleholder of the properties that are identified as blighted.

Mr. DIVEN. In the original legislation it was like that. It has since been amended where the board would make the recommendations for the properties and then the title would actually go to the municipality, and then the board would also be in a position to select the winning proposal for redevelopment as well as allocate the resources from the fund to prepare the site for development.

Mr. REICHLEY. Let me just try to run through the scenario. In Pittsburgh you have a blighted property—

Mr. DIVEN. Right.

Mr. REICHLEY. —that is identified by the board as being blighted.

Mr. DIVEN. Right.

Mr. REICHLEY. Money is distributed from the \$35 million allocated to Pittsburgh to buy that piece of land and convey it to the city?

Mr. DIVEN. Originally the municipality would come up with a list of properties that they wanted to develop. They would then submit it to the board. The board would then select the ones that they wish to approve. They would provide the resources to acquire that. The municipality would acquire that property, and then they would go through and put together a plan for marketing it for development and putting the additional improvements into making that site an attractive site for development.

Mr. REICHLEY. So even though it is the Commonwealth that is providing the money through the board—

Mr. DIVEN. Yeah.

Mr. REICHLEY. —the Commonwealth never becomes the title owner to the property?

Mr. DIVEN. No, the Commonwealth does not, but they retain the ability to have the final say on, you know, all the aspects of the program.

Mr. REICHLEY. On page 7 of the original bill in section 6, lines 13 through 15, it was written, “The Commonwealth shall be held harmless for any title problem or environmental problem.”

Mr. DIVEN. My understanding, Mr. Speaker, is if they do not have to take the title, then they would not have that liability. It would still remain with the entity, which would be the municipality that actually took title to the property.

Mr. REICHLEY. Does the provision of funds by the Commonwealth implicate the Commonwealth in liability for any environmental problem associated with these properties that do not get razed or torn down?

Mr. DIVEN. No, Mr. Speaker, I do not believe so, because initially they would have the ability to evaluate the properties before they committed to selecting which properties were going to be within the domain of the blight remediation board, and there is also language – I believe it is still in there – that, you know, cautions or restricts properties that have significant environmental problems.

Mr. REICHLEY. Okay. Before, all it did was say to the Commonwealth that you must convey good marketable title, but I do not see anything in the amended language that underscores that the property must be free from any environmental hazards. And in fact, the description in the original language of the bill is that a blighted property can be one that is vermin infested, is unsafe, is in violation of local codes, does not have utility service. That would also apply.

Mr. DIVEN. Right.

Mr. REICHLEY. Going back to Representative Dally’s last question to you regarding the use of the funds, on page 10, from lines 1 through 8, it says that the repayment of grant funds, when a blight grant is used for a project authorized by the capital budget, does not have to be repaid.

Mr. DIVEN. Well, my understanding is that if they meet the criteria of what the capital budget is now, where there is a 50-percent match, the State does not get repayment from those properties or those capital budget grants that are already issued.

Mr. REICHLEY. So a capital budget plan or project for that housing area would not receive the 50-percent payment back on the school district, the city, and county taxes?

Mr. DIVEN. Yeah. That is the way it is currently done with the capital budget, and we are saying that if a local municipality matches, puts up matching funds to stretch out the ability for the blight fund to go further, then they would not have the repayment.

Mr. REICHLEY. 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—136

Adolph	DiGirolamo	Leach	Santoni
Allen	Diven	Lederer	Scrimenti
Argall	Donatucci	Levdansky	Shaner
Bard	Eachus	Maher	Smith, S. H.
Barrar	Fabrizio	Manderino	Solobay
Bebko-Jones	Feese	Mann	Staback
Belardi	Fichter	Markosek	Stairs
Belfanti	Flick	McCall	Steil
Biancucci	Frankel	McGeehan	Stetler
Bishop	Freeman	McGill	Sturla
Blaum	Gannon	McIlhinney	Surra
Browne	Geist	Melio	Tangretti
Bunt	George	Micozzie	Taylor, J.
Butkovitz	Gergely	Miller, S.	Thomas
Buxton	Godshall	Mundy	Tigue
Caltagirone	Goodman	Myers	Travaglio
Cappelli	Grucela	O’Brien	Veon
Casorio	Gruitza	Oliver	Vitali
Cawley	Haluska	Pallone	Walko
Civera	Hanna	Petrarca	Wansacz
Clymer	Harhai	Petri	Washington
Cohen	Harhart	Petrone	Waters
Cornell	Harper	Pistella	Watson
Corrigan	Hasay	Preston	Wheatley
Costa	Hennessey	Raymond	Williams
Coy	Hershey	Readshaw	Wojnaroski
Crahalla	James	Rieger	Wright
Cruz	Josephs	Roberts	Yewcic
Curry	Keller	Roebuck	Youngblood
Dailey	Kenney	Rooney	Yudichak

Daley	Killion	Ruble	Zug
Dally	Kirkland	Ruffing	
DeLuca	Kotik	Sainato	
Dermody	LaGrotta	Samuelson	Perzel,
DeWeese	Laughlin		Speaker

NAYS-64

Armstrong	Gabig	Major	Ross
Baker	Gillespie	Marsico	Sather
Baldwin	Gingrich	McIlhattan	Saylor
Bastian	Gordner	McNaughton	Scavello
Benninghoff	Habay	Metcalfe	Schroder
Birmelin	Harris	Miller, R.	Semmel
Boyd	Herman	Mustio	Smith, B.
Causer	Hess	Nailor	Stern
Coleman	Hickernell	Nickol	Stevenson, R.
Creighton	Horse	O'Neill	Stevenson, T.
Denlinger	Hutchinson	Payne	Taylor, E. Z.
Egolf	Leh	Phillips	True
Evans, J.	Lewis	Pickett	Turzai
Fairchild	Lynch	Reed	Vance
Fleagle	Mackereth	Reichley	Weber
Forcier	Maitland	Rohrer	Wilt

NOT VOTING-0

EXCUSED-2

Evans, D. Lescovitz

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.

STATEMENT BY MR. DIVEN

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Diven.

Mr. DIVEN. Mr. Speaker, I just want to thank you and your staff as well as the Urban Affairs Committee – Chairman Taylor, Chairman Petrone, and their staff – for their help, and I thank all the members for their support on what I believe is a very important piece of legislation. So thank you.

The SPEAKER. The Chair thanks the gentleman.

CONSIDERATION OF HB 1034 CONTINUED

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

Mr. LEACH offered the following amendment No. A2223:

Amend Title, page 1, line 3, by removing the period after "processions" and inserting ; and providing for student driver signs.

Amend Bill, page 1, by inserting after line 15

Section 2. Title 75 is amended by adding a section to read:

§ 4538. Student driver signs.

