

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, JANUARY 28, 1992

SESSION OF 1992

176TH OF THE GENERAL ASSEMBLY

No. 5

### HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (ROBERT W. O'DONNELL)  
PRESIDING**

#### PRAYER

REV. CLYDE W. ROACH, Chaplain of the House of Representatives, from Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

Gracious God our Father, You have been our refuge in ages past, our hope for years to come, a shelter from the stormy blast, and our eternal home. We rejoice to know that You are always near, and no matter how great the test, we have the assurance, You are always cooperating to improve our situation.

Even when we turn our backs on You and forget Your many blessings and begin to believe we are sufficient to the tasks before us, You patiently wait for us to realize that all power is in Your hands, and we can do nothing without You.

This morning, as we turn our hearts and minds to You, may we realize anew that You are in our midst, ready to lead and guide us.

In Your dear name we pray. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, January 27, 1992, will be postponed until printed. The Chair hears no objection.

#### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2340** By Representatives HAYDEN, PICCOLA, O'DONNELL, HAGARTY, RYAN, LINTON, HECKLER, ITKIN, NAHILL, FAJT, JAMES, CAPPABIANCA, FARGO, MELIO, GLADECK, JOSEPHS, HARLEY, BUNT, FLICK, LEVDANSKY,

M. N. WRIGHT, CHADWICK, REINARD, WILSON, BUTKOVITZ, MICHLOVIC, RITTER, MERRY, SAURMAN, ARMSTRONG, LEE and TOMLINSON

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, changing and adding provisions relating to the selection of justices and judges.

Referred to Committee on JUDICIARY, January 28, 1992.

**No. 2341** By Representatives HAGARTY, HAYDEN, PICCOLA, HECKLER, BLAUM, PITTS, ITKIN, HERMAN, CLARK, DEMPSEY, SAURMAN, NICKOL, LLOYD, MUNDY, COWELL, MIHALICH, TIGUE, GLADECK, FAIRCHILD, S. H. SMITH, JOSEPHS, CIVERA, WOGAN, NOYE, JOHNSON, VANCE, MERRY, McHALE, SEMMEL, FLICK, FAJT, LINTON, HASAY, STETLER, GERLACH, TANGRETTI, HANNA, HARLEY and WILLIAMS

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, changing provisions relating to judicial discipline.

Referred to Committee on JUDICIARY, January 28, 1992.

**No. 2342** By Representatives PESCI, FARGO, NOYE, VAN HORNE, FLEAGLE, KENNEY, JAROLIN, KRUSZEWSKI, KOSINSKI, COLAIZZO, MELIO, BIRMELIN, FAIRCHILD, BUSH, GEIST, CLARK, COY, M. N. WRIGHT, E. Z. TAYLOR, SAURMAN, KASUNIC, HANNA, WOGAN, McHUGH, STABACK, BELARDI, RUDY, DERMODY, SURRA, CIVERA, DeLUCA, FAJT, GODSHALL, BATTISTO, OLASZ and BILLOW

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," establishing a residency requirement for general public assistance recipients.

Referred to Committee on HEALTH AND WELFARE, January 28, 1992.

**No. 2343** By Representatives PESCI, BATTISTO, M. N. WRIGHT, SALOOM, JADLOWIEC,

KRUSZEWSKI, KOSINSKI, MELIO, VEON, HARPER, STISH, VAN HORNE, TANGRETTI, MIHALICH, CARONE, MAYERNIK, SAURMAN, CARN, McCALL, KASUNIC, HANNA, TRELLO, LaGROTTA, STABACK, SCRIMENTI, GERLACH, PHILLIPS, S. H. SMITH, SURRA, CIVERA, PISTELLA, ROEBUCK, STEELMAN, OLASZ, LAUGHLIN, BILLOW and HARLEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring notice of revocation or suspension to be sent by registered or certified mail.

Referred to Committee on TRANSPORTATION, January 28, 1992.

**No. 2344** By Representatives F. TAYLOR, GALLEN, VAN HORNE, MAYERNIK, COY, HALUSKA, LESCOVITZ, LUCYK, PRESTON, SERAFINI, ALLEN, GODSHALL, G. SNYDER, FLICK, CESSAR and M. N. WRIGHT

An Act amending the act of December 3, 1959 (P. L. 1688, No. 621), known as the "Housing Finance Agency Law," further providing for the powers of the agency, for use of nondistribution profits, for nondiscrimination, for making and purchasing loans and mortgages, for allocation of loans, for qualified bonds and notes; and further providing for the extension of the Homeowners' Emergency Mortgage Assistance Program.

Referred to Committee on BUSINESS AND COMMERCE, January 28, 1992.

**No. 2345** By Representatives STURLA, FAJT, STEELMAN, JAROLIN, TIGUE, NICKOL, ARMSTRONG, DENT, BILLOW, HARLEY, STETLER and SURRA

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, authorizing judges to be conservators of the peace; providing for complaints against persons or groups who threaten public peace; and further providing for security to keep the peace.

Referred to Committee on JUDICIARY, January 28, 1992.

**SENATE BILL FOR CONCURRENCE**

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

**SB 1067, PN 1800**

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, January 28, 1992.

**SENATE MESSAGE**

**ADJOURNMENT RESOLUTION FOR CONCURRENCE**

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

In the Senate  
January 27, 1992

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, February 3, 1992, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, February 3, 1992, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate? Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

**LEAVES OF ABSENCE**

The SPEAKER. The Chair recognizes Mr. Evans.

Mr. EVANS. The gentleman from Allegheny, Representative MRKONIC; the gentleman from Allegheny, Representative PISTELLA, for a half day.

The SPEAKER. Without objection, leaves are granted.

The Chair recognizes Mr. Hayes.

Mr. HAYES. I request a leave for the gentleman from Delaware County, Mr. FREIND, for the day.

The SPEAKER. Without objection, leave is granted.

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—198**

Acosta	Donatucci	LaGrotta	Roebuck
Adolph	Durham	Langtry	Rudy
Allen	Evans	Laughlin	Ryan
Anderson	Fairchild	Lawless	Saloom
Angstadt	Fajt	Lee	Saurman
Argall	Fargo	Leh	Scheetz
Armstrong	Farmer	Lescovitz	Schuler
Arnold	Fee	Levdansky	Scrimenti
Barley	Fleagle	Linton	Semmel
Battisto	Flick	Lloyd	Serafini
Belardi	Foster	Lucyk	Smith, B.
Belfanti	Freeman	McCall	Smith, S. H.
Billow	Gallen	McGeehan	Snyder, D. W.
Birmelin	Gamble	McHale	Snyder, G.
Bishop	Gannon	McHugh	Staback
Black	Geist	McNally	Stairs
Blaum	George	Maiale	Steelman
Bowley	Gerlach	Markosek	Steighner
Boyes	Gigliotti	Marsico	Stetler

Broujos	Gladeck	Mayernik	Stish
Brown	Godshall	Melio	Strittmatter
Bunt	Gruitza	Merry	Stuban
Bush	Gruppo	Michlovic	Sturla
Butkovitz	Hagarty	Micozzie	Surra
Caltagirone	Haluska	Mihalich	Tangretti
Cappabianca	Hanna	Mundy	Taylor, E. Z.
Carlson	Harley	Murphy	Taylor, F.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colafella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Corrigan	Johnson	Piccola	Wambach
Cowell	Josephs	Pitts	Williams
Coy	Kaiser	Preston	Wilson
DeLuca	Kasunic	Raymond	Wogan
DeWeese	Kenney	Reber	Wozniak
Daley	King	Reinard	Wright, D. R.
Davies	Kosinski	Richardson	Wright, M. N.
Dempsey	Krebs	Rieger	
Dent	Kruszewski	Ritter	O'Donnell,
Dermody	Kukovich	Robinson	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Freind	Mrkonic	Pistella
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LEAVES CANCELED—1

Pistella

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 829, PN 912**, entitled:

An Act amending the act of July 28, 1988 (P. L. 556, No. 101), known as the "Municipal Waste Planning, Recycling and Waste Reduction Act," providing for returnable beverage containers; requiring a refund value for certain beverage containers; further providing for duties of the Department of Environmental Resources; and providing civil penalties.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that HB 829 be recommended to the Appropriations Committee.

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

\* \* \*

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

**HB 1484, PN 1710.**

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1367, PN 1592**, entitled:

An Act amending the act of July 8, 1986 (P. L. 437, No. 92), known as the "Pennsylvania Agricultural Fair Act," granting certain regulatory authority to the State Harness Racing Commission.

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

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

The question is, shall the bill pass finally?

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

YEAS—196

Acosta	Durham	Langtry	Rudy
Adolph	Evans	Laughlin	Ryan
Allen	Fairchild	Lawless	Saloom
Anderson	Fajt	Lee	Saurman
Angstadt	Fargo	Leh	Scheetz
Argall	Farmer	Lescovitz	Schuler
Armstrong	Fee	Levdansky	Scrimenti
Arnold	Fleagle	Linton	Semmel
Barley	Flick	Lloyd	Serafini
Battisto	Foster	Lucyk	Smith, B.
Belardi	Freeman	McCall	Smith, S. H.
Belfanti	Gallen	McGeehan	Snyder, D. W.
Billow	Gamble	McHale	Snyder, G.
Birmelin	Gannon	McHugh	Staback
Bishop	Geist	McNally	Stairs
Black	George	Maiale	Steelman
Blaum	Gerlach	Markosek	Steighner
Bowley	Gigliotti	Marsico	Stetler
Boyes	Gladeck	Mayernik	Stish
Broujos	Godshall	Melio	Strittmatter
Brown	Gruitza	Merry	Stuban
Bunt	Gruppo	Michlovic	Sturla
Bush	Hagarty	Micozzie	Surra
Butkovitz	Haluska	Mihalich	Tangretti
Caltagirone	Hanna	Mundy	Taylor, E. Z.
Cappabianca	Harley	Murphy	Taylor, F.
Carlson	Harper	Nahill	Taylor, J.
Carn	Hasay	Nailor	Telek
Carone	Hayden	Nickol	Thomas
Cawley	Hayes	Nyce	Tigue
Chadwick	Heckler	O'Brien	Tomlinson
Civera	Herman	Olasz	Trello
Clark	Hershey	Oliver	Trich
Clymer	Hess	Perzel	Tulli
Cohen	Hughes	Pesci	Uliana
Colafella	Itkin	Petrarca	Van Horne
Colaizzo	Jadlowiec	Petrone	Vance
Cole	James	Phillips	Veon
Cornell	Jarolin	Piccola	Vroon
Corrigan	Johnson	Pitts	Wambach
Cowell	Josephs	Preston	Williams
Coy	Kaiser	Raymond	Wilson
DeLuca	Kasunic	Reber	Wogan

DeWeese	Kenney	Reinard	Wozniak
Daley	King	Richardson	Wright, D. R.
Davies	Kosinski	Rieger	Wright, M. N.
Dempsey	Krebs	Ritter	
Dent	Kruszewski	Robinson	O'Donnell,
Dermody	Kukovich	Roebuck	Speaker
Donatucci	LaGrotta		

NAYS—0

NOT VOTING—2

Cessar Noye

EXCUSED—3

Freind Mrkonic Pistella

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 2066, PN 2572**, entitled:

A Joint Resolution ratifying the proposed amendment to the Constitution of the United States, relating to compensation for services of Senators and Representatives.

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

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

The question is, shall the bill pass finally?

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

YEAS—198

Acosta	Donatucci	LaGrotta	Roebuck
Adolph	Durham	Langtry	Rudy
Allen	Evans	Laughlin	Ryan
Anderson	Fairchild	Lawless	Saloom
Angstadt	Fajt	Lee	Saurman
Argall	Fargo	Leh	Scheetz
Armstrong	Farmer	Lescovitz	Schuler
Arnold	Fee	Levdansky	Scrimenti
Barley	Fleagle	Linton	Semmel
Battisto	Flick	Lloyd	Serafini
Belardi	Foster	Lucyk	Smith, B.
Belfanti	Freeman	McCall	Smith, S. H.
Billow	Gallen	McGeehan	Snyder, D. W.
Birmelin	Gamble	McHale	Snyder, G.
Bishop	Gannon	McHugh	Staback
Black	Geist	McNally	Stairs
Blaum	George	Maiale	Steelman
Bowley	Gerlach	Markosek	Steighner
Boyes	Gigliotti	Marsico	Stetler
Broujos	Gladeck	Mayernik	Stish
Brown	Godshall	Melio	Strittmatter
Bunt	Gruitza	Merry	Stuban
Bush	Gruppo	Michlovic	Sturla
Butkovitz	Hagarty	Micozzie	Surra
Caltagirone	Haluska	Mihalich	Tangretti
Cappabianca	Hanna	Mundy	Taylor, E. Z.
Carlson	Harley	Murphy	Taylor, F.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue

Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colaafella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Corrigan	Johnson	Piccola	Wambach
Cowell	Josephs	Pitts	Williams
Coy	Kaiser	Preston	Wilson
DeLuca	Kasunic	Raymond	Wogan
DeWeese	Kenney	Reber	Wozniak
Daley	King	Reinard	Wright, D. R.
Davies	Kosinski	Richardson	Wright, M. N.
Dempsey	Krebs	Rieger	
Dent	Kruszewski	Ritter	O'Donnell,
Dermody	Kukovich	Robinson	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Freind Mrkonic Pistella

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 961, PN 2676**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further prohibiting interference with the lawful taking of wildlife or other activities permitted by the Pennsylvania Game Commission; and further providing for the information which must appear on identification tags which are attached to traps.

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

**BILL RECOMMENDED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. DeWEESE. Mr. Speaker, I move that HB 961 be recommitted to the Committee on Game and Fisheries.

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

\* \* \*

The House proceeded to third consideration of **HB 1109, PN 1259**, entitled:

An Act authorizing the Commonwealth of Pennsylvania to join the Northeast Conservation Law Enforcement Compact; providing for the form of the compact; and imposing additional powers and duties on the Governor and the Compact Administrator.

On the question,

Will the House agree to the bill on third consideration?  
Mr. FEE offered the following amendments No. A0113:

Amend Sec. 2, page 1, line 14, by inserting after "States" listed in Article II

Amend Sec. 2, page 2, line 11, by inserting after "Maine," Maryland,

Amend Sec. 2, page 2, line 13, by inserting after "Vermont" , Virginia

Amend Sec. 2, page 3, line 12, by inserting after "Fish" and Boat

Amend Sec. 2, page 3, line 17, by inserting after "administrator," and like officers from the states of Maryland and Virginia

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

The SPEAKER. On that question, the Chair recognizes Mr. Fee.

Mr. FEE. Mr. Speaker, this is simply a technical amendment that adds the States of Maryland and Virginia to the existing bill.

The SPEAKER. The Chair recognizes Mr. Godshall.

Mr. GODSHALL. Mr. Speaker, I was unable to hear.

First of all, this bill I do not believe was on my voting schedule, so I was not aware of it, and I am not sure if I have the Fee amendment. What does the Fee amendment do? I could not hear.

The SPEAKER. Will the gentleman consent to interrogation? The gentleman, Mr. Fee, is going to respond.

Mr. FEE. Mr. Speaker, this is a technical amendment that simply adds the States of Maryland and Virginia to the original bill, which were omitted. It adds two States.

Mr. GODSHALL. Okay. Thank you, Mr. Speaker.

And further on interrogation, Mr. Speaker, I would like to ask what the cost of this compact is to both the Fish and Game Commissions in the State of Pennsylvania.

Mr. FEE. Each State continues to pay the salary as it exists today. There is no additional cost.

