

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, APRIL 13, 1994

SESSION OF 1994

178TH OF THE GENERAL ASSEMBLY

No. 26

### HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (H. WILLIAM DeWEESE)**  
**PRESIDING**

#### PRAYER

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

Let us pray:

O God, our Father, it is into Your hands that we commit ourselves and our destinies. You alone decide the course of human history and the affairs of mankind. You cause wars to cease and peace to abound.

It is not ours to decide the course of human events, but it is ours to decide whether to labor for or against You.

We are thankful and give You praise this morning for the privilege of joining You in this legislature to accomplish great things for You and our constituents.

Give us the blessed assurance that when we do wrong, You correct us, and when we do right, You are there to guide, and we know that all things worketh together for the good to those who love You.

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 Tuesday, April 12, 1994, will be postponed until printed. The Chair hears no objection.

#### CALENDAR

#### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2075**, **PN 2545**, entitled:

An Act amending the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972, adding provisions relating to limited liability companies.

On the question,

Will the House agree to the bill on third consideration?

#### BILL TABLED

The SPEAKER. The Chair recognizes the gentleman, Mr. Itkin, from Pittsburgh.

Mr. ITKIN. Mr. Speaker, I move that HB 2075, on page 3, be placed upon the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

#### BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, the majority leader.

Mr. ITKIN. Mr. Speaker, at this time I move that HB 2075, PN 2545, be taken off the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

#### LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman from Butler County, Mr. Steighner, for leaves of absence.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for leave for the gentlelady from Erie, Representative BEBKO-JONES; the gentleman from Westmoreland, Mr. PETRARCA; the gentleman from Philadelphia, Mr. ACOSTA; and the gentleman from Erie, Mr. CAPPABIANCA.

The SPEAKER. The Chair thanks the gentleman, and those names will be added to the leave list.

The gentleman from Philadelphia, Mr. Perzel, indicates there are no leaves on the Republican side this morning.

#### MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—197

Adolph	Farmer	Lucyk	Saurman
Allen	Fee	Lynch	Saylor
Argall	Fichter	Maitland	Scheetz
Armstrong	Fleagle	Manderino	Schuler
Baker	Flick	Markosek	Scrimenti
Barley	Freeman	Marsico	Semmel
Battisto	Gamble	Masland	Serafini
Belardi	Gannon	Mayernik	Smith, B.
Belfanti	Geist	McCall	Smith, S. H.
Birmelin	George	McGeehan	Snyder, D. W.
Bishop	Gerlach	McNally	Staback
Blaum	Gigliotti	Melio	Stairs
Boyes	Gladeck	Merry	Steelman
Brown	Godshall	Michlovic	Steighner
Bunt	Gordner	Micozzie	Steil
Burns	Grutza	Mihalich	Stern
Butkowitz	Gruppo	Miller	Stetler
Buxton	Haluska	Mundy	Stish
Caltagirone	Hanna	Nailor	Strittmatter
Cam	Harley	Nickol	Sturla
Carone	Hasay	Nyce	Surra
Cawley	Hennessey	O'Brien	Tangretti
Cessar	Herman	Olasz	Taylor, E. Z.
Chadwick	Hershey	Oliver	Taylor, J.
Civera	Hess	Perzel	Thomas
Clark	Hughes	Pesci	Tigue
Clymer	Hutchinson	Petrone	Tomlinson
Cohen, L. I.	Itkin	Petit	Trello
Cohen, M.	Jadlowiec	Phillips	Trich
Colafella	James	Piccola	True
Colaizzo	Jarolin	Pistella	Tulli
Conti	Josephs	Pitts	Uliana
Cornell	Kaiser	Platts	Vance
Corrigan	Kasunic	Preston	Van Horne
Cowell	Keller	Raymond	Veon
Coy	Kenney	Reber	Vitali
Curry	King	Reinard	Washington
Daley	Kirkland	Richardson	Waugh
DeLuca	Krebs	Rieger	Williams
Dempsey	Kukovich	Ritter	Wogan
Dent	LaGrotta	Roberts	Wozniak
Dermody	Laub	Robinson	Wright, D. R.
Donatucci	Laughlin	Roebuck	Wright, M. N.
Druce	Lawless	Rohrer	Yandrisevits
Durham	Lederer	Rooney	Yewcic
Egolf	Lee	Rubley	Zug
Evans	Leh	Rudy	
Fairchild	Lescovitz	Ryan	DeWeese,
Fajt	Levdansky	Santoni	Speaker
Fargo	Lloyd	Sather	