(a) General rule.—A vehicle that is operated by a student driver shall display a sign of such size and lettering as the department determines appropriate in order to alert other motorists that the particular vehicle is being operated by a student driver.

(b) Definition.—As used in this section, the term "student driver" means a person with a valid learner's permit issued under section 1505 (relating to learners' permits).

Amend Sec. 2, page 2, line 1, by striking out "2" and inserting 3

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Leach.

Mr. LEACH. Mr. Speaker, I believe that this amendment is an agreed-to amendment.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS-137

Adolph	Eachus	Leach	Santoni
Allen	Egolf	Lederer	Saylor
Armstrong	Evans, J.	Levdansky	Scrimenti
Baldwin	Fabrizio	Lynch	Shaner
Bard	Feese	Mackereth	Smith, B.
Bastian	Flick	Manderino	Smith, S. H.
Bebko-Jones	Frankel	Mann	Solobay
Belardi	Freeman	Markosek	Staback
Belfanti	Gabig	Marsico	Stairs
Biancucci	Gannon	McCall	Stetler
Birmelin	Geist	McGeehan	Sturla
Bishop	George	McIlhattan	Surra
Blaum	Gergely	Melio	Tangretti
Browne	Gillespie	Micozzie	Taylor, E. Z.
Butkovitz	Gingrich	Miller, R.	Taylor, J.
Buxton	Goodman	Mundy	Thomas
Caltagirone	Grucela	Myers	Travaglio
Cappelli	Gruitza	Nailor	Veon
Casorio	Haluska	O'Brien	Vitali
Cawley	Hanna	Oliver	Walko
Civera	Harhai	Pallone	Wansacz
Clymer	Hasay	Petrarca	Washington
Cohen	Hennessey	Petrone	Waters
Corrigan	Herman	Pistella	Wheatley
Costa	Hershey	Preston	Williams
Coy	Horse	Raymond	Wojnaroski
Cruz	Hutchinson	Readshaw	Wright
Curry	James	Rieger	Yewcic
Daley	Josephs	Roberts	Youngblood
DeLuca	Keller	Roebuck	Yudichak
Dermody	Killion	Rooney	Zug
DeWeese	Kirkland	Ruble	
DiGirolo	Kotik	Ruffing	
Diven	LaGrotta	Sainato	Perzel,
Donatucci	Laughlin	Samuelson	Speaker

NAYS-63

Argall	Fleagle	McGill	Sather
Baker	Forcier	McIlhinney	Scavello
Barrar	Godshall	McNaughton	Schroder
Benninghoff	Gordner	Metcalfe	Semmel
Boyd	Habay	Miller, S.	Steil
Bunt	Harhart	Mustio	Stern
Causer	Harper	Nickol	Stevenson, R.
Coleman	Harris	O'Neill	Stevenson, T.
Cornell	Hess	Payne	Tigue
Crahalla	Hickernell	Petri	True
Creighton	Kenney	Phillips	Turzai
Dailey	Leh	Pickett	Vance

Dally	Lewis	Reed	Watson
Denlinger	Maher	Reichley	Weber
Fairchild	Maitland	Rohrer	Wilt
Fichter	Major	Ross	

NOT VOTING—0

EXCUSED—2

Evans, D. Lescovitz

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. **TIGUE** offered the following amendment No. **A2985**:

Amend Title, page 1, line 3, by removing the period after “processions” and inserting
and for certain reports by police.

Amend Bill, page 1, by inserting after line 15

Section 2. Section 3751 of Title 75 is amended to read:

§ 3751. Reports by police.

(a) General rule.—Every police department that investigates a vehicle accident for which a report must be made as required in this subchapter and prepares a written report as a result of an investigation either at the time and at the scene of the accident or thereafter by interviewing the participants or witnesses shall, within [15 days] 96 hours of the accident, forward an initial written report of the accident to the department. In the case of a report filed by a member of the Pennsylvania State Police, the report shall be filed at the Pennsylvania State Police barracks where the member is assigned. If the initial report is not complete, a supplemental report shall be submitted at a later date.

(b) Furnishing copies of report.—Police departments shall, upon request, furnish at a cost not to exceed \$15 a certified copy of the full report of the police investigation of any vehicle accident to any person involved in the accident, [his] that person’s attorney or insurer, and to the Federal Government, branches of the military service, Commonwealth agencies, and to officials of political subdivisions and to agencies of other states and nations and their political subdivisions. In the case of a report filed by a member of the Pennsylvania State Police, the report shall be so furnished to any person involved at the accident or that person’s attorney or insurer, at the Pennsylvania State Police barracks where the member is assigned. The copy of the report shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident. Police departments may refuse to furnish the complete copy of investigation of the vehicle accident whenever there are criminal charges pending against any persons involved in the vehicle accident unless the Pennsylvania Rules of Criminal Procedure require the production of the documents.

Amend Sec. 2, page 2, line 1, by striking out “2” and inserting

3

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I had amendment 2985 drafted because of a continuing reoccurrence of the same problem with trying to obtain, constituents and others, trying to obtain an accident report from the State Police.

Currently the system the State Police has, if you are in an accident, the trooper who does the investigation, whatever substation or station they are assigned to, you cannot get that accident report from there or a copy of it. It is sent to Harrisburg up on Elmerton Avenue, and then it is processed. The problem is, now there is a delay, according to the State Police themselves, of 6 weeks. We have constituents who have problems trying to get insurance payments for injuries as well as for the damage to the vehicles.

AMENDMENT WITHDRAWN

Mr. TIGUE. I have agreed to withdraw this amendment to have discussions with the State Police, but I have got to be candid and tell you that we have to do something to correct this problem. This is a problem that the constituents cannot understand and I cannot understand either why it takes this long and why this procedure is in place with the State Police.

So I will withdraw this at this time, and hopefully we can get something worked out. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman, Mr. Marsico, for the purpose of suspending the rules to offer amendment A3116.

Mr. MARSICO. Thank you, Mr. Speaker.