Mr. GODSHALL. Okay. I guess the answer to that question then is, there is no cost of establishing this compact among the various States; there is no additional cost of the compact itself or setting up the compact to the Game and Fish Commissions.

Mr. FEE. The fiscal note says \$5,000.

Mr. GODSHALL. Okay. I did not see the fiscal note. I appreciate it. Thank you very much, Mr. Speaker.

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

The following roll call was recorded:

YEAS—196

Acosta	Donatucci	LaGrotta	Roebuck
Adolph	Durham	Langtry	Rudy
Allen	Evans	Laughlin	Ryan
Anderson	Fairchild	Lawless	Saloom
Angstadt	Fajt	Lee	Saurman
Argall	Fargo	Leh	Scheetz
Armstrong	Farmer	Lescovitz	Schuler
Arnold	Fee	Levdansky	Scrimenti
Barley	Fleagle	Linton	Semmel

Battisto	Flick	Lloyd	Serafini
Belardi	Foster	Lucyk	Smith, B.
Belfanti	Freeman	McCall	Smith, S. H.
Billow	Gallen	McGeehan	Snyder, D. W.
Birmelin	Gamble	McHale	Snyder, G.
Bishop	Gannon	McHugh	Staback
Black	Geist	McNally	Stairs
Blaum	George	Maiale	Steelman
Bowley	Gerlach	Markosek	Stetler
Boyes	Gigliotti	Marsico	Stish
Broujos	Gladeck	Mayernik	Strittmatter
Brown	Godshall	Melio	Stuban
Bunt	Gruitza	Merry	Sturla
Bush	Gruppo	Michlovic	Surra
Butkovitz	Hagarty	Micozzie	Tangretti
Caltagirone	Haluska	Mihalich	Taylor, E. Z.
Cappabianca	Hanna	Mundy	Taylor, F.
Carlson	Harley	Murphy	Taylor, J.
Carn	Harper	Nahill	Telek
Carone	Hasay	Nailor	Thomas
Cawley	Hayden	Nickol	Tigue
Cessar	Hayes	Noye	Tomlinson
Chadwick	Heckler	Nyce	Trello
Civera	Herman	O'Brien	Trich
Clark	Hershey	Olasz	Tulli
Clymer	Hess	Oliver	Uliana
Cohen	Hughes	Perzel	Van Horne
Colafella	Itkin	Pesci	Vance
Colaizzo	Jadlowiec	Petrarca	Veon
Cole	James	Petrone	Vroon
Cornell	Jarolin	Phillips	Wambach
Corrigan	Johnson	Piccola	Williams
Cowell	Josephs	Pitts	Wilson
Coy	Kaiser	Preston	Wogan
DeLuca	Kasunic	Reber	Wozniak
DeWeese	Kenney	Reinard	Wright, D. R.
Daley	King	Richardson	Wright, M. N.
Davies	Kosinski	Rieger	
Dempsey	Krebs	Ritter	O'Donnell,
Dent	Kruszewski	Robinson	Speaker
Dermody	Kukovich		

NAYS—1

Steighner

NOT VOTING—1

Raymond

EXCUSED—3

Freind Mrkonic Pistella

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

On the question,  
Will the House agree to the bill on third consideration as amended?  
Bill 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 Mr. Merry.  
Mr. MERRY. Mr. Speaker, may I interrogate Mr. Fee, the chairman of the Game and Fish Committee?

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. MERRY. Mr. Speaker, the intent of HB 1129 was to provide larger penalties for those who were involved in the willful or accidental shooting of another person, and I believe

this was sort of addressed to those who are involved in turkey hunting accidents. Is that true?

Mr. FEE. I think you are talking about Mr. Bowley's bill. This is not what we are doing now.

Mr. MERRY. Okay. I share some of the same confusion here because we have jumped back and forth.

I will withdraw my interrogation. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

YEAS—196

Acosta	Donatucci	Laughlin	Rudy
Adolph	Durham	Lawless	Ryan
Allen	Evans	Lee	Saloom
Anderson	Fairchild	Leh	Saurman
Angstadt	Fajt	Lescovitz	Scheetz
Argall	Fargo	Levdansky	Schuler
Armstrong	Farmer	Linton	Scrimenti
Arnold	Fee	Lloyd	Semmel
Barley	Fleagle	Lucyk	Serafini
Battisto	Flick	McCall	Smith, B.
Belardi	Foster	McGeehan	Smith, S. H.
Belfanti	Gallen	McHale	Snyder, D. W.
Billow	Gamble	McHugh	Snyder, G.
Birmelin	Gannon	McNally	Staback
Bishop	Geist	Maiale	Stairs
Black	George	Markosek	Steelman
Blaum	Gerlach	Marsico	Steighner
Bowley	Gigliotti	Mayernik	Stetler
Boyes	Gladeck	Melio	Stish
Broujos	Godshall	Merry	Strittmatter
Brown	Gruitza	Michlovic	Stuban
Bunt	Gruppo	Micozzie	Sturla
Bush	Hagarty	Mihalich	Surra
Butkovitz	Haluska	Mundy	Tangretti
Caltagirone	Hanna	Murphy	Taylor, E. Z.
Cappabianca	Harley	Nahill	Taylor, F.
Carlson	Harper	Nailor	Taylor, J.
Carn	Hasay	Nickol	Telek
Carone	Hayden	Noye	Thomas
Cawley	Hayes	Nyce	Tigue
Cessar	Heckler	O'Brien	Tomlinson
Chadwick	Herman	Olasz	Trello
Civera	Hershey	Oliver	Trich
Clark	Hess	Perzel	Tulli
Clymer	Hughes	Pesci	Uliana
Cohen	Itkin	Petrarca	Van Horne
Colafella	Jadlowiec	Petrone	Vance
Colaizzo	James	Phillips	Veon
Cole	Jarolin	Piccola	Vroon
Cornell	Johnson	Pitts	Wambach
Corrigan	Josephs	Preston	Williams
Cowell	Kaiser	Raymond	Wilson
Coy	Kasunic	Reber	Wogan
DeLuca	King	Reinard	Wozniak
DeWeese	Kosinski	Richardson	Wright, D. R.
Daley	Krebs	Rieger	Wright, M. N.
Davies	Kruszewski	Ritter	
Dempsey	Kukovich	Robinson	O'Donnell,
Dent	LaGrotta	Roebuck	Speaker
Dermody	Langtry		

NAYS—0

NOT VOTING—2

Freeman Kenney

EXCUSED—3

Freind Mrkonic Pistella

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 309, PN 2786**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for information on prospective child-care personnel.

On the question,

Will the House agree to the bill on third consideration?

Mr. DeLUCA offered the following amendments No. A0099:

Amend Sec. 1 (Sec. 6344), page 5, line 5, by inserting after "founded"

or indicated

Amend Sec. 2, page 8, lines 7 and 8, by striking out "March 19, 1991, or in" in line 7, all of line 8 and inserting in 60 days.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is a technical amendment. It just makes it conform to the Department of Welfare's standards.

I would appreciate an affirmative vote on this amendment. Thank you.

The SPEAKER. Will the gentleman, Mr. DeLuca, come to the desk.

The attention of the House is urged to the remarks of the gentleman, Mr. DeLuca.

The Chair recognizes Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I guess I was a little bit misinformed when I first said this was a technical amendment, and after reviewing it, after it was brought to my attention by you, it is more than a technical amendment, and let me explain what it does.

We have in the bill right now, it says "founded," and they are court-founded decisions. What we have added, and which is in the department's regulation, is "indicated." We have added "founded" and "indicated," and this means that it has to be similar to all other child care provisions that have to be submitted. All we are doing is making it conform to the Department of Welfare's standards that are already in there right now and with the law, because all other child care workers have to submit this type of information. Thank you.

I ask for an affirmative vote, Mr. Speaker.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I wonder if the gentleman, Mr. DeLuca, would consent to interrogation.

The SPEAKER. The gentleman indicates that he will. The gentleman may proceed.

Mr. LLOYD. Mr. Speaker, what I am having a hard time understanding is, you are saying that all we are doing with the self-employed family day-care providers is exactly what we do with everybody else at the present time, but yet I look back on page 3 of the bill, which is a recitation of current law with regard to, for example, on page 3, line 13, where it says, "Grounds for denying employment.—In no case shall an administrator hire an applicant where the department has verified that the applicant is named in the central register as the perpetrator of a founded report....," and it does not say "indicated," and I do not know if there are discrepancies like that other places or not.

Mr. DeLUCA. Mr. Speaker, go to page 2, please, at line 18.

Mr. LLOYD. Okay. I see it on page 2, line 20. I do not see it on page 3, and I do not really know the distinction between "founded" or "indicated," but I suspect that "indicated" means that we do not have any proof.

Mr. DeLUCA. We have proof. It is a finding of fact, from what I understand. It is a finding from the Department of Welfare.

Mr. LLOYD. All right. Mr. Speaker, on the amendment, I thank the gentleman for his answer.

The SPEAKER. While we are waiting for the gentleman, Mr. Lloyd, to obtain counsel, is there anyone else seeking recognition on this matter?

The Chair recognizes Mr. Saurman.

Mr. SAURMAN. Mr. Speaker, I thank you.

I wonder if the maker of the amendment would stand for interrogation.

The SPEAKER. The maker of the amendment is occupied at the moment.

The Chair would urge the gentleman, Mr. DeLuca's attention to the gentleman, Mr. Saurman, and perhaps the staff can advise Mr. Lloyd.

The gentleman indicates he is willing to be interrogated. The gentleman, Mr. Saurman, may proceed.

Mr. SAURMAN. Mr. Speaker, for my better understanding, would you describe what an indicated report is as opposed to a founded report?

Mr. DeLUCA. Mr. Speaker, a report from the department that the department has received - the Department of Welfare Child Day Care Bureau has received. It has been substantiated, but it has not been decided by the courts. That is my understanding, Mr. Speaker.

Mr. SAURMAN. Thank you, Mr. Speaker.

May I make a statement then, Mr. Speaker?

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

Mr. SAURMAN. Mr. Speaker, this is of concern to me and I would think to everyone because of our process of justice or supposed justice in that before an action or someone should be deprived of any right or activity, there should be proof. In this instance, that proof may be apparent to the agency, to the Department of Welfare, but the individual has not had the opportunity to defend against that. There may indeed be some justification, and probably is, for further investigation, but until such action has been proven, until that individual has been found in fact guilty and founded, then I would think that this is a dangerous precedent and that we should oppose this amendment, Mr. Speaker. Thank you.

The SPEAKER. The Chair recognizes Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I guess I have to wait till Representative Lloyd gets a response, but let me ask this question anyway.

The SPEAKER. Is the gentleman seeking to interrogate Mr. DeLuca?

Mr. CLYMER. Yes. That would make it easier.

The SPEAKER. Will the gentleman, Mr. DeLuca, stand for interrogation? The gentleman indicates that he will. The gentleman may proceed.

Mr. CLYMER. Would you advise me again the necessity for HB 309? Why do we have before us today for final consideration HB 309?

Mr. DeLUCA. Mr. Speaker, do we want to address the amendment first before we address his statement?

The SPEAKER. The gentleman is in order. The matter before the House is the amendment.

Mr. DeLUCA. Mr. Speaker, what I would like to do, since there—

The SPEAKER. If the gentleman, Mr. DeLuca, would hold up. The gentleman, Mr. Clymer, has the floor.

Mr. CLYMER. We are on the amendment. Then let us do the amendment process first, and then I think my question may be answered in the process. Thank you.

The SPEAKER. The Chair recognizes Mr. Snyder.

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, I would also like to interrogate the maker of the amendment.

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

Mr. D. W. SNYDER. Mr. Speaker, what I would like to know is, what information is provided to the registry right now? What classifications of information are provided by the county children and youth agencies?

Mr. DeLUCA. Mr. Speaker, the county is required to submit any abuse from the child support services, any findings pertaining to child abuse, to the department. The child support agency is a protective agency, Mr. Speaker.

Mr. D. W. SNYDER. Mr. Speaker, let me go one step back.

When the county agency receives a complaint or an inquiry concerning child abuse, is it not first their responsibility to investigate that report to determine whether or not there is evidence of child abuse and to make some findings with regard to that?

Mr. DeLUCA. Yes, Mr. Speaker.

Mr. D. W. SNYDER. Mr. Speaker, if the county agency determines that there is not sufficient evidence to demonstrate that there is child abuse, does the county also forward to the registry that information?

Mr. DeLUCA. What they do, Mr. Speaker, is send the information to the agency that it is an unfounded accusation, unfounded finding.

Mr. D. W. SNYDER. So basically, Mr. Speaker, what we have coming from the county agency are findings of evidence of child abuse. Also, we have reports of child abuse in which the county agency has investigated and has determined that there is not sufficient evidence to, quote, "find," unquote, child abuse exists. Correct?

Mr. DeLUCA. Yes, Mr. Speaker.

Mr. D. W. SNYDER. Mr. Speaker, would not the language that you are proposing with this amendment deal with that latter category of allegations of child abuse but, after determination by the county, the county has determined that there is not sufficient evidence to find that there is child abuse in that particular case, based on that individual complaint?

Mr. DeLUCA. Yes, Mr. Speaker.

Mr. D. W. SNYDER. Okay. I would like to end the interrogation and make some comments.

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

Mr. D. W. SNYDER. Mr. Speaker, we have dealt with this issue many times in many situations, and it has been the concern of this body during those deliberations that the mandated requirement by health care professionals, educators, and other public health officials in the community who are required to report child abuse be not hindered in their reporting by the fear that there might be an identification of a child abuse complaint that is invalid at a later date, which is why, Mr. Speaker, we use the county department of youth to screen the child abuse investigation requests and make determinations. I fear that by including this amendment with this law, we are opening the door to those persons— Maybe it is a spouse who is separated who wants to utilize the system of child abuse complaints to oppose their other spouse, or there might be neighbors or there might be other people who have no basis to file these complaints, but these reports would then be included with the registry and would have to be reported under this provision.

I have not heard of any problems of potential child abuse not being reported through the definition of "founded reports," and I feel that the amendment would not strengthen this bill but would face the risk of HB 309 being defeated if this amendment would go through.

#### AMENDMENTS WITHDRAWN

The SPEAKER. The Chair recognizes Mr. DeLuca.

Mr. DeLUCA. Mr. Speaker, I think the Representative makes a good point, and I certainly respect his opinion, and I want to withdraw this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

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

On that question, the Chair recognizes Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, getting back to my prior question, and that is, why do we have HB 309 before us? Is there a need, and can the prime sponsor of the bill elaborate on that very question?

The SPEAKER. The gentleman is in order. The question is put to the gentleman, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

What we are attempting to do is make it safer out there for the families who utilize these day-care centers. Mr. Clymer wanted to know if there is a need. There is a big need out there, Mr. Speaker. One of the highest categories in the child abuse category in the 1990 statistics is from household members, and babysitters are number one; household members are number two. Let me give you the statistics for 1990. Babysitters account for 761 cases; household members are 407 cases.

Is there a need? Yes, there is a need. There is no way that we should permit children to be placed in centers, family day-care situations, unless everyone in that 14 years or older has a clearance. And as you see, family members is the second highest category for child abuse, so there is a great need for this legislation.

Mr. CLYMER. Mr. Speaker, another question. In that definition of "family members," does that include relatives, boyfriend, girlfriend? Would those people be included in that category, in that definition?