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Acosta	Bush	Cappabianca	Petrarca
Bebko-Jones			

LEAVES ADDED—2

Lucyk	Saurman
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LEAVES CANCELED—1

Saurman

HOUSE BILLS  
INTRODUCED AND REFERRED

**No. 2690** By Representatives PITTS, STABACK, B. SMITH, TIGUE, TRELLO, LYNCH, GODSHALL, HERSHEY, NYCE, KAISER, RUBLEY, FAJT, LAUB, NAILOR, SCHULER, CLARK, JAROLIN, SAYLOR, BROWN, BAKER, GEIST, MELIO, FAIRCHILD, HALUSKA, CESSAR, ALLEN, DERMODY, HENNESSEY, STERN, LAUGHLIN, RAYMOND, DeLUCA, OLASZ, E. Z. TAYLOR, PETTTT, KENNEY and PHILLIPS

An Act amending the act of August 14, 1991 (P.L.342, No.36), known as the Lottery Fund Preservation Act, providing grants for shared-ride public transportation services for certain persons who are legally blind.

Referred to Committee on AGING AND YOUTH, April 13, 1994.

**No. 2696** By Representatives LYNCH, PITTS, TRELLO, FARGO, STURLA, BAKER, CAWLEY, E. Z. TAYLOR, PETTTT, LEDERER, MILLER, SERAFINI, TOMLINSON, L. I. COHEN, GRUTZA and KENNEY

An Act creating the Committee for the Coordination of Police Services to Elderly Persons; and providing for powers and duties of the committee.

Referred to Committee on AGING AND YOUTH, April 13, 1994.

**No. 2697** By Representatives RUDY, STEELMAN, COY, HERSHEY, CESSAR, COLAIZZO, REBER, EGOLF, PHILLIPS, B. SMITH, PISTELLA, KING, TRELLO, YANDRISEVITS, M. N. WRIGHT, MILLER, LAUGHLIN, BELFANTI, E. Z. TAYLOR, BUNT and MERRY

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for sales tax exemption for vegetable seeds.

Referred to Committee on FINANCE, April 13, 1994.

**No. 2698** By Representatives COY, GEORGE, DeWEESE, STURLA, STETLER, MASLAND, TULLI, CURRY, NAILOR, KUKOVICH, STEIGHNER, BLAUM, MUNDY, STABACK, BELARDI, ITKIN, LAUGHLIN, CORRIGAN, McCALL, BATTISTO, FREEMAN, SURRA, YANDRISEVITS, MARKOSEK, MAYERNIK, DERMODY, ROONEY, MELIO, RUDY and VANCE

An Act creating a Pennsylvania rivers conservation program to conserve and enhance the river resources of this Commonwealth through development and implementation of river conservation plans; establishing the Pennsylvania Rivers Conservation Registry to recognize local river conservation activities; establishing a Rivers Conservation Board; providing technical and

financial assistance to municipalities and river support groups for river conservation planning and implementation activities.

Referred to Committee on CONSERVATION, April 13, 1994.

**No. 2700** By Representatives LESCOVITZ, GEORGE, HASAY, ALLEN, DeWEESE, ITKIN, BATTISTO, ROBERTS, WOZNIAK, STURLA, MUNDY, M. COHEN, GRUITZA, MIHALICH, MICHLOVIC, GORDNER, THOMAS, ROONEY, RITTER and MASLAND

An Act establishing environmental cleanup requirements for response actions taken to address contaminated media; providing for powers and duties of the Department of Environmental Resources and the Environmental Quality Board; and imposing a penalty.