I am asking to suspend the rules to offer an agreed-to amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—200

Adolph	Evans, J.	Lynch	Samuelson
Allen	Fabrizio	Mackereth	Santoni
Argall	Fairchild	Maher	Sather
Armstrong	Feese	Maitland	Saylor
Baker	Fichter	Major	Scavello
Baldwin	Fleagle	Manderino	Schroder
Bard	Flick	Mann	Scrimenti
Barrar	Forcier	Markosek	Semmel
Bastian	Frankel	Marsico	Shaner
Bebko-Jones	Freeman	McCall	Smith, B.
Belardi	Gabig	McGeehan	Smith, S. H.
Belfanti	Gannon	McGill	Solobay
Benninghoff	Geist	McIlhattan	Staback
Bianucci	George	McIlhinney	Stairs
Birmelin	Gergely	McNaughton	Steil
Bishop	Gillespie	Melio	Stern
Blaum	Gingrich	Metcalfe	Stetler

Boyd	Godshall	Micozzie	Stevenson, R.
Browne	Goodman	Miller, R.	Stevenson, T.
Bunt	Gordner	Miller, S.	Sturla
Butkovitz	Grucela	Mundy	Surra
Buxton	Gruitza	Mustio	Tangretti
Caltagirone	Habay	Myers	Taylor, E. Z.
Cappelli	Haluska	Nailor	Taylor, J.
Casorio	Hanna	Nickol	Thomas
Causer	Harhai	O'Brien	Tigue
Cawley	Harhart	Oliver	Travaglio
Civera	Harper	O'Neill	True
Clymer	Harris	Pallone	Turzai
Cohen	Hasay	Payne	Vance
Coleman	Hennessey	Petrarca	Veon
Cornell	Herman	Petri	Vitali
Corrigan	Hershey	Petrone	Walko
Costa	Hess	Phillips	Wansacz
Coy	Hickernell	Pickett	Washington
Crahalla	Horsey	Pistella	Waters
Creighton	Hutchinson	Preston	Watson
Cruz	James	Raymond	Weber
Curry	Josephs	Readshaw	Wheatley
Dailey	Keller	Reed	Williams
Daley	Kenney	Reichley	Wilt
Dally	Killion	Rieger	Wojnaroski
DeLuca	Kirkland	Roberts	Wright
Denlinger	Kotik	Roebuck	Yewcic
Dermody	LaGrotta	Rohrer	Youngblood
DeWeese	Laughlin	Rooney	Yudichak
DiGirolamo	Leach	Ross	Zug
Diven	Lederer	Rubley	
Donatucci	Leh	Ruffing	
Eachus	Levdansky	Sainato	Perzel,
Egolf	Lewis		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-2

Evans, D. Lescovitz

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

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

Mr. MARSICO offered the following amendment No. **A3116**:

Amend Sec. 1 (Sec. 3107), page 1, line 14, by striking out "or returning from"

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

The SPEAKER. The clerk has read the entire amendment. Those in favor of the amendment—

POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.
A point of order.
The amendment is not on the system at this time.
The SPEAKER. Would the clerk please read the amendment again.

The clerk reread the following amendment No. **A3116**:

Amend Sec. 1 (Sec. 3107), page 1, line 14, by striking out "or returning from"

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

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

Mr. VITALI. Thank you, Mr. Speaker.

While we are waiting for the amendment to come up on the screen, perhaps it might be appropriate for the maker of the amendment to explain it.

The SPEAKER. The gentleman, Mr. Marsico, would you give an explanation to the membership.

Mr. MARSICO. Yes.

Mr. Speaker, the Pennsylvania Chiefs of Police Association has corresponded with me regarding this legislation, and their single objection to the legislation would be that flashing lights would not appear to be necessary on the return trip from the cemetery to the funeral home, and after consideration of their correspondence I happen to agree with that and I know that some of the other members of the House do as well, so we are offering this amendment to strike out that language in the bill.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northampton, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

Once again, the text of the amendment is not on the computer, but I just wanted to ask Mr. Marsico if those three words, the deletion of those three words, are the only thing in the text? By the rules of the House we should have the text in front of us, but it is not yet on the computers. Is that the text of the amendment in its entirety?

Mr. MARSICO. That is correct; "or returning from" are the three words.

Mr. SAMUELSON. Deleting those three words from what is on our screens?

Mr. MARSICO. That is correct.

Mr. SAMUELSON. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-200

Adolph	Evans, J.	Lynch	Samuelson
Allen	Fabrizio	Mackereth	Santoni
Argall	Fairchild	Maher	Sather
Armstrong	Feese	Maitland	Saylor
Baker	Fichter	Major	Scavello
Baldwin	Fleagle	Manderino	Schroder
Bard	Flick	Mann	Scrimenti

Barrar	Forcier	Markosek	Semmel
Bastian	Frankel	Marsico	Shaner
Bebko-Jones	Freeman	McCall	Smith, B.
Belardi	Gabig	McGeehan	Smith, S. H.
Belfanti	Gannon	McGill	Solobay
Benninghoff	Geist	McIlhattan	Staback
Biancucci	George	McIlhinney	Stairs
Birmelin	Gergely	McNaughton	Steil
Bishop	Gillespie	Melio	Stern
Blaum	Gingrich	Metcalfe	Stetler
Boyd	Godshall	Micozzie	Stevenson, R.
Browne	Goodman	Miller, R.	Stevenson, T.
Bunt	Gordner	Miller, S.	Sturla
Butkovitz	Grucela	Mundy	Surra
Buxton	Gruitza	Mustio	Tangretti
Caltagirone	Habay	Myers	Taylor, E. Z.
Cappelli	Haluska	Nailor	Taylor, J.
Casorio	Hanna	Nickol	Thomas
Causer	Harhai	O'Brien	Tigue
Cawley	Harhart	Oliver	Travaglio
Civera	Harper	O'Neill	True
Clymer	Harris	Pallone	Turzai
Cohen	Hasay	Payne	Vance
Coleman	Hennessey	Petrarca	Veon
Cornell	Herman	Petri	Vitali
Corrigan	Hershey	Petrone	Walko
Costa	Hess	Phillips	Wansacz
Coy	Hickernell	Pickett	Washington
Crahalla	Horsey	Pistella	Watson
Creighton	Hutchinson	Preston	Weber
Cruz	James	Raymond	Wheatley
Curry	Josephs	Readshaw	Williams
Dailey	Keller	Reed	Wilt
Daley	Kenney	Reichley	Wojnaroski
Dally	Killion	Rieger	Wright
DeLuca	Kirkland	Roberts	Yewcic
Denlinger	Kotik	Roebuck	Youngblood
Dermody	LaGrotta	Rohrer	Yudichak
DeWeese	Laughlin	Rooney	Zug
DiGirolamo	Leach	Ross	
Diven	Lederer	Rubley	
Donatucci	Leh	Ruffing	
Eachus	Levdansky	Sainato	Perzel,
Egolf	Lewis		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-2

Evans, D. Lescovitz

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?

On that question, the Chair recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.
Could we just have a brief explanation from the prime sponsor?

The SPEAKER. Does the gentleman—

Mr. VITALI. I am going to withdraw that. I now see it in my program. I have no questions.