Mr. DeLUCA. Anybody 14 or older who resides in that family residence. Yes, it does. If they reside in that residence, they are required to have a background check, and let me say this: Regardless if they are a relative or not, they are one of the ones who have the closest contact, because they reside in that family situation there.

Mr. CLYMER. Mr. Speaker, that is the end of my interrogation. Just a few comments on the bill.

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

Mr. CLYMER. Mr. Speaker, I appreciate the prime sponsor giving me those figures and other facts, but what I read in the paper, a lot of child abuse is by the very people I talked about - relatives, boyfriends, girlfriends, who abuse a child. I am not sure you are going to have these people who are going to willfully submit themselves to the kind— Those people are going to be excluded, because the bill says that this section applies to an individual 14 years or older, and these teenagers that we are going to have checked out, many of them are going to be in school; they are going to have other activities. But the very people that I think we need to center in on are the people who will not submit to the investigation; they will not allow themselves to be put in a position where



they are going to have their names submitted to be checked out. I just have a problem with that, and I am not sure how I am going to vote on the bill, but I just see some bureaucracy here. I wonder whether or not this is a move in the right direction. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Davies.

Mr. DAVIES. Thank you, Mr. Speaker.

Would the gentleman consent to a few further questions?

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. DAVIES. Mr. Speaker, where in the bill do we establish residency? What is the definition of "residency"?

Mr. DeLUCA. Page 5, Mr. Speaker, lines 3 and 4, "...an individual 14 years of age or older who resides in the applicant's home...." "Resides" means lives there.

Mr. DAVIES. "Resides" - where is the definition of "resides"? Where do we establish what is residency?

All right. I am going to go further then. What about somebody who is going to have 2 days of visitation, a youngster who is going to come back 2 days a week just for visitation of the mother or father in the home? That is not residency. We are not going to subject those people to the same matter of criminal records. Let us take somebody who comes and visits for 2 weeks during the summertime - again, the matter of separation or something like that and comes to visit. In other words, essentially, as I see it, you do not establish temporary residency as opposed to formal residency. You have no time structure or anything like that. Is that correct?

Mr. DeLUCA. Mr. Speaker, as long as that person— And I guess we all know what "resides" means because of the fact that when we circulate our petitions for reelection, we have to reside in the residency that we live in, so I think that we certainly know what "resides" means. "Resides" means that you are living there. Now, if you are talking about somebody who temporarily comes for a weekend or something, as long as those children are not there— And I do not consider him residing there if he is only a visitor. To me, that would be a visitor. If somebody comes to my house on the weekend who wants to stay there, he is a visitor. He is not an individual residing in my family because he has an address someplace else.

Now, we do not have a separate paragraph in here that says what residents are, but I presume that we all know what "resides" means, Mr. Speaker.

Mr. DAVIES. Thank you, Mr. Speaker.

You quote the election laws as a citing of residency or something like that. I do not think it is a very strong argument for a residency simply because of all the abuse that we have had over the years of that as a matter even in our election process. And I think that your bill is sadly lacking without coming to some kind of definition of those who maybe come under a court order or under a court agreement as to reside there in the summertime, actually is it really temporary residency, and you do not clearly establish that. I think—

The SPEAKER. The Chair assumes the gentleman has finished his interrogation and is making remarks on the bill?

Mr. DAVIES. Yes. Thank you, Mr. Speaker. That is true.

I do have a problem without establishing some kind of definition in residency. Thank you.

The SPEAKER. The Chair recognizes Mr. Olasz.

Mr. OLASZ. Mr. Speaker, would the maker of the bill stand for interrogation?

The SPEAKER. The gentleman indicates that he will. The gentleman may proceed.

Mr. OLASZ. Mr. Speaker, can you tell me currently what is the system that we use for clearance for the persons who are hired in these homes?

Mr. DeLUCA. Mr. Speaker, right now only the operator has to get a clearance. The operator of the establishment has to get a clearance.

Mr. OLASZ. This record system currently on violators is maintained by the State Police. Is that correct?

Mr. DeLUCA. It is a State Police clearance. Yes, they have that record, and plus the child abuse—

Mr. OLASZ. Okay. Mr. Speaker, I just want to make a brief statement.

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

Mr. OLASZ. None of us will deny that we have a problem with child abuse. It increases every day. But from the appearance of this bill and what I have been able to determine, what we have is a duplication of effort, and you are going to place these confidential records in the hands of the Department of Welfare that is already badly understaffed to the point where they cannot even monitor abuses of the system. I think we had better look elsewhere than to pass this on to the Department of Welfare, because in budget cutbacks, if you talk to anyone out in the field, they do not have sufficient investigators to check on the abuses of this system that are costing taxpayers hundreds of thousands of dollars, and to further put this in their hands and put the confidentiality of some records in some hands of some people who might be questionable, I do not think it is a very good idea.

For that reason, I would ask my colleagues to reject this and perhaps rephrase it and keep it in the hands of a police force. I want you to think about it.

The SPEAKER. The Chair recognizes Mr. Merry.

Mr. MERRY. Mr. Speaker, may I interrogate the maker of the bill, Mr. DeLuca?

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. MERRY. Mr. Speaker, would you tell me what is a family day-care provider? My question really revolves about how big a person is this? One who handles three or four—

Mr. DeLUCA. Anyone who handles four up to six unrelated children in their home, Mr. Speaker.

Mr. MERRY. I am sorry. I did not hear that.

Mr. DeLUCA. Anyone who handles four up to six unrelated children in their home.

Mr. MERRY. I see. So this can just be ordinary homes.

Mr. DeLUCA. Yes. Correct.

Mr. MERRY. All right.

Mr. Speaker, that ends my interrogation. I would like to remark upon the bill.

The SPEAKER. The gentleman is in order.

Mr. MERRY. Mr. Speaker, I certainly have great respect for those who want to try to make child abuse go away. If I thought that added bureaucracy was going to make that happen, I certainly could support this. But I have a problem. It is similar to one of those that is shared by previous speakers. What happens when a person comes home from college and is a resident for 2 weeks or a month or they are there for the summertime? Does that automatically mean that this day-care provider is going to lose their license?

These types of day-care providers that we are addressing here are just sort of "mom and pop" operations. I have them throughout my communities, and if I felt that it was going to accomplish any real good to have this additional bureaucracy of inspections and approvals and so forth for a visitor who is not identified as to what a true resident is, whether it is someone who just stays overnight, someone who stays for a week, someone who stays for a month, someone who just pops in and pops out— I do not feel that the bill is well written. It establishes bureaucracy that does not accomplish any real purpose.

For that reason, I would urge the members to defeat the bill at this time.

The SPEAKER. The Chair recognizes Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

I would like to interrogate the maker of the bill.

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. SAURMAN. Mr. Speaker, I support certainly the concept of this legislation. I am concerned about one major part of it, and I would appreciate some interpretation of that.

We are talking about individuals 14 years of age or older. Under the confidentiality of minors, is it likely or is it possible that this information would be available with regard to those who are 14 to 18, or is it, as it would appear to be, in conflict with existing law insofar as confidentiality is concerned?

Mr. DeLUCA. Mr. Speaker, I want to apologize. We were in the midst of changing earphones. Would you repeat that, please?

The SPEAKER. The question the gentleman put forward was, given the existing law on confidentiality as it applies to juveniles under 18 years of age, would that impede the record-gathering that the gentleman is seeking in this bill?

Mr. DeLUCA. Mr. Speaker, some of that information cannot be gathered by the State Police presently, unless it is something very serious, like a murder or a homicide or something like that. Then it gets moved to the adult part of it, the adult record.

Mr. SAURMAN. So as I understand the answer then, the only situation that this would involve with regard to a 14-year-old or those under 18 would be those crimes that are heinous enough to be transferred to the adult court system, the adult justice system. Is that correct?

Mr. DeLUCA. Correct.

Mr. SAURMAN. So then it really limits the effectiveness of the bill, and if they are the only ones who are being affected, maybe the language should express that. This generalization, I would think that—

Mr. DeLUCA. Mr. Speaker, are you interrogating me?

Mr. SAURMAN. Yes.

Mr. DeLUCA. Are you saying that this amends the Juvenile Act? You are not saying that, are you?

Mr. SAURMAN. No, no.

Mr. DeLUCA. Okay. All right.

Mr. SAURMAN. All I am saying is that it would appear to be ineffective because you cannot change that confidentiality, and I would agree that this should apply to those about whom the information is readily available.

The SPEAKER. Will the gentleman suspend?

It would appear that the level of conversation has now reached those who have the floor, and the gentlemen are seeking a conversation. The Chair would urge everyone to back off from their conversation, lower the level of noise, and for the gentleman, Mr. Saurman, to frame a question if he has one.

Mr. SAURMAN. Thank you, Mr. Speaker.

My question has to do with the language that says 14 or older, and my question specifically is, what will be the net effect of this language?

Mr. DeLUCA. Mr. Speaker, as you know, the Child Abuse Registry has that information, and that is available if there has been a child abuse situation out there. You do not have to go to the adult courts for that. That is available today, and that also is available to the State Police if they are a teenager with a child abuse record.

Mr. SAURMAN. Then what you are saying is that that confidentiality in this instance would not preclude this information from being available to those who are making the investigation.

Mr. DeLUCA. Mr. Speaker, let me specify. We are not changing any of the protections under the Juvenile Act, child Juvenile Act.

Mr. SAURMAN. Mr. Speaker, may I make a statement?

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

Mr. SAURMAN. I would hope that the effectiveness of this language will be what the maker of this legislation intends. I would hope that the fact that the question has been raised would indicate to perhaps the Senate that they look closely at it. But I certainly would support the concept of checking out these facilities in the hope that we could preclude any possible child abuse that might take place in the future. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

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

Mr. DeLUCA. Yes.

The SPEAKER. The gentleman indicates that he will. The gentleman is in order.

Mr. FAIRCHILD. Thank you.

On the figures that you previously quoted, Mr. Speaker, how many perpetrators last year perpetrated a child abuse crime who were members of a family day-care home? There was some confusion as to whether the figures indicated across the board just residents of any home or did the figures you quoted apply specifically to family day-care homes that we are talking about in this bill?

Mr. DeLUCA. Actually, Mr. Speaker, I do not have the statistics relating to the day-care homes. The figures I gave you, Mr. Speaker, we cannot be sure how many of them relate to it, but from our understanding a majority of them do.

Now, I do not have the exact statistics of how many of that 507 or the babysitter part of it pertains to those households, the day-care facilities. I do not have those figures, Mr. Speaker, but we understand a majority of them are related to that type of facility. But to break it down exactly, I do not have that.

Mr. FAIRCHILD. The issue seems to be to me, I mean, I think we can all agree—and I do not want to get into making statements—the issue, I believe, is, does not the department, if they have a violation, a perpetrator of the law under the child abuse act, why would they not keep statistics to know if someone who would be a resident of that facility, why would they not keep— We seem to keep records of everything else in this Commonwealth, and it seems so commonsense that this would be very readily available, but can you explain why they do not or what kind of justification they have for not following through on these figures?

Mr. DeLUCA. Mr. Speaker, I agree with you. Why the department does not do that right now, I cannot answer that, but certainly that is something we in the House should look at to mandate that they keep those types of statistics for the record.

I certainly agree with what you are saying. They do not do it right now. I do not know why they do not do it, but it is certainly a very legitimate point that we should bring up to them, to ask them to compile these types of statistics.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support this piece of legislation. Really what it says here is that anybody 14 years of age or older who is a resident of a family day-care center should go through the check. We have found in many places across the State where a husband of a wife who runs a family day-care center is a perpetrator.

I do not see anything wrong with this. And, you know, it is just a simple piece of legislation here that all it does is affords a lot more protection for somebody who runs a family day-care center. If somebody who wants to run a family day-care center cannot put themselves and their family through this process of getting a check— And people are saying here that, you know, they have no affiliation with the day care; that

child goes to school and they are not there. But in other words, we also ask teachers to go through this process, and then we ask a janitor who works in that school system to go through this process who has no direct care of a child or instruction to that child.

It is just a simple piece of legislation. I want to tell you, I am the chairman of the Aging and Youth Committee. The bill has gone through the committee. We have taken it through the process, and I assure you, if there was no need for this legislation, it would not be on the floor here today.

I ask for an affirmative vote on it.

On the question recurring,

Shall the bill pass finally?

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

YEAS—198

Acosta	Donatucci	LaGrotta	Roebuck
Adolph	Durham	Langtry	Rudy
Allen	Evans	Laughlin	Ryan
Anderson	Fairchild	Lawless	Saloom
Angstadt	Fajt	Lee	Saurman
Argall	Fargo	Leh	Scheetz
Armstrong	Farmer	Lescovitz	Schuler
Arnold	Fee	Levdansky	Scrimenti
Barley	Fleagle	Linton	Semmel
Battisto	Flick	Lloyd	Serafini
Belardi	Foster	Lucy	Smith, B.
Belfanti	Freeman	McCall	Smith, S. H.
Billow	Gallen	McGeehan	Snyder, D. W.
Birmelin	Gamble	McHale	Snyder, G.
Bishop	Gannon	McHugh	Staback
Black	Geist	McNally	Stairs
Blaum	George	Maiale	Steelman
Bowley	Gerlach	Markosek	Steighner
Boyes	Gigliotti	Marsico	Stetler
Broujos	Gladeck	Mayernik	Stish
Brown	Godshall	Melio	Strittmatter
Bunt	Gruitza	Merry	Stuban
Bush	Gruppo	Michlovic	Sturla
Butkovitz	Hagarty	Micozzie	Surra
Caltagirone	Haluska	Mihalich	Tangretti
Cappabianca	Hanna	Mundy	Taylor, E. Z.
Carlson	Harley	Murphy	Taylor, F.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colafella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Corrigan	Johnson	Piccola	Wambach
Cowell	Josephs	Pitts	Williams
Coy	Kaiser	Preston	Wilson
DeLuca	Kasunic	Raymond	Wogan
DeWeese	Kenney	Reber	Wozniak
Daley	King	Reinard	Wright, D. R.
Davies	Kosinski	Richardson	Wright, M. R.
Dempsey	Krebs	Rieger	
Dent	Kruszewski	Ritter	
Dermody	Kukovich	Robinson	O'Donnell, Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Freind            Mrkonic            Pistella

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

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

The SPEAKER. For the information of the members, there will be no more votes cast this morning.

### VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

I rise to correct the record.

The SPEAKER. The gentleman is in order.

Mr. FREEMAN. Thank you.

I would like to correct the record to show that although my vote was not cast on HB 1109, I would like to be recorded in the affirmative.

### STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. Does the gentleman, Mr. Oliver, have an announcement?

Mr. OLIVER. Mr. Speaker, there will be a meeting of the State Government Committee at the rear of the House at the call of the recess.

### VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Steighner.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, I malfunctioned when the vote was taken on the Fee amendment A0113. Had I been functioning properly, I would have voted in the affirmative.

The SPEAKER. The Chair recognizes Mr. Kenney.

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, on final passage of HB 1109, I would like to be recorded in the affirmative. Thank you.

The SPEAKER. The Chair recognizes Mr. King.

Mr. KING. Mr. Speaker, I would like to speak with unanimous consent.

The SPEAKER. If the gentleman would delay 1 second.

### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes Mr. Evans.

Mr. EVANS. Mr. Speaker, I would like to announce that there will be a meeting of the House Appropriations Committee in the majority caucus room immediately. Thank you.

### STATEMENT BY MR. KING

The SPEAKER. The Chair recognizes Mr. King.