Referred to Committee on CONSERVATION, April 13, 1994.

**No. 2701** By Representatives D. R. WRIGHT, VEON, STABACK, MIHALICH, SURRA, TRELLO, PISTELLA, ROBERTS, BELFANTI, WOZNIAK, BAKER, SERAFINI, HENNESSEY, KASUNIC, PETRARCA and RICHARDSON

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for eligibility for compensation.

Referred to Committee on LABOR RELATIONS, April 13, 1994.

**No. 2702** By Representatives OLIVER, GODSHALL, REBER, McCALL, McGEEHAN, DONATUCCI, O'BRIEN, JOSEPHS, CARN, BISHOP, THOMAS and MANDERINO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, restricting the possession of firearms.

Referred to Committee on JUDICIARY, April 13, 1994.

**No. 2703** By Representatives FARGO, HUTCHINSON, DEMPSEY, HENNESSEY, LYNCH, MILLER, CLARK, COLAIZZO, STERN, REBER and GEIST

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for borough councils' and mayors' salaries.

Referred to Committee on LOCAL GOVERNMENT, April 13, 1994.

**No. 2704** By Representatives LESCOVITZ, HASAY, WOZNIAK, GODSHALL, BATTISTO, ALLEN, O'BRIEN, TRELLO, STEIGHNER and BUNT

An Act amending the act of December 22, 1989 (P.L.687, No.90), known as the Mortgage Bankers and Brokers Act, adding and amending certain definitions; providing for loan correspondents and wholesale table funders; further providing for license

applications, requirements, exemptions, duration, fees, limitations, suspensions or revocations; authorizing certain additional fees to be charged; and further providing for enforcement and penalties.

Referred to Committee on BUSINESS AND ECONOMIC DEVELOPMENT, April 13, 1994.

**No. 2705** By Representatives LAUGHLIN, BELARDI, WILLIAMS, DERMODY and CARONE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the seating of students on school buses.

Referred to Committee on TRANSPORTATION, April 13, 1994.

**No. 2706** By Representatives VAN HORNE, COY, MARKOSEK, GORDNER, STABACK, FARMER, CAPPABIANCA, E. Z. TAYLOR, ULIANA, PRESTON, FEE, L. I. COHEN, PESCI and BELFANTI

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for tax delinquency by candidates.

Referred to Committee on STATE GOVERNMENT, April 13, 1994.

**No. 2707** By Representatives CAPPABIANCA, SCRIMENTI, BEBKO-JONES and BOYES

An Act designating the interchange of I-79 and I-90 in Erie County as the Charles D. Buzzanco Interchange.

Referred to Committee on TRANSPORTATION, April 13, 1994.

**No. 2708** By Representatives SURRA, BELARDI, STABACK, TIGUE, BUNT, HASAY, DERMODY, MUNDY, FLICK, TRELLO, WOZNIAK, MERRY, S. H. SMITH, M. COHEN, ROONEY, TOMLINSON, HANNA, VEON, PESCI, GORDNER, PHILLIPS, RICHARDSON and McCALL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for chemical testing to determine amount of alcohol or controlled substance.

Referred to Committee on TRANSPORTATION, April 13, 1994.

**No. 2709** By Representatives ADOLPH, MANDERINO, FICHTER, CESSAR, KUKOVICH, BELARDI, COY, LAUB, MIHALICH, TRELLO, PITTS, E. Z. TAYLOR, MILLER, CLARK, GIGLIOTTI, TRICH, BROWN, ROBINSON, McGEEHAN, CAWLEY, ROONEY, MELIO, RUBLEY, JOSEPHS, LAUGHLIN, DeLUCA, PETTTT, MICOZZIE, L. I. COHEN, KASUNIC, KENNEY, ULIANA, BURNS, STEELMAN, TOMLINSON, RICHARDSON, RUDY and HENNESSEY

An Act amending the act of December 18, 1984 (P.L.1068, No.213), entitled, as amended, "An act requiring physicians to obtain informed consent from patients for treatment of breast disease," expanding the act to cover breast reconstructive surgery; and conferring powers and duties on the Department of Health and the Legislative Reference Bureau.