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-195

Adolph	Egolf	Lewis	Samuelson
Allen	Evans, J.	Lynch	Santoni
Argall	Fabrizio	Mackereth	Sather
Armstrong	Fairchild	Maher	Saylor
Baker	Feese	Maitland	Scavello
Baldwin	Fichter	Major	Schroder
Bard	Fleagle	Manderino	Scrimenti
Barrar	Forcier	Mann	Semmel
Bastian	Frankel	Markosek	Shaner
Bebko-Jones	Freeman	Marsico	Smith, B.
Belardi	Gabig	McCall	Smith, S. H.
Belfanti	Gannon	McGeehan	Solobay
Benninghoff	Geist	McGill	Staback
Biancucci	George	McIlhattan	Stairs
Birmelin	Gergely	McIlhinney	Steil
Bishop	Gillespie	McNaughton	Stern
Blaum	Gingrich	Melio	Stetler
Boyd	Godshall	Micozzie	Stevenson, R.
Browne	Goodman	Miller, R.	Stevenson, T.
Bunt	Gordner	Mundy	Sturla
Butkovitz	Grucela	Mustio	Surra
Buxton	Gruitza	Myers	Tangretti
Caltagirone	Habay	Nailor	Taylor, E. Z.
Cappelli	Haluska	Nickol	Taylor, J.
Casorio	Hanna	O'Brien	Thomas
Causer	Harhai	Oliver	Tigue
Cawley	Harhart	O'Neill	Travaglio
Civera	Harris	Pallone	True
Clymer	Hasay	Payne	Turzai
Cohen	Hennessey	Petrarca	Vance
Coleman	Herman	Petri	Veon
Cornell	Hershey	Petrone	Vitali
Corrigan	Hess	Phillips	Walko
Costa	Hickernell	Pickett	Wansacz
Coy	Horsey	Pistella	Washington
Crahalla	Hutchinson	Preston	Watson
Creighton	James	Raymond	Waters
Cruz	Josephs	Readshaw	Watson
Curry	Keller	Reed	Wheatley
Dailey	Kenney	Reichley	Williams
Daley	Killion	Rieger	Wilt
Dally	Kirkland	Roberts	Wojnaroski
DeLuca	Kotik	Roebuck	Wright
Denlinger	LaGrotta	Rohrer	Yewcic
Dermody	Laughlin	Rooney	Youngblood
DeWeese	Leach	Ross	Yudichak
DiGirolamo	Lederer	Rubley	Zug
Diven	Leh	Ruffing	
Donatucci	Levdansky	Sainato	Perzel,
Eachus			Speaker

NAYS-5

Flick	Metcalfe	Miller, S.	Weber
Harper			

NOT VOTING—0

EXCUSED—2

Evans, D. Lescovitz

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 1130, PN 2062**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for learners' permits, for the Child Passenger Restraint Fund, for a hospital information program, for oral hazard warnings and for civil immunity for lenders of child passenger restraint systems.

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

Mr. **WILT** offered the following amendment No. **A2394**:

Amend Title, page 1, line 4, by striking out "and" and inserting a comma

Amend Title, page 1, line 5, by removing the period after "systems" and inserting

and for registration of snowmobile or ATV.

Amend Bill, page 5, by inserting between lines 14 and 15

Section 2. Section 7711.1 of Title 75 is amended by adding a subsection to read:

§ 7711.1. Registration of snowmobile or ATV.

* * *

(g) Registration list.—A snowmobile registration list shall be furnished, at the cost of production, to Statewide not-for-profit Pennsylvania snowmobile organizations for use in providing registered snowmobile users with information regarding safety courses, educational programs and changes in law, regulation and policy related to snowmobile use in this Commonwealth.

Amend Sec. 2, page 5, line 15, by striking out "2" and inserting
3

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

The **SPEAKER**. On that question, the Chair recognizes the gentleman from Northampton, Mr. Samuelson.

Mr. **SAMUELSON**. Thank you.

I would like to interrogate the maker of this amendment.

The **SPEAKER**. The gentleman has indicated that he will stand for interrogation. The gentleman is in order and may proceed.

Mr. **SAMUELSON**. Thank you, Mr. Speaker.

As I read this amendment, it looks like what you are suggesting is that the State of Pennsylvania provide a list of people who have registered for snowmobile licenses to a private, not-for-profit organization. Is that the intent of this amendment?

Mr. **WILT**. You have read the amendment correctly.

Mr. **SAMUELSON**. Okay. Mr. Speaker, are you aware of any other precedent where, for instance, in the case of driver's licenses in Pennsylvania, the State of Pennsylvania, to my knowledge, does not provide a list of registered motorists to any not-for-profit organization or any outside organization. I guess the concern, raising an issue of privacy, if somebody has applied for a snowmobile license, your amendment would have the State turn that information over to a private association.

Mr. **WILT**. Mr. Speaker, you are confusing the Department of Transportation with the Department of Conservation and Natural Resources. DCNR has for a long time provided this list to nonprofit organizations for the nonprofit organization to do what DCNR should or could be doing in terms of educating people – in terms of where trails are, how to properly and safely operate a snowmobile, so on and so forth. They have done this for years.

Mr. **SAMUELSON**. Okay.

Mr. **WILT**. They just simply stopped doing it because of some explanation that we have never been able to get to, so we thought we should codify the practice in law.

Mr. **SAMUELSON**. What not-for-profit organizations does— You say the DCNR has done this for years. What not-for-profit organizations are involved? Is it one organization to several? Is this list available to all nonprofit organizations?

Mr. **WILT**. No. In the past they have only been involved with the Pennsylvania State Snowmobile Association, the recognized association for snowmobile owners and recreators across the State.

Mr. **SAMUELSON**. Are there any other precedents in State government providing a list to a not-for-profit organization—

Mr. **WILT**. Yes.

Mr. **SAMUELSON**. —to your knowledge?

Mr. **WILT**. DCNR has provided the list to PSSA (Pennsylvania State Snowmobile Association) for years.

Mr. **SAMUELSON**. I am sorry; I misunderstood. Earlier you said they had discontinued that practice. Are they doing it today?

Mr. **WILT**. They have not done it this year, but they have done it for every year prior that the association had asked.

Mr. **SAMUELSON**. Okay. In the absence of them not doing it today, what other State departments engage in this practice of providing a list of individuals who register with the State to a not-for-profit organization? That is my question to you, sir.

Mr. **WILT**. I do not have that information with me today.

Mr. **SAMUELSON**. Is it fair to say that there are no such other examples of State government doing this?

Mr. **WILT**. I do not have that information with me today, Mr. Speaker.

Mr. **SAMUELSON**. Thank you, Mr. Speaker.

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

The Chair recognizes the gentleman from Carbon, Mr. McCall.

Mr. **McCALL**. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the Wilt amendment.

Mr. Speaker, I think we are setting a very, very bad precedent in this Commonwealth if we pass this amendment. We have tenaciously guarded licensing information in the Department of Transportation over the years. As a matter of fact, we have passed legislation in this House to prevent the department from selling any information. The fact of the matter

is that the Schweiker administration stopped this practice because of their concerns with the privacy issues involved with this information. I would agree with Governor Schweiker, and I am sure Governor, not speaking for Governor Rendell, would also agree.