Mr. KING. Mr. Speaker, I rise today to place on the record of this General Assembly, this House of the people of this great Commonwealth, a voice of dissent. Last week our Pennsylvania citizens were called lazy, illiterate, and inferior; men and women without pride in their jobs. These intemperate words were spoken from the mouth of a representative of a foreign country, a country that perpetrated a sneak attack upon our shores in my lifetime, that cost our country and State the lives of thousands of our citizens and for the last 47 years untold wealth in placing an umbrella of protection over their country and its citizens.

I am here to respond to these irresponsible and vacuous statements made by a man from another country and another culture. Our people are not served by silence on this matter. Pennsylvania's citizens are women and men of great courage and dignity. When called to protect freedom across the world, they answered the call. You are full of compassion. When floods, pestilence, and famine strike the unfortunate of the world, you respond by offering your hand, your hearts, and, yes, your hard-earned money to lift up, to heal, and to rebuild.

I stand here today to salute you and to thank you for your kind heart and dedicated hands. Yes, we have those who struggle to read, but it is we who will lift them up. It is we who will educate them, to feed them, and to put hope in their hearts. It is the people of this great State and country who sent men to the moon, broke the back of communism, brought down the wall in Berlin, and tore open the gates of Auschwitz.

Yes, we are in a period of transition, a crossroads that any traveler faces on a long journey, but our spirit and resolve is intact and our step is sound. Let this message of thanks be carried on the books of this great hall, to be forever a part of this chamber, to be carried to the next generation.

We stand tall, we are proud, we are united, and we will decide our destiny. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### RECESS

The SPEAKER. This House will now be in recess until 1:15.

### AFTER RECESS

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

### THE SPEAKER PRO TEMPORE (JEFFREY W. COY) PRESIDING

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

HB 392, PN 420

By Rep. GAMBLE

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

LOCAL GOVERNMENT.

**HB 737, PN 2990** (Amended)

By Rep. GAMBLE

An Act amending the act of July 10, 1987 (P. L. 246, No. 47), known as the "Financially Distressed Municipalities Act," further providing for the jurisdiction of the courts of common pleas relating to distressed municipalities.

LOCAL GOVERNMENT.

**HB 1340, PN 2989** (Amended) By Rep. GEORGE

An Act amending the act of July 28, 1988 (P. L. 556, No. 101), known as the "Municipal Waste Planning, Recycling and Waste Reduction Act," requiring the purchase of postconsumer office paper products by the Department of General Services, Commonwealth agencies, political subdivisions and local school districts.

CONSERVATION.

**HB 1902, PN 2291** By Rep. RICHARDSON

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for assignment of medical assistance recipient's rights to recover certain support or third party medical payments; and further providing for third party liability.

HEALTH AND WELFARE.

**HB 1919, PN 2311** By Rep. RICHARDSON

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing that the clerk of the court of common pleas shall add the Department of Public Welfare as a party to support proceedings at its request.

HEALTH AND WELFARE.

**HB 1925, PN 2317** By Rep. CALTAGIRONE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for civil damages for conversion of timber.

JUDICIARY.

**HB 2033, PN 2539** By Rep. GAMBLE

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for volunteer firefighters with out-of-State training and certification.

LOCAL GOVERNMENT.

**HB 2267, PN 2865** By Rep. CALTAGIRONE

An Act amending the act of June 19, 1913 (P. L. 528, No. 338), entitled "An act fixing the penalty for murder of the first degree; regulating the procedure incident to the infliction thereof; prescribing and providing for a place and manner of inflicting said penalty on the grounds of the new Western Penitentiary of this Commonwealth, in Centre County; making an appropriation therefor; repealing inconsistent legislation; and providing that neither this act nor said repeal shall apply to any case in which it shall appear that said crime was committed prior to the date of the approval of this act," further providing for the procedures for the implementation of the death penalty.

JUDICIARY.

**HB 2288, PN 2991** (Amended)

By Rep. GAMBLE

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," providing for a supplemental retirement benefit for certain persons.

LOCAL GOVERNMENT.

**HB 2289, PN 2907**

By Rep. GAMBLE

An Act amending the act of December 18, 1984 (P. L. 1005, No. 205), known as the "Municipal Pension Plan Funding Standard and Recovery Act," further providing for general municipal pension system State aid for paid firefighters in counties of the second class and for actuarial valuation reporting by eligible recipient municipalities.

LOCAL GOVERNMENT.

**HB 2297, PN 2915**

By Rep. GEORGE

An Act designating the Yellow Breeches Creek as a component of the Pennsylvania Scenic Rivers System in accordance with the Pennsylvania Scenic Rivers Act; and providing for cooperation and coordination in its protection and use and for the responsibilities of its management.

CONSERVATION.

**SB 402, PN 1872** (Amended)

By Rep. CALTAGIRONE

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for a lottery winnings intercept in relation to delinquent support obligors.

JUDICIARY.

**SB 538, PN 1874** (Amended)

By Rep. GAMBLE

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," authorizing the county planning commission to adopt certain regulations; abolishing the office of elected coroner and creating the position of county medical examiner in counties of the second class; and further providing for fiscal years and budgets.

LOCAL GOVERNMENT.

**SB 1115, PN 1873** (Amended)

By Rep. CALTAGIRONE

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for rights of accused in criminal prosecutions.

JUDICIARY.

**BILLS REREPORTED FROM COMMITTEE**

**HB 211, PN 1750**

By Rep. EVANS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the issuance of special registration plates for veterans of the Korean War.

APPROPRIATIONS.

**HB 382, PN 2985** (Amended)

By Rep. EVANS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further regulating surrender of registration plates and cards.

## APPROPRIATIONS.

**HB 416, PN 475** By Rep. EVANS

An Act designating Pine Creek and certain tributaries in Tioga County as a component of the Pennsylvania Scenic Rivers System; requiring cooperation and coordination by State agencies in implementing the purposes of the Pennsylvania Scenic Rivers Act; limiting liability; and authorizing the expenditure of moneys to further the purposes of this act.

## APPROPRIATIONS.

**HB 1103, PN 1630** By Rep. EVANS

An Act establishing the Pennsylvania Heritage Affairs Commission and prescribing its powers and duties; and providing for a director of State folklife programs and the Folklife Advisory Council.

## APPROPRIATIONS.

**HB 1530, PN 2820** By Rep. EVANS

An Act establishing an Agricultural Advisory Board in the Department of Environmental Resources and prescribing its powers and duties; and providing for rules and regulations adopted by the Environmental Quality Board.

## APPROPRIATIONS.

**HB 1704, PN 2986 (Amended)**

By Rep. EVANS

An Act regulating tanning facilities; providing for the registration of persons operating tanning facilities; requiring that certain warnings be given and safeguards be taken; providing penalties; and making a repeal.

## APPROPRIATIONS.

**BILLS ON SECOND CONSIDERATION**

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

**HB 211, PN 1750; HB 382, PN 2985; HB 416, PN 475; HB 1103, PN 1630; HB 1530, PN 2820; and HB 1704, PN 2986.**

**BILL REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND TABLED****SB 1440, PN 1727** By Rep. EVANS

An Act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1991-1992.

## APPROPRIATIONS.

**BILL REMOVED FROM TABLE**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Greene County, the majority leader, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I move that SB 1440 be removed from the tabled calendar and appear on the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**BILLS REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND TABLED****HB 106, PN 2987 (Amended)**

By Rep. OLIVER

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for the purchase of retirement credits by members of the Peace Corps; and providing for nonintervening military service.

## STATE GOVERNMENT.

**HB 1390, PN 1615**

By Rep. OLIVER

An Act selecting and designating the square dance as the official folk dance of the Commonwealth of Pennsylvania.

## STATE GOVERNMENT.

**HB 1802, PN 2155**

By Rep. OLIVER

An Act creating a Women's Equity Fund for women entrepreneurs seeking to establish or expand a business within this Commonwealth; providing small capital infusions to women-owned businesses; specifying the conditions of and requirements for investment; establishing the Women's Equity Fund Board and providing for its powers and duties; granting authorization to expend appropriated funds to the Bureau of Women's Business Development; and making appropriations.

## STATE GOVERNMENT.

**HB 1887, PN 2270**

By Rep. OLIVER

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," making editorial changes relating to the Governor's residence.

## STATE GOVERNMENT.

**HB 1888, PN 2271**

By Rep. OLIVER

An Act amending the act of December 19, 1986 (P. L. 1743, No. 212), entitled "An act prohibiting the use of certain buildings for political fundraising events; and providing a penalty," making editorial changes relating to the Governor's residence.

## STATE GOVERNMENT.

**HB 2010, PN 2512**

By Rep. OLIVER

An Act amending the act of December 7, 1990 (P. L. 667, No. 166), entitled "An act authorizing the Department of General Services, with the approval of the Governor and the Department of Corrections, to convey certain land in the Borough of Huntingdon, Huntingdon County, to the Borough of Huntingdon; authorizing and directing the Department of Transportation, with the approval of the Governor, to convey to Bernard C. Banks, Jr., a tract of land situate in Kingston Township, Luzerne County, Pennsylvania; authorizing and directing the Department of Transportation, with the approval of the Governor, to convey to Frank Jerome an easement over lands belonging to the Commonwealth situate in Indiana Township, Allegheny County, Pennsylvania; authorizing and directing the Department of Transportation, with the approval of the Governor, to convey to the Middletown Fire Department a tract of land situate in Middletown Township, Delaware County, Pennsylvania; authorizing the State Armory Board of the Department of Military Affairs and the Department of General Services, with the approval of the Governor, to sell and convey a tract of land,

together with the building and structures thereto, in the City of Chester, Delaware County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Education, to lease to Temple University a tract of land with improvements thereon in the City of Philadelphia, Pennsylvania; and authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Environmental Resources, to convey to Pavia Cemetery Association a certain tract of land situate in Union Township, Bedford County, in exchange for a certain tract of land," further providing for the sale and conveyance of the Chester National Guard Armory.

## STATE GOVERNMENT.

**HB 2156, PN 2699**

By Rep. OLIVER

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey tracts of land situate in East Vincent Township, Chester County, Pennsylvania.

## STATE GOVERNMENT.

**HB 2169, PN 2988 (Amended)**

By Rep. OLIVER

An Act amending the act of December 17, 1990 (P. L. 742, No. 185), entitled "An act providing for restrooms in facilities where the public congregates; and requiring that restroom facilities be provided for women on an equitable basis," further providing for the definition of "facilities where the public congregates"; and requiring diaper changing areas in men's and women's restrooms.

## STATE GOVERNMENT.

**SB 205, PN 1871 (Amended)**

By Rep. OLIVER

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for the apportionment of this Commonwealth into congressional districts.

## STATE GOVERNMENT.

**CALENDAR CONTINUED****BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1129, PN 2724**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for increased penalties for shooting at, causing injury to or killing another person.

On the question,

Will the House agree to the bill on third consideration?

Mr. BOWLEY offered the following amendments No. A2884:

Amend Sec. 1, page 1, line 6, by striking out "and (b)" and inserting

, (b) and (j)

Amend Sec. 1 (Sec. 925), page 2, by inserting between lines 23 and 24

(j) Title 18 inapplicable.—Title 18 (relating to crimes and offenses) is inapplicable to this title insofar as it relates to:

(1) intent, willfulness of conduct or fines and imprisonment for convictions of summary offenses and misdemeanors; or

(2) criminal records under 18 Pa.C.S. Ch. 91 (relating to criminal history record information) for summary offenses and misdemeanors.

On the question,

Will the House agree to the amendments?

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

Mr. BOWLEY. Thank you, Mr. Speaker.

Mr. Speaker, amendment 2884 is a technical amendment which will prohibit an offense under the Game Code from appearing under Title 18 of the Pennsylvania Consolidated Statutes, and therefore, someone's criminal history would not go to the State Police. We are doing this at the request of some of the members of the committee who were concerned that someone who would have a violation under the Game Code would have a permanent record under Title 18 and the Pennsylvania State Police.

I would ask for an affirmative vote.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

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

The SPEAKER pro tempore. The gentleman, Mr. Bowley, consents to interrogation. The gentleman, Mr. Godshall, is in order and may proceed.

Mr. GODSHALL. Title 18 specifically says, "Fingerprints of all persons arrested for a felony, misdemeanor or summary offense which becomes a misdemeanor on a second arrest after conviction of that summary offense, shall be taken by the arresting authority, and...shall be forwarded to, and in a manner and such a form as provided by, the central repository." This statute, as I read Title 18, specifically calls for fingerprinting and specifically says that these fingerprints have to remain on record, giving the person a permanent criminal record.

Now, I guess my question is at this point, will this simple amendment release an individual from the requirement of the Criminal Code or Title 18?

Mr. BOWLEY. Yes.

Mr. GODSHALL. You are absolutely sure of that?

Mr. BOWLEY. 99.9 percent sure, Mr. Speaker.

Mr. GODSHALL. Okay. I did speak to the State Police on this issue, and they were not as certain as you would indicate that you are. I, at least for the record, the House record for whatever good it is, I would like you to give the intent explicitly on what you want to do with fingerprinting.

Mr. BOWLEY. Mr. Speaker, for the record, the attorneys in the Legislative Reference Bureau have drafted this amendment at our instruction so that someone who is charged with a crime under the Game Code and is fingerprinted, that particular record will not appear with the State Police file and they will not be fingerprinted.

Mr. GODSHALL. Mr. Speaker, just to further that. Your concluding remark was, "...and they will not be fingerprinted." I do not believe you meant that, because you are requiring fingerprinting.

Mr. BOWLEY. No. I meant what I said. They will not be fingerprinted, and that record will not be on the permanent record that is maintained by the Pennsylvania State Police.

Mr. GODSHALL. Okay. Well, that at least establishes the intent of the legislation, and I thank the maker of the amendment. Thank you.

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Somerset County, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman, Mr. Bowley, consent to interrogation?

The SPEAKER pro tempore. The gentleman indicates he will consent to further interrogation. The gentleman, Mr. Lloyd, is in order and may proceed.

Mr. LLOYD. Mr. Speaker, under current law, if a person is convicted of killing a human being and is prosecuted and sentenced under section 2522(b)(3), which is on page 3 of your bill, is there a criminal record made of him or is there not? Under current law.

Mr. BOWLEY. Yes, Mr. Speaker; under current law there is.

Mr. LLOYD. And that criminal record includes what?

Mr. BOWLEY. Mr. Speaker, under the current law, if you are found guilty of a misdemeanor, you could serve prison time and have a permanent record.

Mr. LLOYD. So then the effect of this amendment is to say that somebody who today we have a record and he is on the State Police computer as somebody who committed a crime, a misdemeanor - he was convicted; he spent some time in jail - he is on that record, and if your amendment is passed, we will no longer keep that information. Is that correct?

Mr. BOWLEY. Mr. Speaker, that is correct, other than the fact that it is not retroactive. From this day forth, that is correct.

Mr. LLOYD. And what is the rationale for doing that?

Mr. BOWLEY. Mr. Speaker, it was an effort brought up to help address some of the concerns raised in the committee that under the legislation as we have drafted it, someone that is charged now with one of these crimes that is now a misdemeanor would have a permanent record, not only within the Game Commission but also with the Pennsylvania State Police. Members were concerned that someone who was charged with shooting at or hitting someone and charged under my bill as a misdemeanor would then have a permanent, lifelong record with the Pennsylvania State Police, and they indicated that they felt that was wrong and they would not support the legislation. This is an attempt to try to address that concern.

Mr. LLOYD. But this amendment goes far beyond the things that you are changing with your bill. We are changing, under your answer to my previous question, if somebody is convicted of what is today a misdemeanor of the second degree and you make it a misdemeanor of the first degree, today there is a record kept of that; tomorrow there will not be. Is that correct?