Referred to Committee on PROFESSIONAL LICENSURE, April 13, 1994.

**No. 2710** By Representatives O'BRIEN, MANDERINO, FAIRCHILD, TIGUE, WOGAN, TRELLO, MERRY, BELFANTI, CLARK, RUBLEY, KENNEY and LEE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for limit on cancellations, refusals to write or renew, surcharges, rate penalties and point assignment by automobile insurers.

Referred to Committee on INSURANCE, April 13, 1994.

**No. 2711** By Representatives O'BRIEN, FAIRCHILD, STABACK, TRELLO and SERAFINI

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, further providing for certain entities not to be licensed.

Referred to Committee on INSURANCE, April 13, 1994.

**No. 2712** By Representatives BELFANTI, WOGAN, LAUGHLIN, TRELLO, BELARDI, VEON, LAUB, STABACK, PRESTON, CARN, PISTELLA, PETRARCA, ROBERTS, LEVDANSKY, MERRY, ROONEY, MELIO, ROEBUCK, STEELMAN and RICHARDSON

An Act requiring certain employers to list employment opportunities with the State Job Center.

Referred to Committee on LABOR RELATIONS, April 13, 1994.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 292** By Representatives DEMPSEY, KUKOVICH, FICHTER, VANCE, SATHER, CHADWICK, SANTONI, CURRY, MELIO, ROONEY, STEIL, NAILOR, FAIRCHILD, RUDY, CAWLEY, E. Z. TAYLOR, HERSHEY, GEIST, FARGO, HERMAN, CLYMER, LEH, SAYLOR, McCALL, WOZNIAK, CESSAR, NYCE, ADOLPH, HESS, MAYERNIK, STAIRS, COY, KREBS, BARLEY, MAITLAND, WAUGH, MARSICO, FLEAGLE, M. N. WRIGHT, MERRY, FAJT, PISTELLA, LAUB, STABACK, B. SMITH, MIHALICH, TRELLO, PITTS, MANDERINO, ROBERTS, BELARDI, LYNCH, BUSH, DENT, MILLER, MARKOSEK, OLASZ, BROWN, KAISER, LESCOVITZ, TIGUE, BAKER, RUBLEY, JOSEPHS, ARGALL, SERAFINI, MUNDY, GORDNER, YANDRISEVITS, LAUGHLIN, RAYMOND, HANNA, STERN, DeLUCA, STURLA, FARMER, TOMLINSON,

PETTTI, GRUPPO, KASUNIC, L. I. COHEN, PHILLIPS, KENNEY, SAURMAN, ULIANA, HARLEY, DRUCE, EGOLF, KING, ZUG, PETRARCA and HUTCHINSON

A Resolution proclaiming the week of April 25 through 30, 1994, as "Lions Sight and Hearing Conservation Week" in Pennsylvania.

Referred to Committee on RULES, April 13, 1994.

**No. 295** By Representatives COY, BELARDI, STAIRS, FARGO, LAUB, BUXTON, STEIL, FAJT, HERMAN, MASLAND, PLATTS, DEMPSEY, COWELL, CESSAR, LESCOVITZ, ROONEY, SANTONI, GORDNER, JADLOWIEC, SAYLOR, JAROLIN, VANCE, BEBKO-JONES, PESCI, GODSHALL, COLAIZZO, MELIO, ZUG, BAKER, ALLEN, M. N. WRIGHT, PETTTI, GIGLIOTTI, D. R. WRIGHT, HERSHEY, LUCYK, YANDRISEVITS, NYCE, REBER, TIGUE, DONATUCCI, FARMER, MICOZZIE, FAIRCHILD, HUTCHINSON, McCALL, LEH, EGOLF, CLARK, PHILLIPS, MARKOSEK, HESS, NAILOR, B. SMITH, TRUE, ROHRER, FICHTER, GEIST, TRELLO, LEVDANSKY, PISTELLA, MANDERINO, MAITLAND, KING, ARMSTRONG, L. I. COHEN, DeLUCA, ROBERTS, LYNCH, SAURMAN, BISHOP, STURLA, THOMAS, BLAUM, KENNEY, HENNESSEY, KAISER, BELFANTI, LAUGHLIN, BATTISTO, WOZNIAK, WAUGH, RAYMOND, STABACK, CLYMER, E. Z. TAYLOR, SATHER, DRUCE, TOMLINSON, MERRY, TANGRETTI, MILLER, YEWIC, STERN, HASAY, S. H. SMITH, BROWN, KASUNIC, OLASZ and GAMBLE