People have the right to privacy, and the real problem with this amendment is that even though he wants to have this information given to a nonprofit organization, there is no opt-out provision in this language as well. So a person whose name may be at the DCNR would not have the ability to opt out. But the bottom line is that there are very, very important privacy issues that we should all be concerned about, and I would ask that we not support this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Clinton, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

I rise in support of the Wilt amendment. I believe that this is an important service that has been provided for years by the Pennsylvania State Snowmobile Association in cooperation with DCNR. I think it is a service that should continue for our snowmobilers, and I think it is entirely different than what the previous speaker spoke about with respect to the Department of Transportation.

DCNR and the Snowmobile Association have a longstanding relationship. They work together well. The Snowmobile Association provides this information, including safety information to all our snowmobilers, and it is a service that we would like to see continued.

So I would ask that we support the Wilt amendment and vote in favor of it. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Wilt.

Mr. WILT. Thanks a lot, Mr. Speaker.

And with all due respect to the Democratic chairman of the Transportation Committee, there is nothing, nothing in this registration that would be considered proprietary to the people that provided the information in the first place.

This Commonwealth is charging snowmobile owners a fee, and we do not get anything for that fee. Sure, we get a few bucks in the Trail Advisory Council and they can dole it out if there are projects, but there is a moratorium for spending that money on State property, so you got to have a private developer apply to the State to get money out of the program. All we are trying to do is get a list to the association so that they can provide information, that if the department was effectively using the registration fees, they would be providing it anyway. But they refuse to do that, and all we are asking for is the association to be able to get the list and provide educational materials to the people that are paying the fee to DCNR in the first place.

I would appreciate an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. McCall.

Mr. McCALL. Mr. Speaker, let me just say this, that DCNR does not support this legislation. The Governor's Office does not support this legislation. We should not be giving confidential information out – names, addresses, and so forth. Are we going to be soliciting these people as well, this nonprofit association? Are they going to do solicitations to these people? I would think they are. I think people are sick and tired of

junk mail, they are sick and tired of spam, they are sick and tired of telemarketers, and you are going to open the door to do the same thing here.

I would ask you to not support this amendment.

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

Mr. WILT. Thank you, Mr. Speaker.

I do not know how to make this more clear. We are talking about a very specific group of users. We are talking about people that have paid a registration fee to the State. They get nothing for it. There is an association which is membership driven that wants to drive out educational materials to people that own a very specific piece of equipment used primarily for recreation. We are not talking about gun registries. We are not talking about all this other junk that we have our Social Security numbers on or our hunting and fishing licenses, which we successfully defended on this floor and now at least are on the back of the license. We are not talking about some confidential information. We are talking about a list that was always readily available – always readily available – that on some whim, some day, they decided that they did not want to do it. And quite frankly, the reason that they are opposed to it is they just do not want to do the work. That is why they are opposed. They are not opposed on some grand, you know, philosophical problem that they have with this; they just do not want to do the work. It is that simple.

Support the amendment. Help our snowmobilers. Get this information into people's hands that could use it, and the only way that unfortunately we had to resort to is to amend this bill and get it over to the Senate, and hopefully they can work something out.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—105

Adolph	Egolf	Hutchinson	Sather
Allen	Evans, J.	Kenney	Saylor
Argall	Fairchild	Killion	Scavello
Armstrong	Feese	Leh	Schroder
Baker	Fichter	Lewis	Semmel
Baldwin	Fleagle	Lynch	Shaner
Bard	Flick	Maher	Smith, B.
Barrar	Forcier	Maitland	Smith, S. H.
Bastian	Gabig	Major	Stairs
Benninghoff	Gannon	Marsico	Stern
Boyd	Geist	McIlhattan	Stevenson, R.
Browne	Gillespie	McIlhinney	Stevenson, T.
Bunt	Gingrich	McNaughton	Tangretti
Cappelli	Godshall	Micozzie	Taylor, E. Z.
Causar	Gordner	Miller, R.	Taylor, J.
Civera	Gruitza	Mustio	Thomas
Clymer	Habay	Nailor	Tigue
Coleman	Haluska	O'Brien	Turzai
Cornell	Hanna	Payne	Vance
Crahalla	Harhart	Phillips	Veon
Creighton	Harper	Pickett	Weber
Dailey	Harris	Raymond	Wilt
Daley	Hasay	Reed	Zug
Dally	Hennessey	Reichley	
Denlinger	Herman	Rohrer	

DeWeese	Hershey	Ross	Perzel,
DiGirolamo	Hess	Sainato	Speaker

NAYS—95

Bebko-Jones	Frankel	McGeehan	Santoni
Belardi	Freeman	McGill	Scrimenti
Belfanti	George	Melio	Solobay
Biancucci	Gergely	Metcalfe	Staback
Birmelin	Goodman	Miller, S.	Steil
Bishop	Grucela	Mundy	Stetler
Blaum	Harhai	Myers	Sturla
Butkovitz	Hickernell	Nickol	Surra
Buxton	Horsey	Oliver	Travaglio
Caltagirone	James	O'Neill	True
Casorio	Josephs	Pallone	Vitali
Cawley	Keller	Petrarca	Walko
Cohen	Kirkland	Petri	Wansacz
Corrigan	Kotik	Petrone	Washington
Costa	LaGrotta	Pistella	Waters
Coy	Laughlin	Preston	Watson
Cruz	Leach	Readshaw	Wheatley
Curry	Lederer	Rieger	Williams
DeLuca	Levdansky	Roberts	Wojnaroski
Dermody	Mackereth	Roebuck	Wright
Diven	Manderino	Rooney	Yewcic
Donatucci	Mann	Rublely	Youngblood
Eachus	Markosek	Ruffing	Yudichak
Fabrizio	McCall	Samuelson	

NOT VOTING—0

EXCUSED—2

Evans, D. Lescovitz

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—199

Adolph	Fabrizio	Lynch	Samuelson
Allen	Fairchild	Mackereth	Santoni
Argall	Feese	Maher	Sather
Armstrong	Fichter	Maitland	Saylor
Baker	Fleagle	Major	Scavello
Baldwin	Flick	Manderino	Schroder
Bard	Forcier	Mann	Scrimenti
Barrar	Frankel	Markosek	Semmel
Bastian	Freeman	Marsico	Shaner
Bebko-Jones	Gabig	McCall	Smith, B.
Belardi	Gannon	McGeehan	Smith, S. H.
Belfanti	Geist	McGill	Solobay
Benninghoff	George	McIlhattan	Staback