Mr. BOWLEY. That is correct.

Mr. LLOYD. And so what we are going to say is that if somebody commits a crime and shoots at a person and kills him, we had better make sure we prosecute him under the Game Code and not under the Crimes Code, because if he gets prosecuted under the Crimes Code and gets the same sentence, which is—I forget here—6 months in jail, he is on the criminal record, and if he is prosecuted under the Game Code and he spends the same 6 months in jail, we do not keep any record of that at all.

Mr. BOWLEY. That is correct under the Game Code.

Mr. LLOYD. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question, the Chair recognizes, for the second time on the amendment, the gentleman, Mr. Godshall.

Mr. GODSHALL. Mr. Speaker, could we just have a moment, please? There is something we are checking out, and if I could have just a couple of minutes. I would appreciate it that we would be at ease on this issue.

The SPEAKER pro tempore. Would the gentleman, Mr. Bowley, come to the rostrum, please.

(Conference held at Speaker's podium.)

#### BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. Without objection, HB 1129 will go over temporarily.

\* \* \*

The House proceeded to third consideration of **HB 1970, PN 2432**, entitled:

An Act amending the act of May 23, 1945 (P. L. 926, No. 369), referred to as the "Public Eating and Drinking Place Law," providing for certain definitions relating to bed and breakfast home-stead or inn.

On the question,

Will the House agree to the bill on third consideration?

Mr. BIRMELIN offered the following amendments No. A0221:

Amend Title, page 1, line 9, by removing the period after "inn" and inserting

; and further providing for licenses.

Amend Sec. 1, page 1, line 12, by striking out "Section 1" where it appears the second time and inserting

Sections 1 and 2

Amend Sec. 1, page 1, line 14, by striking out "is" and inserting

are

Amend Sec. 1, page 3, by inserting between lines 9 and 10

Section 2. From and after a period of six months after the effective date of this act, it shall be unlawful for any proprietor to conduct or operate a public eating or drinking place without first obtaining a license for each establishment, as herein provided. Such license shall be issued by the health authorities of cities, boroughs, incorporated towns and first-class townships, and, if electing to issue licenses under this act, second class townships and second class townships which have adopted a home rule charter, whenever such public eating or drinking place is located in a city, borough, incorporated town or township not under the jurisdiction of a county department of health or joint-county department of health, or by the county department of health or



joint-county department of health whenever such public eating or drinking place is located in a political subdivision which is under the jurisdiction of a county department of health or joint-county department of health, or in those townships of the second class which are not under the jurisdiction of a county department of health or joint-county department of health and which do not elect to issue licenses under this act, by the department. No license shall be issued until inspection of the premises, facilities and equipment has been made by the licensor, and they are found adequate to the protection of the public health and comfort of patrons. No license shall be issued until the proprietor exhibits proof that he has applied for or received a sales and use tax license or exemption certificate from the Department of Revenue.

The fee for such license shall be one dollar (\$1.00) or as established by ordinance of the governing body or by State law and shall be paid into the city, borough, incorporated town, township or county treasury, or to the State Treasury through the Department of Revenue, depending upon the location of such public eating or drinking place. The license shall be renewed annually.

Whenever any proprietor maintains more than one public eating or drinking place within the Commonwealth, he shall be required to apply for and procure a license for each eating or drinking place.

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

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

Mr. BIRMELIN. Thank you, Mr. Speaker.

Just briefly, my amendment would require that if you are going to apply for a restaurant license, that DER (Department of Environmental Resources) would ask for proof that you had applied for or had received a permit to collect sales tax, or an exemption if you happen to be a nonprofit organization. The reason for that is we are finding that many people are applying for restaurant licenses, getting them, going into business, perhaps being in business for quite some time, collecting the sales tax, and never turning it in. So they have all the outward appearances of doing everything legally but in some cases are not, and this would help to make sure that those people were legitimately returning the sales tax they are collecting to the Commonwealth of Pennsylvania. Thank you.

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

The following roll call was recorded:

YEAS—197

Acosta	Donatucci	Langtry	Rudy
Adolph	Durham	Laughlin	Ryan
Allen	Evans	Lawless	Saloom
Anderson	Fairchild	Lee	Saurman
Angstadt	Fajt	Leh	Scheetz
Argall	Fargo	Lescovitz	Schuler
Armstrong	Farmer	Levdansky	Scrimenti
Arnold	Fee	Linton	Semmel
Barley	Fleagle	Lloyd	Serafini
Battisto	Flick	Lucyk	Smith, B.
Belardi	Foster	McCall	Smith, S. H.
Belfanti	Freeman	McGeehan	Snyder, D. W.
Billow	Gallen	McHale	Snyder, G.
Birmelin	Gamble	McHugh	Staback
Bishop	Gannon	McNally	Stairs
Black	Gest	Maiale	Steelman
Blaum	George	Markosek	Steighner
Bowley	Gerlach	Marsico	Stetler

Boyes	Gigliotti	Mayernik	Stish
Broujos	Gladeck	Melio	Strittmatter
Brown	Godshall	Merry	Stuban
Bunt	Gruitza	Michlovic	Sturla
Bush	Gruppo	Micozzie	Surra
Butkovitz	Hagarty	Mihalich	Tangretti
Caltagirone	Haluska	Mundy	Taylor, E. Z.
Cappabianca	Hanna	Murphy	Taylor, F.
Carlson	Harper	Nahill	Taylor, J.
Carn	Hasay	Nailor	Telek
Carone	Hayden	Nickol	Thomas
Cawley	Hayes	Noye	Tigue
Cessar	Heckler	Nyce	Tomlinson
Chadwick	Herman	O'Brien	Trello
Civera	Hershey	Olasz	Trich
Clark	Hess	Oliver	Tulli
Clymer	Hughes	Perzel	Uliana
Cohen	Itkin	Pesci	Van Horne
Colafella	Jadlowiec	Petrarca	Vance
Colaizzo	James	Petrone	Veon
Cole	Jarolin	Phillips	Vroon
Cornell	Johnson	Piccola	Wambach
Corrigan	Josephs	Pitts	Williams
Cowell	Kaiser	Preston	Wilson
Coy	Kasunic	Raymond	Wogan
DeLuca	Kenney	Reber	Wozniak
DeWeese	King	Reinard	Wright, D. R.
Daley	Kosinski	Richardson	Wright, M. N.
Davies	Krebs	Rieger	
Dempsey	Kruszewski	Ritter	O'Donnell,
Dent	Kukovich	Robinson	Speaker
Dermody	LaGrotta	Roebuck	

NAYS—0

NOT VOTING—1

Harley

EXCUSED—3

Freind Mrkonic Pistella

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—198

Acosta	Donatucci	LaGrotta	Roebuck
Adolph	Durham	Langtry	Rudy
Allen	Evans	Laughlin	Ryan
Anderson	Fairchild	Lawless	Saloom
Angstadt	Fajt	Lee	Saurman
Argall	Fargo	Leh	Scheetz
Armstrong	Farmer	Lescovitz	Schuler
Arnold	Fee	Levdansky	Scrimenti
Barley	Fleagle	Linton	Semmel
Battisto	Flick	Lloyd	Serafini
Belardi	Foster	Lucyk	Smith, B.
Belfanti	Freeman	McCall	Smith, S. H.
Billow	Gallen	McGeehan	Snyder, D. W.
Birmelin	Gamble	McHale	Snyder, G.
Bishop	Gannon	McHugh	Staback
Black	Gest	McNally	Stairs

Blaum	George	Maiale	Steelman
Bowley	Gerlach	Markosek	Steighner
Boyes	Gigliotti	Marsico	Stetler
Broujos	Gladeck	Mayernik	Stish
Brown	Godshall	Melio	Strittmatter
Bunt	Gruitza	Merry	Stuban
Bush	Gruppo	Michlovic	Sturla
Butkovitz	Hagarty	Micozzie	Surra
Caltagirone	Haluska	Mihalich	Tangretti
Cappabianca	Hanna	Mundy	Taylor, E. Z.
Carlson	Harley	Murphy	Taylor, F.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colafella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Corrigan	Johnson	Piccola	Wambach
Cowell	Josephs	Pitts	Williams
Coy	Kaiser	Preston	Wilson
DeLuca	Kasunic	Raymond	Wogan
DeWeese	Kenney	Reber	Wozniak
Daley	King	Reinard	Wright, D. R.
Davies	Kosinski	Richardson	Wright, M. N.
Dempsey	Krebs	Rieger	
Dent	Kruszewski	Ritter	O'Donnell,
Dermody	Kukovich	Robinson	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Freind Mrkonic Pistella

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 1028, PN 2674**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), known as "The Insurance Company Law of 1921," providing for the continuation of basic property insurance for 180 days after the insured's death.

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

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

The question is, shall the bill pass finally?

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

YEAS—198

Acosta	Donatucci	LaGrotta	Roebuck
Adolph	Durham	Langtry	Rudy
Allen	Evans	Laughlin	Ryan
Anderson	Fairchild	Lawless	Saloom
Angstadt	Fajt	Lee	Saurman
Argall	Fargo	Leh	Scheetz
Armstrong	Farmer	Lescovitz	Schuler
Arnold	Fee	Levdansky	Scrimenti
Barley	Fleagle	Linton	Semmel
Battisto	Flick	Lloyd	Serafini
Belardi	Foster	Lucyk	Smith, B.
Belfanti	Freeman	McCall	Smith, S. H.
Billow	Gallen	McGeehan	Snyder, D. W.
Birmelin	Gamble	McHale	Snyder, G.
Bishop	Gannon	McHugh	Staback
Black	Geist	McNally	Stairs
Blaum	George	Maiale	Steelman
Bowley	Gerlach	Markosek	Steighner
Boyes	Gigliotti	Marsico	Stetler
Broujos	Gladeck	Mayernik	Stish
Brown	Godshall	Melio	Strittmatter
Bunt	Gruitza	Merry	Stuban
Bush	Gruppo	Michlovic	Sturla
Butkovitz	Hagarty	Micozzie	Surra
Caltagirone	Haluska	Mihalich	Tangretti
Cappabianca	Hanna	Mundy	Taylor, E. Z.
Carlson	Harley	Murphy	Taylor, F.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colafella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Corrigan	Johnson	Piccola	Wambach
Cowell	Josephs	Pitts	Williams
Coy	Kaiser	Preston	Wilson
DeLuca	Kasunic	Raymond	Wogan
DeWeese	Kenney	Reber	Wozniak
Daley	King	Reinard	Wright, D. R.
Davies	Kosinski	Richardson	Wright, M. N.
Dempsey	Krebs	Rieger	
Dent	Kruszewski	Ritter	O'Donnell,
Dermody	Kukovich	Robinson	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Freind Mrkonic Pistella

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 595, PN 661**, entitled:

An Act amending the act of November 1, 1971 (P. L. 495, No. 113), entitled, as amended, "An act providing for the compensation of county officers in counties of the second through eighth

classes, for compensation of district attorneys in cities and counties of the first class, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," limiting certain salary increases.

On the question,

Will the House agree to the bill on third consideration?

Mr. HAYDEN offered the following amendments No. A0204:

Amend Title, page 1, line 7, by inserting after "officers," further providing for compensation of a full-time district attorney; and

Amend Sec. 1, page 1, line 10, by striking out "10.1(e)" and inserting

5.1(b)

Amend Sec. 1, page 1, lines 17 and 18, by striking out "amended December 18, 1984 (P.L.1067, No.212)," and inserting

added October 29, 1987 (P.L.373, No.74),

Amend Bill, page 1, by inserting between lines 18 and 19

Section 5.1. \*\*\*

(b) The district attorney shall devote full time to the office. The district attorney, while in office, shall not derive[, as a result of the necessary legal education and background, any other income from any source, including, but not limited to, income derived from legal publications or other publications dealing with matters related to the office of district attorney, lectures,] any other income as a result of honorariums and profit shares or divisions of income from any firm with which the district attorney was associated prior to election. This limitation shall not be construed, however, to preclude payment of fees earned for legal work done prior to, but not concluded until after, election as district attorney. In addition, the district attorney shall not engage in any private practice and must be completely disassociated from any firm with which the district attorney was affiliated prior to election. The district attorney-elect may not accept any civil or criminal cases after being elected to the office. Furthermore, the district attorney shall be subject to the canons of ethics as applied to judges in the courts of common pleas of this Commonwealth insofar as the canons apply to salaries, full-time duties and conflicts of interest.

\*\*\*

Section 2. Section 10.1(e) of the act, amended December 18, 1984 (P.L.1067, No.212), is amended to read:

Amend Sec. 2, page 2, line 12, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

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

Mr. HAYDEN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is drafted to this bill which deals with compensation for part-time district attorneys.

By Act 39 of 1990, we eliminated the prohibition against outside income for publications and lectures for district attorneys throughout the Commonwealth except for one county, which was the city and county of Philadelphia. This would bring the city of Philadelphia into compliance with the rest of the State and permit the district attorney to derive some outside income through lectures as well as publications.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. Without objection, the gentleman, Mr. Pistella, will be added to the master roll.

CONSIDERATION OF HB 595 CONTINUED

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—196

Acosta	Durham	Laughlin	Roebuck
Allen	Evans	Lawless	Rudy
Anderson	Fairchild	Lee	Ryan
Angstadt	Fajt	Leh	Saloom
Argall	Fargo	Lescovitz	Saurman
Armstrong	Farmer	Levdansky	Scheetz
Arnold	Fee	Linton	Schuler
Barley	Fleagle	Lloyd	Scrimenti
Battisto	Flick	Lucyk	Semmel
Belardi	Foster	McCall	Serafini
Belfanti	Freeman	McGeehan	Smith, B.
Billow	Gallen	McHale	Smith, S. H.
Birmelin	Gamble	McHugh	Snyder, D. W.
Bishop	Gannon	McNally	Snyder, G.
Black	Geist	Maiale	Staback
Blaum	George	Markosek	Stairs
Bowley	Gerlach	Marsico	Steelman
Boyes	Gigliotti	Mayernik	Steighner
Broujos	Gladeck	Melio	Stetler
Brown	Godshall	Merry	Stish
Bunt	Gruitza	Michlovic	Strittmatter
Bush	Gruppo	Micozzie	Stuban
Butkovitz	Hagarty	Mihalich	Sturla
Caltagirone	Haluska	Mundy	Surra
Cappabianca	Hanna	Murphy	Tangretti
Carlson	Harley	Nahill	Taylor, E. Z.
Carn	Harper	Nailor	Taylor, F.
Carone	Hasay	Nickol	Taylor, J.
Cawley	Hayden	Noye	Telek
Cessar	Hayes	Nyce	Thomas
Chadwick	Heckler	O'Brien	Tigue
Civera	Herman	Olasz	Tomlinson
Clark	Hershey	Oliver	Trello
Clymer	Hess	Perzel	Trich
Cohen	Hughes	Pesci	Tulli
Colafella	Itkin	Petrarca	Uliana
Colaizzo	Jadlowiec	Petrone	Van Horne
Cole	James	Phillips	Vance
Cornell	Jarolin	Piccola	Veon
Corrigan	Johnson	Pistella	Vroon
Cowell	Josephs	Pitts	Wambach
Coy	Kaiser	Preston	Williams
DeLuca	Kasunic	Raymond	Wilson
DeWeese	Kenney	Reber	Wogan
Daley	King	Reinard	Wozniak
Davies	Kosinski	Richardson	Wright, M. N.
Dempsey	Krebs	Rieger	
Dent	Kukovich	Ritter	O'Donnell,
Dermody	LaGrotta	Robinson	Speaker
Donatucci	Langtry		

NAYS—2

Kruszewski Wright, D. R.