A Resolution recognizing May 5, 1994, as "Prayer Day" in Pennsylvania as part of The National Day of Prayer celebration.

Referred to Committee on RULES, April 13, 1994.

**No. 296** By Representatives E. Z. TAYLOR, COY, TRUE, VANCE, CAWLEY, WAUGH, PESCI, LAUB, SATHER, NAILOR, MARSICO, DEMPSEY, SANTONI, GIGLIOTTI, McCALL, MERRY, LESCOVITZ, MELIO, BEBKO-JONES, FAIRCHILD, ARGALL, STURLA, DeLUCA, HESS, FARGO, PHILLIPS, SAURMAN, J. TAYLOR, STEIL, CESSAR, GAMBLE, FLICK, MAITLAND, M. N. WRIGHT, FAJT, STABACK, B. SMITH, TRELLO, PITTS, SAYLOR, ROBERTS, LYNCH, FICHTER, MILLER, OLASZ, HERSHEY, NYCE, KAISER, BAKER, GEIST, ROONEY, RUBLEY, ARMSTRONG, LAUGHLIN, STAIRS, JOSEPHS, BATTISTO, CLYMER, CARN, KASUNIC, BROWN, BIRMELIN, KENNEY, KING, PETRARCA and TOMLINSON

A Resolution memorializing the Governor to proclaim May 1994 as "Celebrate to Live" month in Pennsylvania.

Referred to Committee on RULES, April 13, 1994.

**No. 301** By Representative PERZEL

A Resolution proclaiming April 24, 1994, as a commemorative day for the victims of the Armenian genocide.

Referred to Committee on RULES, April 13, 1994.

**RESOLUTIONS**

Mrs. TAYLOR called up **HR 268, PN 3320**, entitled:

A Resolution designating the month of May 1994 as "Physical Fitness and Sports Month."

On the question,  
Will the House adopt the resolution?

The SPEAKER. On the resolution, does the lady seek recognition? She indicates she does.

Mrs. Taylor is recognized.

Representative Taylor always, always displays decorum. Mrs. Taylor deserves your attention. Members will please be seated.

Many times these matters are considered pro forma, but I never see Mrs. Taylor conducting herself in anything but a decorous manner. She would like some attention. She has mine.

Mrs. TAYLOR. Mr. Speaker, I do not often speak on a resolution. However, I thought that this one was of particular interest, and I will just take a moment to emphasize the fact that physical activity does have a very important role in the prevention of coronary heart disease.

The U.S. Department of Health and Human Services has determined that a sedentary lifestyle appears to be an independent risk for coronary disease, nearly doubling a person's risk.

We all know the risks of smoking and high blood pressure, but most of us do not know that inactivity presents almost a greater risk as these better known risk factors. Few people engage in physical activity despite the risks of inactivity. Less than 10 percent of America's population exercises three or more times a week at a level that would reduce their risk of heart disease, and those reporting a sedentary life amount to nearly 25 percent of the population.

Because more people are at risk of heart disease due to a lack of physical activity than to any other single factor, it has an especially great public health impact, and I offer this resolution today so that we can center on the importance of physical activity in our lives and in the lives of our family and in the life of the populace of the Commonwealth. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

On the question recurring,  
Will the House adopt the resolution?