Biancucci	Gergely	McIlhinney	Stairs
Birmelin	Gillespie	McNaughton	Steil
Bishop	Gingrich	Melio	Stern
Blaum	Godshall	Metcalfe	Stetler
Boyd	Goodman	Micozzie	Stevenson, R.
Browne	Gordner	Miller, R.	Stevenson, T.
Bunt	Grucela	Miller, S.	Sturla
Butkovitz	Gruitza	Mundy	Surra
Buxton	Habay	Mustio	Tangretti
Caltagirone	Haluska	Myers	Taylor, E. Z.
Cappelli	Hanna	Nailor	Taylor, J.
Causer	Harhai	Nickol	Thomas
Cawley	Harhart	O'Brien	Tigue
Civera	Harper	Oliver	Travaglio
Clymer	Harris	O'Neill	True
Cohen	Hasay	Pallone	Turzai
Coleman	Hennessey	Payne	Vance
Cornell	Herman	Petrarca	Veon
Corrigan	Hershey	Petri	Vitali
Costa	Hess	Petrone	Walko
Coy	Hickernell	Phillips	Wansacz
Crahalla	Horsey	Pickett	Washington
Creighton	Hutchinson	Pistella	Waters
Cruz	James	Preston	Watson
Curry	Josephs	Raymond	Weber
Daily	Keller	Readshaw	Wheatley
Daley	Kenney	Reed	Williams
Dally	Killion	Reichley	Wilt
DeLuca	Kirkland	Rieger	Wojnaroski
Denlinger	Kotik	Roberts	Wright
Dermody	LaGrotta	Roebuck	Yewcic
DeWeese	Laughlin	Rohrer	Youngblood
DiGirolamo	Leach	Rooney	Yudichak
Diven	Lederer	Ross	Zug
Donatucci	Leh	Rublely	
Eachus	Levdansky	Ruffing	Perzel,
Egolf	Lewis	Sainato	Speaker
Evans, J.			

NAYS—1

Casorio

NOT VOTING—0

EXCUSED—2

Evans, D. Lescovitz

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.

RESOLUTION PURSUANT TO RULE 35

Mr. GANNON called up **HR 360, PN 2426**, entitled:

A Resolution memorializing the Southeast Pennsylvania Transportation Authority to honor the intent and requirements of the Railway Labor Act relating to the freedom of newly hired employees to join the union of their choice.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

Adolph	Evans, J.	Lewis	Sainato
Allen	Fabrizio	Lynch	Samuelson
Argall	Fairchild	Mackereth	Santoni
Armstrong	Feese	Maher	Sather
Baker	Fichter	Maitland	Saylor
Baldwin	Fleagle	Major	Scavello
Bard	Flick	Manderino	Schroder
Barrar	Forcier	Mann	Scrimenti
Bastian	Frankel	Markosek	Semmel
Bebko-Jones	Freeman	Marsico	Shaner
Belardi	Gabig	McCall	Smith, B.
Belfanti	Gannon	McGeehan	Smith, S. H.
Benninghoff	Geist	McGill	Solobay
Biancucci	George	McIlhattan	Staback
Birmelin	Gergely	McIlhinney	Stairs
Bishop	Gillespie	McNaughton	Steil
Blaum	Gingrich	Melio	Stern
Boyd	Godshall	Metcalfe	Stetler
Browne	Goodman	Micozzie	Stevenson, R.
Bunt	Gordner	Miller, R.	Stevenson, T.
Butkovitz	Grucela	Miller, S.	Sturla
Buxton	Gruitza	Mundy	Surra
Caltagirone	Habay	Mustio	Tangretti
Cappelli	Haluska	Myers	Taylor, E. Z.
Casorio	Hanna	Nailor	Taylor, J.
Causar	Harhai	Nickol	Thomas
Cawley	Harhart	O'Brien	Tigue
Civera	Harper	Oliver	Travaglio
Clymer	Harris	O'Neill	True
Cohen	Hasay	Pallone	Turzai
Coleman	Hennessey	Payne	Vance
Cornell	Herman	Petrarca	Veon
Corrigan	Hershey	Petri	Walko
Costa	Hess	Petrone	Wansacz
Coy	Hickernell	Phillips	Washington
Crahalla	Horsey	Pickett	Waters
Creighton	Hutchinson	Pistella	Watson
Cruz	James	Preston	Weber
Curry	Josephs	Raymond	Wheatley
Dailey	Keller	Readshaw	Williams
Daley	Kenney	Reed	Wilt
Dally	Killion	Reichley	Wojnaroski
DeLuca	Kirkland	Rieger	Wright
Denlinger	Kotik	Roberts	Yewcic
Dermody	LaGrotta	Roebuck	Youngblood
DeWeese	Laughlin	Rohrer	Yudichak
DiGirolamo	Leach	Rooney	Zug
Diven	Lederer	Ross	
Donatucci	Leh	Rubleby	Perzel,
Eachus	Levdansky	Ruffing	Speaker
Egolf			

NAYS—0

NOT VOTING—1

Vitali

EXCUSED—2

Evans, D. Lescovitz

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

RULES COMMITTEE MEETING

The SPEAKER. The majority leader calls for an immediate meeting of the Rules Committee.

BILL REREPORTED FROM COMMITTEE

HB 1854, PN 2415

By Rep. S. SMITH

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for valuation of property.

RULES.

RESOLUTION ON CONCURRENCE REPORTED FROM COMMITTEE

SR 60, PN 1083

By Rep. S. SMITH

A Concurrent Resolution establishing a special bipartisan legislative commission to develop legislation to provide direct and indirect assistance for the purpose of improving the delivery of emergency services in this Commonwealth.

RULES.

BILL ON SECOND CONSIDERATION

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

HB 1854, PN 2415.

SUPPLEMENTAL CALENDAR A

RESOLUTION ON CONCURRENCE IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to House amendments to SR 60, PN 1083, entitled:

A Concurrent Resolution establishing a special bipartisan legislative commission to develop legislation to provide direct and indirect assistance for the purpose of improving the delivery of emergency services in this Commonwealth.

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

The SPEAKER. It is moved by the gentleman, Mr. Smith, that the House concur in those amendments.