NOT VOTING—1

Adolph

EXCUSED—2

Freind Mrkonic

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—198

- |             |            |            |               |
|-------------|------------|------------|---------------|
| Acosta      | Durham     | Langtry    | Roebuck       |
| Adolph      | Evans      | Laughlin   | Rudy          |
| Allen       | Fairchild  | Lawless    | Ryan          |
| Angstadt    | Fajt       | Lee        | Saloom        |
| Argall      | Fargo      | Leh        | Saurman       |
| Armstrong   | Farmer     | Lescovitz  | Scheetz       |
| Arnold      | Fee        | Levdansky  | Schuler       |
| Barley      | Fleagle    | Linton     | Scrimenti     |
| Battisto    | Flick      | Lloyd      | Semmel        |
| Belardi     | Foster     | Lucyk      | Serafini      |
| Belfanti    | Freeman    | McCall     | Smith, B.     |
| Billow      | Gallen     | McGeehan   | Smith, S. H.  |
| Birmelin    | Gamble     | McHale     | Snyder, D. W. |
| Bishop      | Gannon     | McHugh     | Snyder, G.    |
| Black       | Geist      | McNally    | Staback       |
| Blaum       | George     | Maiale     | Stairs        |
| Bowley      | Gerlach    | Markosek   | Steelman      |
| Boyes       | Gigliotti  | Marsico    | Steighner     |
| Broujos     | Gladeck    | Mayernik   | Stetler       |
| Brown       | Godshall   | Melio      | Stish         |
| Bunt        | Gruitza    | Merry      | Strittmatter  |
| Bush        | Gruppo     | Michlovic  | Stuban        |
| Butkovitz   | Hagarty    | Micozzie   | Sturla        |
| Caltagirone | Haluska    | Mihalich   | Surra         |
| Cappabianca | Hanna      | Mundy      | Tangretti     |
| Carlson     | Harley     | Murphy     | Taylor, E. Z. |
| Carn        | Harper     | Nahill     | Taylor, F.    |
| Carone      | Hasay      | Nailor     | Taylor, J.    |
| Cawley      | Hayden     | Nickol     | Telek         |
| Cessar      | Hayes      | Noye       | Thomas        |
| Chadwick    | Heckler    | Nyce       | Tigue         |
| Civera      | Herman     | O'Brien    | Tomlinson     |
| Clark       | Hershey    | Olasz      | Trello        |
| Clymer      | Hess       | Oliver     | Trich         |
| Cohen       | Hughes     | Perzel     | Tulli         |
| Colafella   | Itkin      | Pesci      | Uliana        |
| Colaizzo    | Jadlowiec  | Petrarca   | Van Horne     |
| Cole        | James      | Petrone    | Vance         |
| Cornell     | Jarolin    | Phillips   | Veon          |
| Corrigan    | Johnson    | Piccola    | Vroon         |
| Cowell      | Josephs    | Pistella   | Wambach       |
| Coy         | Kaiser     | Pitts      | Williams      |
| DeLuca      | Kasunic    | Preston    | Wilson        |
| DeWeese     | Kenney     | Raymond    | Wogan         |
| Daley       | King       | Reber      | Wozniak       |
| Davies      | Kosinski   | Reinard    | Wright, D. R. |
| Dempsey     | Krebs      | Richardson | Wright, M. N. |
| Dent        | Kruszewski | Rieger     |               |
| Dermody     | Kukovich   | Ritter     | O'Donnell,    |
| Donatucci   | LaGrotta   | Robinson   | Speaker       |

NAYS—0

NOT VOTING—1

Anderson

EXCUSED—2

Freind Mrkonic

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 2029, PN 2535**, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," providing for the acquisition of property for parks and recreation areas by right of eminent domain.

On the question,

Will the House agree to the bill on third consideration?

**BILL RECOMMENDED**

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

Mr. DeWEESE. Mr. Speaker, I move that HB 2029, PN 2535, be recommitted to the Committee on Local Government.

On the question,

Will the House agree to the motion?

Motion was agreed to.

\* \* \*

The House proceeded to third consideration of **HB 1508, PN 1770**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting passengers from riding in an uncovered truck body.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

On the question, the Chair recognizes the gentleman from Crawford County, Mr. Merry.

Mr. MERRY. Mr. Speaker, we are about to vote on HB 1508.

This bill prohibits passengers from riding in an uncovered truck body for safety reasons. It seems to start out with a real good reason. We are always interested in not having accidents happen. But, Mr. Speaker, if we just blanket coverage, you know, provide for this, what happens to a person that might

be in a very rural area where a group of hunters want to get into the open body of a truck to go further up a trail or up the road to do hunting? What happens to a person in a neighborhood that is moving from one end of the block to the other block and has some furniture and someone has to be on the truck to stabilize the load of furniture?

There are just many, many reasons that dictate that we should have a little freedom of use. I am sure that the driver of a truck is responsible for the activity of his passengers, whether they be in the cab or whether they be in the body, and I feel that this bill limits that freedom of use and does not really serve any practical purpose to eliminate the problem to which this appears to be addressed.

So for that reason I urge that we do not pass this bill.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from York County, Mr. Foster.

Mr. FOSTER. Mr. Speaker, I unfortunately could not hear what the gentleman, Mr. Merry, said, but I believe it to have been in opposition to the bill. So if I am repetitive, it is because I simply could not hear the debate.

But I cannot believe that we are going to pass a piece of legislation like this which would forbid people to ride, for example, in the back of a pickup truck. Do you mean to tell me if you are hauling a few bales of hay in out of the field and you have to go on the road for a half a mile, that you cannot ride in the back of that truck on top of the bales? I cannot believe that we would even consider a bill like this.

### BILL RECOMMENDED

Mr. FOSTER. I would ask that this bill be recommitted to the Committee on Transportation.

The SPEAKER pro tempore. The gentleman, Mr. Foster, moves that HB 1508 be recommitted to the Committee on Transportation. The motion is in order.

On the question,

Will the House agree to the motion?

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

Mr. DONATUCCI. Mr. Speaker, I am against the recommittal motion.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentlelady, Mrs. Harley.

Mrs. HARLEY. Mr. Speaker, I would just like to support this being recommitted.

My church has a Christmas caroling hayride every Christmas, and this means if this bill passes that my own church cannot have their Christmas carol hayride every year. It also means that my garbage collectors, if I read it correctly, are now going to have to wear safety belts on the back of their garbage truck.

I think we all ought to think about this and maybe recommit this thing.

The SPEAKER pro tempore. The Chair thanks the lady.

On the question, the gentleman from Allegheny, Mr. Cessar, is recognized.

Mr. CESSAR. Thank you, Mr. Speaker.

I concur that this bill should be recommitted to the Committee on Transportation.

I think if anything, there could be some amendments drafted to this which I have prepared, and hopefully, if it comes back up again in the Transportation Committee, I will have those amendments ready to introduce.

I do say that this bill should be recommitted. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the gentleman, Mr. Colaizzo, is recognized.

Mr. COLAIZZO. Mr. Speaker, I rise to oppose recommitment. Let us vote on this thing and let us vote it down.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of recommitment, the gentleman, Mr. Black, is recognized.

Mr. BLACK. Thank you, Mr. Speaker.

As I read the bill, there is nothing in the bill the way it is worded that says the person in the back of the truck has to be in the seat. It simply says that the truck must be equipped with seats and seatbelts.

So I agree. We should vote the bill down and not vote it for recommitment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

### YEAS—145

Adolph	Durham	Kukovich	Rudy
Allen	Evans	LaGrotta	Ryan
Anderson	Fairchild	Langtry	Saloom
Angstadt	Fargo	Laughlin	Saurman
Argall	Farmer	Lawless	Scheetz
Armstrong	Fee	Lee	Schuler
Arnold	Fleagle	Leh	Scrimenti
Barley	Flick	Lescovitz	Semmel
Belfanti	Foster	Levdansky	Serafini
Billow	Gallen	Lloyd	Smith, B.
Birmelin	Gannon	McCall	Smith, S. H.
Bishop	Geist	McHugh	Snyder, G.
Black	George	Markosek	Stairs
Bowley	Gerlach	Marsico	Steighner
Boyes	Gigliotti	Mayermik	Stish
Broujos	Gladeck	Merry	Strittmatter
Brown	Godshall	Michlovic	Stuban
Bunt	Gruitza	Micozzie	Sturla
Bush	Gruppo	Mihalich	Surra
Carlson	Hagarty	Murphy	Tangretti
Cawley	Haluska	Nahill	Taylor, E. Z.
Cessar	Hanna	Nailor	Taylor, F.
Chadwick	Harley	Nickol	Taylor, J.
Civera	Hasay	Noye	Telek
Clark	Hayes	Nyce	Tomlinson
Clymer	Heckler	O'Brien	Tulli
Colafella	Herman	Olasz	Uliana
Cole	Hershey	Perzel	Vance

Cornell	Hess	Pesci	Veon
Corrigan	Jadlowiec	Petrone	Vroon
Cowell	Johnson	Phillips	Wambach
Coy	Kaiser	Piccola	Wilson
Daley	Kasunic	Pitts	Wogan
Davies	Kenney	Raymond	Wozniak
Dempsey	King	Reber	Wright, D. R.
Dent	Krebs	Reinard	Wright, M. N.
Dermody			

NAYS—51

Acosta	Freeman	McNally	Snyder, D. W.
Battisto	Gamble	Maiale	Staback
Belardi	Harper	Melio	Steelman
Blaum	Hayden	Mundy	Stetler
Caltagirone	Itkin	Oliver	Thomas
Cappabianca	Jarolin	Petrarca	Tigue
Carn	Josephs	Pistella	Trello
Carone	Kosinski	Preston	Trich
Cohen	Kruszewski	Richardson	Van Horne
Colaizzo	Linton	Rieger	Williams
DeLuca	Lucyk	Ritter	
DeWeese	McGeehan	Robinson	O'Donnell,
Donatucci	McHale	Roebuck	Speaker
Fajt			

NOT VOTING—3

Butkovitz	Hughes	James
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EXCUSED—2

Freind	Mrkonic
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The question was determined in the affirmative, and the motion was agreed to.

**BILL ON FINAL PASSAGE**

The House proceeded to consideration on final passage of **HB 1307, PN 1505**, entitled:

An Act amending the act of December 20, 1967 (P. L. 869, No. 385), known as the "Public Works Contractors' Bond Law of 1967," providing for contracts where the contracting body is a city of the second class.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—198

Acosta	Donatucci	LaGrotta	Robinson
Adolph	Durham	Langtry	Roebuck
Allen	Evans	Laughlin	Rudy
Anderson	Fairchild	Lawless	Ryan
Angstadt	Fajt	Lee	Saloom
Argall	Fargo	Leh	Scheetz
Armstrong	Farmer	Lescovitz	Schuler
Arnold	Fee	Levdansky	Scrimenti
Barley	Fleagle	Linton	Semmel
Battisto	Flick	Lloyd	Serafini
Belardi	Foster	Lucyk	Smith, B.
Belfanti	Freeman	McCall	Smith, S. H.
Billow	Gallen	McGeehan	Snyder, D. W.
Birmelin	Gamble	McHale	Snyder, G.
Bishop	Gannon	McHugh	Staback
Black	Geist	McNally	Stairs
Blaum	George	Maiale	Steelman
Bowley	Gerlach	Markosek	Steighner
Boyes	Gigliotti	Marsico	Stetler
Broujos	Gladeck	Mayernik	Stish
Brown	Godshall	Melio	Strittmatter
Bunt	Gruitza	Merry	Stuban

Bush	Gruppo	Michlovic	Sturla
Butkovitz	Hagarty	Micozzie	Surra
Caltagirone	Haluska	Mihalich	Tangretti
Cappabianca	Hanna	Mundy	Taylor, E. Z.
Carlson	Harley	Murphy	Taylor, F.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colaifella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Corrigan	Johnson	Piccola	Wambach
Cowell	Josephs	Pistella	Williams
Coy	Kaiser	Pitts	Wilson
DeLuca	Kasunic	Preston	Wogan
DeWeese	Kenney	Raymond	Wozniak
Daley	King	Reber	Wright, D. R.
Davies	Kosinski	Reinard	Wright, M. N.
Dempsey	Krebs	Richardson	
Dent	Kruszewski	Rieger	O'Donnell,
Dermody	Kukovich	Ritter	Speaker

NAYS—0

NOT VOTING—1

Saurman

EXCUSED—2

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

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

**BILLS ON THIRD CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 2002, PN 2493**, entitled:

An Act amending the act of December 1, 1965 (P. L. 988, No. 368), known as the "Weights and Measures Act of 1965," further providing for the types of weights and measures governed by the act; authorizing the regulation of persons engaged in selling, installing and repairing commercial weighing and measuring devices; and further providing for certain standards, testing and for the sale and packaging of certain commodities.

On the question,

Will the House agree to the bill on third consideration?

Mr. FREEMAN offered the following amendments No. A0270:

Amend Title, page 1, line 11, by striking out "and" where it appears the second time

Amend Title, page 1, line 13, by removing the period after "commodities" and inserting

; providing for item pricing; providing additional duties of the Department of Agriculture; and providing for enforcement and civil penalties.

Amend Bill, page 17, by inserting between lines 17 and 18 Section 12. The act is amended by adding a section to read:

Section 33.1. Item Pricing.—(a) Every person, firm, partnership, corporation or association which sells, offers for sale or exposes for sale, consumer commodities at retail in a food store or grocery department of a general merchandise store and which uses a laser scanning or other computer-assisted checkout system which records the price of a consumer commodity for sale by scanning the universal product code on the consumer commodity shall disclose to the consumer the item price of the commodity for sale.

(b) Item prices shall be displayed to consumers through markings which are clear, conspicuous and plainly visible. Such markings shall be marked or stamped on or tagged or affixed to the item and shall display the selling price in Arabic numerals. Item price shall mean the full purchase price of a grocery item, excluding sales tax and container deposit.

(c) A viewing screen shall be provided at each checkout register and shall be made clearly visible to the consumer so that the consumer can see the price of each item displayed on the viewing screen as it is being recorded by the computerized register.

(d) Whenever the Attorney General or a district attorney has reason to believe that a person is using or is about to use a method, act or practice which violates this section, he may bring an action in the name of the Commonwealth against the person to restrain, by temporary or permanent injunction, the use of the method, act or practice.

(e) The Attorney General or district attorney may accept an assurance of voluntary compliance with respect to a method, act or practice deemed to be in violation of this section from any person who has engaged or was about to engage in the method, act or practice. The assurance shall be in writing and shall be filed with the court of common pleas of the judicial district in which the store is located and with the bureau. The assurance of voluntary compliance shall not be considered an admission of violation for any purpose. Matters closed by filing a written assurance may be reopened at any time by the Attorney General or district attorney for further proceeding in the public interest.

(f) A person who violates the terms of an injunction issued under this section or any of the terms of an assurance of voluntary compliance duly filed in court and with the bureau shall forfeit and pay to the Commonwealth a civil penalty of not more than five thousand dollars (\$5,000) for each violation. For the purposes of this section, the court which issues an injunction or in which an assurance of voluntary compliance is filed shall retain jurisdiction, and the cause shall be continued; and, in such cases, the Attorney General or the appropriate district attorney, acting in the name of the Commonwealth, may petition for recovery of civil penalties and any other equitable relief deemed necessary or proper.