The following roll call was recorded:

**YEAS—195**

- |        |         |          |         |
|--------|---------|----------|---------|
| Adolph | Fee     | Lynch    | Saurman |
| Allen  | Fichter | Maitland | Saylor  |

- |              |            |            |               |
|--------------|------------|------------|---------------|
| Argall       | Fleagle    | Manderino  | Scheetz       |
| Armstrong    | Flick      | Markosek   | Schuler       |
| Baker        | Freeman    | Marsico    | Scrimenti     |
| Barley       | Gamble     | Masland    | Semmel        |
| Battisto     | Gannon     | Mayernik   | Serafini      |
| Belardi      | Geist      | McCall     | Smith, B.     |
| Belfanti     | George     | McGeehan   | Smith, S. H.  |
| Birmelin     | Gerlach    | McNally    | Snyder, D. W. |
| Blaum        | Gigliotti  | Melio      | Staback       |
| Boyes        | Gladeck    | Merry      | Stairs        |
| Brown        | Godshall   | Michlovic  | Stelman       |
| Bunt         | Gordner    | Micozzie   | Steighner     |
| Burns        | Gruitza    | Mihalich   | Steil         |
| Butkovitz    | Gruppo     | Miller     | Stern         |
| Buxton       | Haluska    | Mundy      | Stetler       |
| Caltagirone  | Hanna      | Nailor     | Stish         |
| Carn         | Harley     | Nickol     | Strittmatter  |
| Carone       | Hasay      | Nyce       | Sturla        |
| Cawley       | Hennessey  | O'Brien    | Surra         |
| Cessar       | Herman     | Olasz      | Tangretti     |
| Chadwick     | Hershey    | Oliver     | Taylor, E. Z. |
| Civera       | Hess       | Perzel     | Taylor, J.    |
| Clark        | Hutchinson | Pesci      | Thomas        |
| Clymer       | Itkin      | Petrone    | Tigue         |
| Cohen, L. I. | Jadlowiec  | Pettit     | Tomlinson     |
| Cohen, M.    | James      | Phillips   | Trello        |
| Colafrella   | Jarolin    | Piccola    | Trich         |
| Colaizzo     | Josephs    | Pistella   | True          |
| Conti        | Kaiser     | Pitts      | Tulli         |
| Cornell      | Kasunic    | Platts     | Uliana        |
| Corrigan     | Keller     | Preston    | Vance         |
| Cowell       | Kenney     | Raymond    | Van Home      |
| Coy          | King       | Reber      | Veon          |
| Curry        | Kirkland   | Reinard    | Vitali        |
| Daley        | Krebs      | Richardson | Washington    |
| DeLuca       | Kukovich   | Rieger     | Waugh         |
| Dempsey      | LaGrotta   | Ritter     | Williams      |
| Dent         | Laub       | Roberts    | Wogan         |
| Dermody      | Laughlin   | Robinson   | Wozniak       |
| Donatucci    | Lawless    | Roebuck    | Wright, D. R. |
| Druce        | Lederer    | Rohrer     | Wright, M. N. |
| Durham       | Lee        | Rooney     | Yandrisevits  |
| Egolf        | Leh        | Rublely    | Yewcic        |
| Evans        | Lescovitz  | Rudy       | Zug           |
| Fairchild    | Levdansky  | Ryan       |               |
| Fajt         | Lloyd      | Santoni    | DeWeese,      |
| Fargo        | Lucyk      | Sather     | Speaker       |
| Farmer       |            |            |               |

**NAYS—0**

**NOT VOTING—2**

- |        |        |
|--------|--------|
| Bishop | Hughes |
|--------|--------|

**EXCUSED—5**

- |             |      |             |          |
|-------------|------|-------------|----------|
| Acosta      | Bush | Cappabianca | Petrarca |
| Bebko-Jones |      |             |          |

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

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Mrs. TAYLOR called up **HR 269, PN 3321**, entitled:

A Resolution recognizing the month of May 1994 as "Healthy Babies Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The SPEAKER. The gentlelady from Chester is recognized on a second resolution, HR 269, PN 3321, again on page 10. Mrs. Taylor.