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

The following roll call was recorded:

YEAS—200

Adolph	Evans, J.	Lynch	Samuelson
Allen	Fabrizio	Mackereth	Santoni
Argall	Fairchild	Maher	Sather
Armstrong	Feese	Maitland	Saylor
Baker	Fichter	Major	Scavello
Baldwin	Fleagle	Manderino	Schroder
Bard	Flick	Mann	Scrimenti
Barrar	Forcier	Markosek	Semmel
Bastian	Frankel	Marsico	Shaner
Bebko-Jones	Freeman	McCall	Smith, B.
Belardi	Gabig	McGeehan	Smith, S. H.
Belfanti	Gannon	McGill	Solobay
Benninghoff	Geist	McIlhattan	Staback
Biancucci	George	McIlhinney	Stairs
Birmelin	Gergely	McNaughton	Steil
Bishop	Gillespie	Melio	Stern
Blaum	Gingrich	Metcalfe	Stetler
Boyd	Godshall	Micozzie	Stevenson, R.
Browne	Goodman	Miller, R.	Stevenson, T.
Bunt	Gordner	Miller, S.	Sturla
Butkovitz	Grucela	Mundy	Surra
Buxton	Gruitza	Mustio	Tangretti
Caltagirone	Habay	Myers	Taylor, E. Z.
Cappelli	Haluska	Nailor	Taylor, J.
Casorio	Hanna	Nickol	Thomas
Causer	Harhai	O'Brien	Tigue
Cawley	Harhart	Oliver	Travaglio
Civera	Harper	O'Neill	True
Clymer	Harris	Pallone	Turzai
Cohen	Hasay	Payne	Vance
Coleman	Hennessey	Petrarca	Veon
Cornell	Herman	Petri	Vitali
Corrigan	Hershey	Petrone	Walko
Costa	Hess	Phillips	Wansacz
Coy	Hickernell	Pickett	Washington
Crahalla	Horsey	Pistella	Waters
Creighton	Hutchinson	Preston	Watson
Cruz	James	Raymond	Weber
Curry	Josephs	Readshaw	Wheatley
Dailey	Keller	Reed	Williams
Daley	Kenney	Reichley	Wilt
Dally	Killion	Rieger	Wojnaroski
DeLuca	Kirkland	Roberts	Wright
Denlinger	Kotik	Roebuck	Yewcic
Dermody	LaGrotta	Rohrer	Youngblood
DeWeese	Laughlin	Rooney	Yudichak
DiGirolo	Leach	Ross	Zug
Diven	Lederer	Rubley	
Donatucci	Leh	Ruffing	
Eachus	Levdansky	Sainato	Perzel,
Egolf	Lewis		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Evans, D. Lescovitz

The majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

HOUSE AMENDMENTS
NONCONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to **SB 277, PN 982**.

MOTION TO RECEDE FROM AMENDMENTS

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

The gentleman will please come to the podium. The House will be at ease.

(Conference held at Speaker's podium.)

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

Mr. CASORIO. Thank you, Mr. Speaker.

I believe SB 277 is at hand. Is that correct, Mr. Speaker?

The SPEAKER. Yes, it is, Mr. Casorio.

Mr. CASORIO. Mr. Speaker, I would like to move to recede from the House amendments in SB 277, which would in effect remove the language and revert to a prior printer's number.

On the question,

Will the House recede from its amendments nonconcurred in by the Senate?

Mr. CASORIO. If I could, just a brief 30-second explanation, Mr. Speaker.

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

Mr. CASORIO. Mr. Speaker, when this bill was originally in the House, the original language and the language that we will be reverting to deals solely and primarily with third-class-city firefighters and residency requirements of those third-class-city fire departments. Mr. Speaker, I had an amendment drafted that was overly broad and went beyond the scope of my intent. The amendment that was drafted and passed from the House and was failed to be removed in the Senate removes residency requirements from all municipal police departments. That was beyond the scope of my intention.

Mr. Speaker, an assurance from you and from the leaders on both sides of the aisle, I understand that my amendment dealing solely with third-class-city police officers, removing that residency requirement only in third-class cities, will be brought up at some point in the very near future. So, again, I would like to use what I have been told is a technical maneuver that has not been done in the House here in about a decade or so to rescind from House amendments, which would in effect send this SB 277 back to the prior printer's number, Mr. Speaker.

The SPEAKER. The gentleman is correct.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, what Mr. Casorio is doing is removing the most controversial provisions of his bill, provisions that were so controversial that the Governor had made very clear that he would veto it, and it would in effect kill the bill.

I therefore very strongly support Mr. Casorio's motion, and I urge everyone else to do that also.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentlelady from Philadelphia, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

A parliamentary inquiry.

The SPEAKER. The lady will state her point.

Ms. MANDERINO. Thank you.

Having never seen this motion to recede before, I have two questions. Is it one or two votes is my first question, meaning do we vote to recede and then vote on a prior printer's number, and if it is only one vote, the motion to recede accomplishes that. My question is, will in effect my vote on a motion to recede be equivalent to supporting the bill, the language of the bill, as it appears in the prior PN 284?

The SPEAKER. There is only one vote, the answer is yes, and I have never seen the procedure either.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. A parliamentary inquiry.

Do we— Well, first of all, is there a House rule we should be referring to on this, or is this in Mason's Manual somewhere?

The SPEAKER. This is in Mason's Manual, Mr. Vitali.

Mr. VITALI. Okay. My second question is, generally, well, is 277 on— It is coming back on a concurrence vote. Is that correct?

The SPEAKER. Mr. Vitali, the Senate nonconcurred in our amendments.

Mr. VITALI. I understand. Do we need a rules suspension to do this?

The SPEAKER. Oh, no.

Mr. VITALI. I am sorry?

The SPEAKER. We have two options, Mr. Vitali – insist on our amendments or recede from our amendments.

Mr. VITALI. Gotcha. Okay. And then again, this— Okay. That ends my parliamentary inquiry. Maybe I can interrogate Mr. Casorio.

The SPEAKER. The gentleman, Mr. Casorio, indicates that he will stand for interrogation.

Mr. VITALI. I think you have said this, but I just want to be clear. If we vote "yes" on this, we are voting "yes" to limit the scope of what you are trying to do to police officers of third-class cities – is that it? – as opposed to all police officers?

Mr. CASORIO. Mr. Speaker, that is partially correct and partially incorrect. My intent is to, at a point future from now, to waive the residency requirement for third-class-city police only. However, when we recede and revert back to the prior printer's number, the only language in SB 277 will deal just with residency requirements – it is not my bill – residency requirements of third-class-city firefighters. There will be no language whatsoever in SB 277 after recision dealing with law enforcement officers.

Mr. VITALI. Thank you. That concludes my interrogation.

The SPEAKER. Mr. Vitali, in Mason's Manual, "A vote to recede from amendments constitutes a final passage of the bill without the amendments from which the house has receded, since both houses have then agreed to the bill in its form prior to amendment." So it has the effect, if the amendments are rescinded, then the bill would go immediately to the Governor.

It is moved by the gentleman, Mr. Casorio, that the House recede from its amendments nonconcurred in by the Senate to SB 277.

Those in favor of rescinding from amendments will vote "aye"; those opposed, "no."

On the question recurring,

Will the House recede from its amendments nonconcurred in by the Senate?