(g) In an action brought under this section, if the court finds that a person is willfully using or has willfully used a method, act or practice which violates this act, the Attorney General or the appropriate district attorney, acting in the name of the Commonwealth, may recover, on behalf of the Commonwealth, a civil penalty of not more than one thousand dollars (\$1,000) for each violation, which civil penalty shall be in addition to other relief which may be granted under this section. Any violation for one grocery item or a series of grocery items shall constitute a single violation for a day. Every day a violation continues shall constitute a separate violation.

(h) All money collected pursuant to this section shall be used exclusively to carry out the enforcement of this section.

(i) This section shall not apply to:

- (1) Items sold through vending machines.
- (2) Food sold for consumption on the premises.
- (3) Snack food offered for sale in single packages weighing five ounces or less.

(4) Milk, eggs and unpackaged produce if the price is clearly indicated by a conspicuous sign or is otherwise located at or near the point of sale.

(5) Identical items within a multi-item package that is properly price marked.

(6) Cigarettes, cigars, tobacco and tobacco products.

(7) Consumer commodities offered on sale, in good faith, provided the original item price is still clearly displayed on the individual item and where the sale price is clearly indicated by a conspicuous sign or otherwise located at or near the point of sale.

(j) This section shall not apply to a food store that:

(1) had annual gross sales in the previous calendar year of less than three million dollars (\$3,000,000), unless the store is part of a network of subsidiaries, affiliates or other member stores which are directly or indirectly under common control and which, as a group, had annual gross sales in the previous calendar year of at least three million dollars (\$3,000,000);

(2) has as its only full-time employees, the owner or members of the immediate family of the owners; or

(3) has five or less full-time or part-time employees.

(k) No local ordinance, rule, resolution or regulation which relates to item pricing shall be adopted which would reduce or diminish the standards and requirements of this section or the rules and regulations adopted under this section.

(l) The Department of Agriculture may, in the manner provided by law, promulgate rules and regulations necessary to carry out this section.

(m) The Bureau of Standard Weights and Measures of the Department of Agriculture or a municipality having a weights and measures agency shall carry out inspection and enforcement of this section.

Amend Sec. 12, page 17, line 18, by striking out "12" and inserting

13

Amend Sec. 13, page 17, line 28, by striking out "13" and inserting

14

Amend Sec. 14, page 18, line 9, by striking out "14" and inserting

15

Amend Sec. 15, page 20, line 21, by striking out "15" and inserting

16

Amend Sec. 16, page 20, line 28, by striking out "16" and inserting

17

On the question,

Will the House agree to the amendments?

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

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment provides for requiring item pricing in food stores, supermarkets, which use the new laser scanning or other computer-assisted checkout systems which record the price of a consumer commodity by scanning the universal product code.

This legislation also requires that at the point of the checkout counter, that a viewing screen be made visible to the consumer so they can see the price of the item being rung up at the time of checkout.

Mr. Speaker, these two very simple requirements will insure the protection of the consumer while allowing stores to utilize the benefits of the new computerized cash registers.

Mr. Speaker, item pricing is a very time-honored practice in the supermarket industry. It is only with the advent of laser-scanning cash registers that supermarkets have begun to do away with this very time-honored practice.

It is critical that consumers have item pricing in food stores. Few consumer rights are more important and more basic than the right to have products marked with correct pricing information. That right is most important in supermarkets, because food exists in a wide variety of choices and savings can be realized by effective comparison shopping. Without item pricing, it is very difficult for consumers to effectively comparison shop.

When the scanners were first introduced, the intention was to speed up the checkout process at the grocery lines, not to eliminate item pricing. Without item pricing, there is no way to doublecheck the prices that are charged at the checkout counter unless the consumer either keeps their own running tally or goes back through the aisles and checks each individual item, something which is obviously absurd to expect from the consumer.

Item pricing is a means by which you can doublecheck prices and prevent ripoffs by supermarkets, ripoffs that are either intentional or unintentional.

There are six basic reasons for mandating item pricing in our supermarkets. It increases the ability to recognize that the computer price rung up on the cash register is in fact the correct price as listed on the shelf marker back in the aisles. It allows the consumer to comparative shop more effectively between items. It allows consumers to keep track of the value of items in their shopping cart as they do their shopping. It also eliminates problems that arise when shelf markers are either missing or in the wrong place, and it allows shoppers to compare the register tape with the item price at home, to doublecheck once again to see if they were charged the correct price.

For senior citizens and handicapped individuals in particular, item pricing is a must. Since supermarkets rely more and more on shelf markers as the only way of identifying the price, it has become increasingly difficult for seniors and for the handicapped to be able to read these very obscure markers. Oftentimes they are difficult to read, and oftentimes they are in locations either at the bottom of shelves or at the very top of shelves that are beyond the reach of our handicapped individuals and of senior citizens.

Mr. Speaker, time and again the evidence points to the fact that the scanners without item pricing lead to the consumer being ripped off, lead to pricing errors.

In the fall of 1987, the Patriot-News conducted an indepth survey of various supermarkets. None of the seven stores that they investigated matched the food industry's claim of a 99-percent accuracy rate. In fact, one of the stores showed an accuracy rate of only 87 percent.

A New Jersey Office of Consumer Protection survey conducted a number of years ago found that scanner pricing errors cost New Jersey consumers \$13 million annually. That is \$13 million in money that consumers should not have lost simply because of errors in computer scanning.

Hearings held in my own native Easton by the Consumer Affairs Committee back in the 1980's also recorded numerous instances of where scanning errors cost consumers time and money.

When it comes to the computerized cash register, to the scanning cash register, the old computer adage "garbage in, garbage out" is the biggest problem that consumers face.

Oftentimes a price of an item is advertised as being on sale, but unless that cash register has been reprogrammed to reflect the fact that that item is now on sale, it will continue to ring up the original price, thus providing a very deceptive practice to the consumers who think they are getting a bargain when in fact they are not getting a bargain.

This amendment of mine would go a long way towards saving consumers money and eliminating the mystery and deception, either intentional or unintentional, that now exists in many stores that no longer item price.

We make special provision within the amendment to make sure that "mom and pop" stores are not affected. We also make special provision in the amendment to insure that item pricing would not apply to those areas where it has never traditionally been applied.

But I urge this House to support this amendment, to protect consumers so that they do not have to continue to shop blind in the supermarkets of Pennsylvania and will be able to know the price of items that they are purchasing.

I urge a "yes" vote.

### GERMANENESS QUESTIONED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria County, Mr. Billow.

Mr. BILLOW. Mr. Speaker, thank you.

I want to raise a point of order.

The SPEAKER pro tempore. The gentleman, Mr. Billow, will state his point of order.

Mr. BILLOW. Rule 27 indicates that only one type of— To change the original purpose of the bill, "No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment."

There is absolutely nothing in my bill, the weights and measures bill, that indicates anything about pricing. This is a unit-pricing amendment. The weights and measures bill tends to bring us up to the national standards of weights and measures, and to hang something like this on the bill I think creates problems.

I do not think that it is germane to the bill, and I think it creates a problem for the Department of Agriculture, because this is an important amendment. I think it is an important amendment because it covers so many things and it creates so many problems for people, both in business and on the consumer side. It should be a freestanding bill by itself. It should be voted on as a freestanding bill.

I do not believe this is germane, and I would like to have the House vote on whether or not this is germane to the bill.



The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. Billow, raises the issue of germaneness on this legislation. The issue of germaneness is one for the House to decide. Therefore, the motion is whether the amendment is germane or not to the bill.

On the question,

Will the House sustain the germaneness of the amendments?

The SPEAKER pro tempore. On the question of germaneness, the Chair recognizes the gentleman, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

On the issue of germaneness, my amendment is in fact germane to this bill.

The gentleman, Mr. Billow's legislation deals with the Weights and Measures Act. If the members of the House will look at page 3 of my amendment, they will note that the Bureau of Standard Weights and Measures is charged with inspection and enforcement. We are adding to their duties. Obviously, that makes the amendment germane to the bill.

I would urge the members to vote in favor of germaneness.

The SPEAKER pro tempore. On the question of germaneness, the Chair recognizes the gentleman from Chester County, Mr. Vroon.

Mr. VROON. Thank you, Mr. Speaker.

There is germaneness and there is germaneness, Mr. Speaker, and we all know what it is all about. Legally speaking, maybe this is a germane amendment, but when it comes to the real intent of this and the intent of what is now in the bill, one does not relate well to the other.

Now, I am inclined to vote for this bill without this thing in it, but if I have to vote against this bill because of this amendment, I am going to lose my desire to see the other part of it approved, and from that point of view, I say it is not germane. It is not in the same category of consumer issues that the other thing is. I think it is a whole lot more important for standards, weights and standards and that kind of thing, to be covered by this law, but I do not think it is important at all to have to put it in with another thing that you do not want.

So, Mr. Speaker, I urge that we vote "no" on germaneness on the basis of substance and forget about what the legal technicalities are.

The SPEAKER pro tempore. On the question of germaneness, the Chair recognizes the gentlelady from Delaware County, Mrs. Durham.

Mrs. DURHAM. Thank you, Mr. Speaker.

Mr. Speaker, it is clear on its face that this amendment is absolutely germane.

HB 2002 deals with provisions regarding weights and measures. This amendment directly addresses that and has the people from Weights and Measures involved in enforcing this act.

It is absolutely clear on its face that this amendment is germane, and I urge a "yes" vote on germaneness. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentlelady.

On the question of germaneness, the issue is one for the House to decide. Those voting in the affirmative will vote to declare the amendment to be germane to the bill. Those voting in the negative will vote that it is not germane to the bill.

On the question recurring,

Will the House sustain the germaneness of the amendments?

(A roll-call vote was taken, but due to a malfunction the vote was not recorded.)

VOTE RETAKEN

The SPEAKER pro tempore. The House will be in order. There is a technical problem with the vote machine. The vote will have to be stricken and the vote retaken. The clerk will strike the vote.

Mr. FOSTER. Mr. Speaker, I would submit the problem is not with the voting machine; the problem is with the amendment.

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

The Chair returns to the previous question. The question is one of germaneness on the Freeman amendment.

The question now recurs, and the vote will be retaken on germaneness.

On the Freeman amendment, those voting to declare the amendment to be germane will vote "aye"; those voting to declare it not to be germane will vote "no."

On the question recurring,

Will the House sustain the germaneness of the amendments?

The following roll call was recorded:

YEAS—64

Battisto	Fee	McGeehan	Roebuck
Belardi	Freeman	McHale	Staback
Belfanti	Gerlach	McHugh	Stelman
Bishop	Hanna	McNally	Stetler
Black	Harper	Markosek	Stuban
Blaum	Hayden	Michlovic	Sturla
Bowley	Heckler	Mundy	Surra
Broujos	Hughes	Murphy	Taylor, J.
Butkovitz	James	Nickol	Thomas
Caltagirone	Josephs	O'Brien	Tigue
Cappabianca	Kenney	Oliver	Trich
Carn	Kosinski	Perzel	Veon
Cohen	Kruszewski	Pistella	Wogan
Cowell	Kukovich	Richardson	
Daley	Laughlin	Rieger	O'Donnell,
Donatucci	Levdansky	Ritter	Speaker
Durham	Lloyd		

NAYS—135

Acosta	Dermody	Krebs	Ryan
Adolph	Evans	LaGrotta	Saloom
Allen	Fairchild	Langtry	Saurman
Anderson	Fajt	Lawless	Scheetz
Angstadt	Fargo	Lee	Schuler
Argall	Farmer	Leh	Scrimenti
Armstrong	Fleagle	Lescovitz	Semmel
Arnold	Flick	Linton	Serafini
Barley	Foster	Lucyk	Smith, B.

Billow	Gallen	McCall	Smith, S. H.
Birmelin	Gamble	Maiale	Snyder, D. W.
Boyes	Gannon	Marsico	Snyder, G.
Brown	Geist	Mayernik	Stairs
Bunt	George	Melio	Steighner
Bush	Gigliotti	Merry	Stish
Carlson	Gladeck	Micozzie	Strittmatter
Carone	Godshall	Mihalich	Tangretti
Cawley	Gruitza	Nahill	Taylor, E. Z.
Cessar	Gruppo	Nailor	Taylor, F.
Chadwick	Hagarty	Noye	Telek
Civera	Haluska	Nyce	Tomlinson
Clark	Harley	Olasz	Trello
Clymer	Hasay	Pesci	Tulli
Colaafella	Hayes	Petrarca	Uliana
Colaizzo	Herman	Petrone	Van Horne
Cole	Hershey	Phillips	Vance
Cornell	Hess	Piccola	Vroon
Corrigan	Itkin	Pitts	Wambach
Coy	Jadlowiec	Preston	Williams
DeLuca	Jarolin	Raymond	Wilson
DeWeese	Johnson	Reber	Wozniak
Davies	Kaiser	Reinard	Wright, D. R.
Dempsey	Kasunic	Robinson	Wright, M. N.
Dent	King	Rudy	

NOT VOTING—0

EXCUSED—2

Freind Mrkonic

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

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

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

The question is, shall the bill pass finally?

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

YEAS—198

Acosta	Donatucci	LaGrotta	Robinson
Adolph	Durham	Langtry	Roebuck
Allen	Evans	Laughlin	Rudy
Anderson	Fairchild	Lawless	Ryan
Angstadt	Fajt	Lee	Saloom
Argall	Fargo	Leh	Saurman
Armstrong	Farmer	Lescovitz	Scheetz
Arnold	Fee	Levdansky	Schuler
Barley	Fleagle	Linton	Scrimenti
Battisto	Flick	Lloyd	Semmel
Belardi	Foster	Lucyk	Serafini
Belfanti	Freeman	McCall	Smith, B.
Billow	Gallen	McGeehan	Smith, S. H.
Birmelin	Gamble	McHale	Snyder, D. W.
Bishop	Gannon	McHugh	Snyder, G.
Black	Geist	McNally	Staback
Blaum	George	Maiale	Stairs
Bowley	Gerlach	Markosck	Steelman
Boyes	Gigliotti	Marsico	Steighner
Broujos	Gladeck	Mayernik	Stetler
Brown	Godshall	Melio	Stish
Bunt	Gruitza	Merry	Strittmatter
Bush	Gruppo	Michlovic	Stuban
Butkovitz	Hagarty	Micozzie	Sturla
Caltagirone	Haluska	Mihalich	Surra
Cappabianca	Hanna	Mundy	Tangretti

Carlson	Harley	Murphy	Taylor, E. Z.
Carn	Harper	Nahill	Taylor, F.
Carone	Hasay	Nailor	Taylor, J.
Cawley	Hayden	Nickol	Telek
Cessar	Hayes	Noye	Thomas
Chadwick	Heckler	Nyce	Tigue
Civera	Herman	O'Brien	Tomlinson
Clark	Hershey	Olasz	Trello
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colaafella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Corrigan	Johnson	Piccola	Wambach
Cowell	Josephs	Pistella	Williams
Coy	Kaiser	Pitts	Wilson
DeLuca	Kasunic	Preston	Wogan
DeWeese	Kenney	Raymond	Wozniak
Daley	King	Reber	Wright, D. R.
Davies	Kosinski	Reinard	Wright, M. N.
Dempsey	Krebs	Richardson	
Dent	Kruszewski	Rieger	O'Donnell,
Dermody	Kukovich	Ritter	Speaker

NAYS—0

NOT VOTING—1

Trich

EXCUSED—2

Freind Mrkonic

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

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

CONSIDERATION OF HB 1129 CONTINUED

BILL PASSED OVER

The SPEAKER pro tempore. Returning to page 5 of today's calendar, HB 1129, PN 2724, over for today's session.

VOTE CORRECTION

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

Mr. SAURMAN. To correct the record, Mr. Speaker.

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

Mr. SAURMAN. On HB 1307, PN 1505, my switch failed to operate. I would like to be recorded in the affirmative.

The SPEAKER pro tempore. The remarks of the gentleman will be spread upon the record.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1608, PN 1890**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of loitering and prowling at nighttime; and providing for a penalty.

On the question,  
 Will the House agree to the bill on third consideration?  
 Mr. MAYERNIK offered the following amendments No. A0263:

Amend Title, page 1, line 3, by inserting after "nighttime;" further providing for drug sentencing and penalties;  
 Amend Bill, page 1, lines 7 and 8, by striking out all of said lines and inserting

Section 1. Sections 5506 and 7508(a)(3) of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:

Amend Sec. 1, page 1, by inserting after line 18 § 7508. Drug trafficking sentencing and penalties.

(a) General rule.—Notwithstanding any other provisions of this or any other act to the contrary, the following provisions shall apply:

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(3) A person who is convicted of violating section 13(a)(14), (30) or (37) of The Controlled Substance, Drug, Device and Cosmetic Act where the controlled substance is coca leaves or is any salt, compound, derivative or preparation of coca leaves or is any salt, compound, derivative or preparation which is chemically equivalent or identical with any of these substances or is any mixture containing any of these substances except decocainized coca leaves or extracts of coca leaves which (extracts) do not contain cocaine or ecgonine shall, upon conviction, be sentenced to a mandatory minimum term of imprisonment and a fine as set forth in this subsection:

(i) when the aggregate weight of the compound or mixture containing the substance involved is at least 2.0 grams and less than ten grams; one year in prison and a fine of \$5,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; however, if at the time of sentencing the defendant has been convicted of another drug trafficking offense: three years in prison and \$10,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity;

(ii) when the aggregate weight of the compound or mixture containing the substance involved is at least ten grams and less than 100 grams; three years in prison and a fine of \$15,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; however, if at the time of sentencing the defendant has been convicted of another drug trafficking offense: five years in prison and \$30,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; [and]

(iii) when the aggregate weight of the compound or mixture of the substance involved is at least 100 grams; four years in prison and a fine of \$25,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; however, if at the time of sentencing the defendant has been convicted of another drug trafficking offense: seven years in prison and \$50,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; and

(iv) when the substance is in the form of crack cocaine, which is alkaloidal cocaine or a freebase form of cocaine that is the end product of a chemical alteration whereby cocaine in salt form is converted to a form of cocaine suitable for smoking, and the aggregate weight of the compound or mixture containing the substitute is at least five grams; five years in prison or such period of imprisonment as is provided in subparagraph (iii), whichever is greater, and a fine of \$30,000 or such larger

amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity.

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

The SPEAKER pro tempore. On the question, the gentleman, Mr. Mayernik.

Mr. MAYERNIK. Thank you, Mr. Speaker.

This amendment would increase the penalties for the possession of 5 grams or more of crack cocaine. I had found this idea when one of my local newspapers had broached this idea of increasing the penalties to the same as the Federal guidelines.

Presently the penalty for the possession of 5 grams of crack cocaine in Pennsylvania would be a 1-year mandatory sentence. Under the Federal guidelines, it would be a 5-year mandatory sentence. The present possession of 5 grams of crack cocaine is equivalent to 500 grams of powdered cocaine; yet in Pennsylvania we have the same penalty for 5 grams of powder as well as 5 grams of crack. This legislation would increase those penalties.

It is necessary for us to take a strong, hard look and become tough on this crime. We see more and more that this crime is increasing. The profit margin of selling crack cocaine is much greater than that of selling regular powder cocaine. The destruction that this drug does to our society is enormous, and we have to make the penalty commensurate with that destruction and the pain that this crack cocaine brings to our society.

Again, this is an issue that was brought to me by the North Hills News Record, my local paper, and I am asking for an affirmative vote on this piece of legislation. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the gentleman from Philadelphia, Mr. O'Brien.

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

Mr. Speaker, I rise to support the Mayernik amendment. Everyone knows that the drug trade on the streets is changing, and we have to get with the times. The Federal statute recognizes the difference between cocaine and crack. It is a cheap high, and it increases the likelihood of addiction, and I would ask everyone to support the amendment. Thank you.

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

The following roll call was recorded:

YEAS—198

Acosta	Donatucci	Langtry	Roebuck
Adolph	Durham	Laughlin	Rudy
Allen	Fairchild	Lawless	Ryan
Anderson	Fajt	Lee	Saloom
Angstadt	Fargo	Leh	Saurman
Argall	Farmer	Lescovitz	Scheetz
Armstrong	Fee	Levdansky	Schuler
Arnold	Fleagle	Linton	Scrimenti
Barley	Flick	Lloyd	Semmel
Battisto	Foster	Lucyk	Serafini
Belardi	Freeman	McCall	Smith, B.

Belfanti	Gallen	McGeehan	Smith, S. H.
Billow	Gamble	McHale	Snyder, D. W.
Birmelin	Gannon	McHugh	Snyder, G.
Bishop	Geist	McNally	Staback
Black	George	Maiale	Stairs
Blaum	Gerlach	Markosek	Steelman
Bowley	Gigliotti	Marsico	Steighner
Boyes	Gladeck	Mayernik	Stetler
Broujos	Godshall	Melio	Stish
Brown	Gruitza	Merry	Strittmatter
Bunt	Gruppo	Michlovic	Stuban
Bush	Hagarty	Micozzie	Sturla
Butkovitz	Haluska	Mihalich	Surra
Caltagirone	Hanna	Mundy	Tangretti
Cappabianca	Harley	Murphy	Taylor, E. Z.
Carlson	Harper	Nahill	Taylor, F.
Carn	Hasay	Nailor	Taylor, J.
Carone	Hayden	Nickol	Telek
Cawley	Hayes	Noye	Thomas
Cessar	Heckler	Nyce	Tigue
Chadwick	Herman	O'Brien	Tomlinson
Civera	Hershey	Olasz	Trello
Clark	Hess	Oliver	Trich
Clymer	Hughes	Perzel	Tulli
Cohen	Itkin	Pesci	Uliana
Colaafella	Jadlowiec	Petrarca	Van Horne
Colaizzo	James	Petrone	Vance
Cole	Jarolin	Phillips	Veon
Cornell	Johnson	Piccola	Vroon
Corrigan	Josephs	Pistella	Wambach
Cowell	Kaiser	Pitts	Williams
Coy	Kasunic	Preston	Wilson
DeLuca	Kenney	Raymond	Wogan
DeWeese	King	Reber	Wozniak
Daley	Kosinski	Reinard	Wright, D. R.
Davies	Krebs	Richardson	Wright, M. N.
Dempsey	Kruszewski	Rieger	
Dent	Kukovich	Ritter	O'Donnell,
Dermody	LaGrotta	Robinson	Speaker

NAYS—0

NOT VOTING—1

Evans

EXCUSED—2

Freind Mrkonic

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

On the question,

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

Mr. DEMPSEY offered the following amendments No. A0166:

Amend Title, page 1, line 2, by striking out "the offense of" and inserting aggravated assault and

Amend Title, page 1, line 3, by inserting a period after "night-time"

Amend Title, page 1, lines 3 and 4, by striking out "; and providing for a penalty."

Amend Bill, page 1, lines 7 and 8, by striking out all of said lines and inserting

Section 1. Section 2702(a)(4) and (5) of Title 18 of the Pennsylvania Consolidated Statutes are amended and the subsection is amended by adding a paragraph to read: § 2702. Aggravated assault.

(a) Offense defined.—A person is guilty of aggravated assault if he:

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(4) attempts to cause or intentionally or knowingly causes bodily injury to another with a deadly weapon; [or]

(5) attempts to cause or intentionally or knowingly causes bodily injury to a teaching staff member, school board member, other employee or student of any elementary or secondary publicly-funded educational institution, any elementary or secondary private school licensed by the Department of Education or any elementary or secondary parochial school while acting in the scope of his or her employment or because of his or her employment relationship to the school; or

(6) attempts to cause or intentionally or knowingly causes bodily injury to a county children and youth services caseworker while the worker is acting in the scope of employment.

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Section 2. Section 5506 of Title 18 is amended to read:

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

3

On the question,

Will the House agree to the amendments?

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

Mr. DEMPSEY. Mr. Speaker, this amendment will extend this same protection to our county children and youth services caseworkers as we did a few years ago to our teaching members of the education staff. Anybody who is guilty of aggravated assault of a county children and youth services caseworker while he is working and acting in the scope of his employment, the offense will be defined as "aggravated assault."

I ask all the members for a positive vote. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—196

Acosta	Durham	Langtry	Rudy
Adolph	Evans	Laughlin	Ryan
Allen	Fairchild	Lawless	Saloom
Anderson	Fajt	Lee	Saurman
Angstadt	Fargo	Leh	Scheetz
Argall	Farmer	Lescovitz	Schuler
Armstrong	Fee	Levdansky	Scrimenti
Barley	Fleagle	Linton	Semmel
Battisto	Flick	Lloyd	Serafini
Belardi	Foster	Lucyk	Smith, B.
Belfanti	Freeman	McCall	Smith, S. H.
Billow	Gallen	McGeehan	Snyder, D. W.
Birmelin	Gamble	McHale	Snyder, G.
Bishop	Gannon	McHugh	Staback
Black	Geist	McNally	Stairs
Blaum	George	Maiale	Steelman
Bowley	Gerlach	Markosek	Steighner
Boyes	Gigliotti	Marsico	Stetler
Broujos	Gladeck	Mayernik	Stish
Brown	Godshall	Melio	Strittmatter
Bunt	Gruitza	Merry	Stuban
Bush	Gruppo	Michlovic	Sturla
Butkovitz	Hagarty	Micozzie	Surra
Caltagirone	Haluska	Mundy	Tangretti
Cappabianca	Hanna	Murphy	Taylor, E. Z.
Carlson	Harley	Nahill	Taylor, F.
Carn	Harper	Nailor	Taylor, J.

Carone	Hasay	Nickol	Telek
Cawley	Hayden	Noye	Thomas
Cessar	Hayes	Nyce	Tigue
Chadwick	Heckler	O'Brien	Tomlinson
Civera	Herman	Olasz	Trello
Clark	Hershey	Oliver	Trich
Clymer	Hess	Perzel	Tulli
Cohen	Hughes	Petrarca	Uliana
Colaafella	Itkin	Petrone	Van Horne
Colaizzo	Jadlowiec	Phillips	Vance
Cole	James	Piccola	Veon
Cornell	Jarolin	Pistella	Vroon
Corrigan	Johnson	Pitts	Wambach
Cowell	Josephs	Preston	Williams
Coy	Kaiser	Raymond	Wilson
DeLuca	Kasunic	Reber	Wogan
DeWeese	Kenney	Reinard	Wozniak
Daley	King	Richardson	Wright, D. R.
Davies	Kosinski	Rieger	Wright, M. N.
Dempsey	Krebs	Ritter	
Dent	Kruszewski	Robinson	O'Donnell,
Dermody	Kukovich	Roebuck	Speaker
Donatucci	LaGrotta		

NAYS—0

NOT VOTING—3

Arnold	Mihalich	Pesci
EXCUSED—2		
Freind	Mrkonic	

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

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

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

The question is, shall the bill pass finally? Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—198

Acosta	Durham	Langtry	Roebuck
Adolph	Evans	Laughlin	Rudy
Allen	Fairchild	Lawless	Ryan
Anderson	Fajt	Lee	Saloom
Angstadt	Fargo	Leh	Saurman
Argall	Farmer	Lescovitz	Scheetz
Armstrong	Fee	Levdansky	Schuler
Barley	Fleagle	Linton	Scrimenti
Battisto	Flick	Lloyd	Semmel
Belardi	Foster	Lucyk	Serafini
Belfanti	Freeman	McCall	Smith, B.
Billow	Gallen	McGeehan	Smith, S. H.
Birmelin	Gamble	McHale	Snyder, D. W.
Bishop	Gannon	McHugh	Snyder, G.
Black	Geist	McNally	Staback
Blaum	George	Maiale	Stairs
Bowley	Gerlach	Markosek	Steelman
Boyes	Gigliotti	Marsico	Steighner
Broujos	Gladeck	Mayernik	Stetler
Brown	Godshall	Melio	Stish
Bunt	Gruitza	Merry	Strittmatter
Bush	Gruppo	Michlovic	Stuban
Butkovitz	Hagarty	Micozzie	Sturla
Caltagirone	Haluska	Mihalich	Surra
Cappabianca	Hanna	Mundy	Tangretti

Carlson	Harley	Murphy	Taylor, E. Z.
Carn	Harper	Nahill	Taylor, F.
Carone	Hasay	Nailor	Taylor, J.
Cawley	Hayden	Nickol	Telek
Cessar	Hayes	Noye	Thomas
Chadwick	Heckler	Nyce	Tigue
Civera	Herman	O'Brien	Tomlinson
Clark	Hershey	Olasz	Trello
Clymer	Hess	Oliver	Trich
Cohen	Hughes	Perzel	Tulli
Colaafella	Itkin	Pesci	Uliana
Colaizzo	Jadlowiec	Petrarca	Van Horne
Cole	James	Petrone	Vance
Cornell	Jarolin	Phillips	Veon
Corrigan	Johnson	Piccola	Vroon
Cowell	Josephs	Pistella	Wambach
Coy	Kaiser	Pitts	Williams
DeLuca	Kasunic	Preston	Wilson
DeWeese	Kenney	Raymond	Wogan
Daley	King	Reber	Wozniak
Davies	Kosinski	Reinard	Wright, D. R.
Dempsey	Krebs	Richardson	Wright, M. N.
Dent	Kruszewski	Rieger	
Dermody	Kukovich	Ritter	O'Donnell,
Donatucci	LaGrotta	Robinson	Speaker

NAYS—0

NOT VOTING—1

Arnold	
EXCUSED—2	
Freind	Mrkonic

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

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

BILL REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Greene County, the majority leader, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I move that SB 205 be removed from the tabled calendar and placed on the active calendar.

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

VOTE CORRECTIONS

The SPEAKER pro tempore. For what purpose does the gentlelady, Ms. Bishop, rise?

Ms. BISHOP. To correct the record, Mr. Speaker.

The SPEAKER pro tempore. The lady is in order and may proceed.

Ms. BISHOP. I was recorded on HB 1508 as being voted in the affirmative. I wish to be voted in the negative.

The SPEAKER pro tempore. The remarks of the lady will be spread upon the record.

Any other vote corrections? Any other business?

For what purpose does the gentlelady, Ms. Steelman, rise?

Ms. STEELMAN. To correct the record, Mr. Speaker.

The SPEAKER pro tempore. The lady is in order and may proceed.

Ms. STEELMAN. On HR 245 my vote was not recorded. I would like to be recorded in the affirmative.

The SPEAKER pro tempore. The remarks of the lady will be spread upon the record.

#### **BILLS AND RESOLUTIONS PASSED OVER**

The SPEAKER pro tempore. Without objection, all 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 gentlelady from Cumberland County, Mrs. Vance.

Mrs. VANCE. Mr. Speaker, I move that this House do now adjourn until Wednesday, January 29, 1992, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 2:37 p.m., e.s.t., the House adjourned.