The following roll call was recorded:

YEAS—199

Adolph	Evans, J.	Lynch	Samuelson
Allen	Fabrizio	Mackereth	Santoni
Argall	Fairchild	Maher	Sather
Armstrong	Feese	Maitland	Saylor
Baker	Fichter	Major	Scavello
Baldwin	Fleagle	Manderino	Schroder
Bard	Flick	Mann	Scrimenti
Barrar	Forcier	Markosek	Semmel
Bastian	Frankel	Marsico	Shaner
Bebko-Jones	Freeman	McCall	Smith, B.
Belardi	Gabig	McGeehan	Smith, S. H.
Belfanti	Gannon	McGill	Solobay
Benninghoff	Geist	McIlhattan	Staback
Bianucci	George	McIlhinney	Stairs
Birmelin	Gergely	McNaughton	Steil
Bishop	Gillespie	Melio	Stern
Blaum	Gingrich	Metcalfe	Stetler
Boyd	Godshall	Micozzie	Stevenson, R.
Browne	Goodman	Miller, R.	Stevenson, T.
Bunt	Gordner	Miller, S.	Sturla
Butkovitz	Grucela	Mundy	Surra
Buxton	Gruitza	Mustio	Tangretti
Caltagirone	Habay	Myers	Taylor, E. Z.
Cappelli	Haluska	Nailor	Taylor, J.
Casorio	Hanna	Nickol	Thomas
Causar	Harhai	O'Brien	Tigue
Cawley	Harhart	Oliver	Travaglio
Civera	Harris	O'Neill	True
Clymer	Hasay	Pallone	Turzai
Cohen	Hennessey	Payne	Vance
Coleman	Herman	Petrarca	Veon
Cornell	Hershey	Petri	Vitali
Corrigan	Hess	Petrone	Walko
Costa	Hickernell	Phillips	Wansacz
Coy	Horsey	Pickett	Washington
Crahalla	Hutchinson	Pistella	Waters
Creighton	James	Preston	Watson
Cruz	Josephs	Raymond	Weber
Curry	Keller	Readshaw	Wheatley
Dailey	Kenney	Reed	Williams
Daley	Killion	Reichley	Wilt
Dally	Kirkland	Rieger	Wojnaroski
DeLuca	Kotik	Roberts	Wright
Denlinger	LaGrotta	Roebuck	Yewcic
Dermody	Laughlin	Rohrer	Youngblood
DeWeese	Leach	Rooney	Yudichak
DiGirolamo	Lederer	Ross	Zug
Diven	Leh	Rublely	
Donatucci	Levdansky	Ruffing	Perzel,
Eachus	Lewis	Sainato	Speaker
Egolf			

NAYS—1

Harper

NOT VOTING—0

EXCUSED—2

Evans, D. Lescovitz

The SPEAKER. The majority required by the Constitution having voted in the affirmative, the House has receded from its amendments nonconcurrent in by the Senate, and the clerk will return the bill to the Senate with the information that the House has passed the same without amendment.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. S. SMITH. Mr. Speaker, I move that HB 1854 be recommitted to the Appropriations Committee.

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

**HOUSE BILL
INTRODUCED AND REFERRED**

No. 1883 By Representative STAIRS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, requiring school districts to reopen their 2003-2004 budgets; imposing limitations on certain unreserved fund balances; further providing for auxiliary service; deleting provisions relating to professional teacher assessment; further providing for cost of tuition and maintenance of certain exceptional children in approved private schools; providing for firefighter and emergency service training; further providing for Education Support Services Program, for education empowerment districts, for mandate waiver program and for school improvement grants; further defining "educational improvement organization" and "scholarship organization"; further providing for payments on account of pupils enrolled in vocational curriculums and for small district assistance; providing for basic education funding for 2002-2003 school year; further providing for payments to intermediate units, for special education payments to school districts and for Commonwealth reimbursements for charter schools and cyber charter schools; and making appropriations, repeals and an editorial change.

Referred to Committee on EDUCATION, July 16, 2003.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair wishes to extend a very happy birthday to Lauren Elizabeth Preski on her fifth birthday. She is watching on television right now. Happy birthday, Lauren. We are sorry we have your father trapped here.

REPUBLICAN CAUCUS

The SPEAKER. Does the gentlelady from Chester have an announcement?

Mrs. TAYLOR. Yes, Mr. Speaker.

The Republicans will have an informal discussion at 5:30 and a caucus at 6 p.m., and tomorrow morning, an informal discussion at 8:30.

The SPEAKER. The Chair thanks the gentlelady.

DEMOCRATIC CAUCUS

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

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

The House Democrats will commence our caucus immediately upon the recess, and we will also have informal discussions after the caucus. But we will caucus immediately. Tomorrow's schedule will be announced by Chairman Cohen at our caucus.

The SPEAKER. The Chair thanks the gentleman.

EDUCATION COMMITTEE MEETING

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

Mr. STAIRS. Thank you, Mr. Speaker.

As we leave session today, we have a special meeting of the Education Committee to move an important bill concerning the school funding budget. So I would ask the members to go to room 205 in the Ryan Office Building immediately after we leave here today.

The SPEAKER. The Chair thanks the gentleman.

Education will meet immediately in room 205 of the Ryan Office Building.

Are there any further announcements?

There will be no further votes on the floor of the House.

VOTE CORRECTION

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

Mr. PETRARCA. Thank you, Mr. Speaker.

I would like to correct the record.

Yesterday on concurrence in Senate amendments to HB 782, I was voted in the negative. I would like to be voted in the affirmative.

The SPEAKER. The Chair thanks the gentleman. The gentleman's remarks will be spread across the record.

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

SB 748, PN 953

By Rep. STAIRS

An Act amending the act of June 14, 1961 (P.L.324, No.188), known as The Library Code, further providing for quality libraries aid criteria, for incentive for excellence aid and for incentive for excellence aid criteria.

EDUCATION.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON LABOR RELATIONS**

HB 1576, PN 1983

By Rep. STAIRS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for contracting and for the applicability of Education Empowerment; and making a repeal.

EDUCATION.

RECESS

The SPEAKER. The House is in recess now to the call of the Chair.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(STEVEN R. NICKOL) PRESIDING**

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES**

HB 1883, PN 2443

By Rep. STAIRS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, requiring school districts to reopen their 2003-2004 budgets; imposing limitations on certain unreserved fund balances; further providing for auxiliary service; deleting provisions relating to professional teacher assessment; further providing for cost of tuition and maintenance of certain exceptional children in approved private schools; providing for firefighter and emergency service training; further providing for Education Support Services Program, for education empowerment districts, for mandate waiver program and for school improvement grants; further defining "educational improvement organization" and "scholarship organization"; further providing for payments on account of pupils enrolled in vocational curriculums and for small district assistance; providing for basic education funding for 2002-2003 school year; further providing for payments to intermediate units, for special education payments to school districts and for Commonwealth reimbursements for charter schools and cyber charter schools; and making appropriations, repeals and an editorial change.

EDUCATION.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

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

Mr. BIANCUCCI. Mr. Speaker, I move that this House do now adjourn until Thursday, July 17, 2003, 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 5:22 p.m., e.d.t., the House adjourned.