Mrs. TAYLOR. Thank you, Mr. Speaker.

Again, at the risk of talking too much on a resolution, I do want to say that the health of women and children should be of concern to society throughout the life cycle but especially during that vulnerable period of pregnancy, infancy, and early childhood. Infants in particular are entirely dependent on their families and communities for the resources they need to grow, develop, and be healthy. We owe it to the children and the future to insure that they have a healthy start.

The Centers for Disease Control states that nearly one of every four pregnant women in the United States receives no prenatal care in the first trimester of her pregnancy, and women who do not seek or receive prenatal care are at a greater risk of experiencing poor pregnancy outcomes. Health experts contend that activities to promote healthy lifestyle and the importance of prenatal care can lead to improved pregnancy outcomes and more healthy babies.

This is a healthy-baby resolution, and I urge consent.

The SPEAKER. The Chair thanks the lady.

On the question recurring,  
Will the House adopt the resolution?

The following roll call was recorded:

#### YEAS—194

Adolph	Fargo	Lloyd	Santoni
Allen	Farmer	Lucyk	Sather
Argall	Fee	Lynch	Saurman
Armstrong	Fichter	Maitland	Saylor
Baker	Fleagle	Manderino	Scheetz
Barley	Flick	Markosek	Schuler
Battisto	Freeman	Marsico	Scrimenti
Belardi	Gamble	Masland	Semmel
Belfanti	Gannon	Mayernik	Serafini
Birmelin	Geist	McCall	Smith, B.
Bishop	George	McGeehan	Smith, S. H.
Blaum	Gerlach	McNally	Snyder, D. W.
Boyes	Gigliotti	Melio	Staback
Brown	Gladeck	Merry	Stairs
Bunt	Godshall	Michlovic	Steelman
Burns	Gordner	Micozzie	Steighner
Butkovitz	Gruitza	Mihalich	Steil
Buxton	Gruppo	Miller	Stern
Caltagirone	Haluska	Mundy	Stetler
Carn	Hanna	Nailor	Stish
Carone	Harley	Nickol	Strittmatter
Cawley	Hasay	Nyce	Sturla
Cessar	Hennessey	O'Brien	Surra
Chadwick	Herman	Olasz	Tangretti
Civera	Hershey	Oliver	Taylor, E. Z.
Clark	Hess	Perzel	Taylor, J.
Clymer	Hutchinson	Pesci	Thomas
Cohen, L. I.	Itkin	Petrone	Tigue
Cohen, M.	Jadlowiec	Petit	Tomlinson
Colafrilla	James	Phillips	Trelfo
Colaizzo	Jarolin	Piccola	Trich
Conti	Josephs	Pistella	True

Cornell	Kaiser	Pitts	Tulli
Corrigan	Kasunic	Platts	Uliana
Cowell	Keller	Preston	Vance
Coy	Kenney	Raymond	Veon
Curry	King	Reber	Washington
Daley	Kirkland	Reinard	Waugh
DeLuca	Krebs	Richardson	Williams
Dempsey	Kukovich	Rieger	Wogan
Dent	LaGrotta	Ritter	Wozniak
Dermody	Laub	Roberts	Wright, D. R.
Donatucci	Laughlin	Robinson	Wright, M. N.
Druce	Lawless	Roebuck	Yandrisevits
Durham	Lederer	Rohrer	Yewcic
Egolf	Lee	Rooney	Zug
Evans	Leh	Rubley	
Fairchild	Lescovitz	Rudy	DeWeese,
Fajt	Levdansky	Ryan	Speaker

NAYS—0

NOT VOTING—3

Hughes Van Horne Vitali

EXCUSED—5

Acosta Bush Cappabianca Petarca  
Bebko-Jones

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

#### BILL ON FINAL PASSAGE POSTPONED

The House proceeded to consideration on final passage postponed of **HB 2205, PN 3519**, entitled:

An Act providing an optional universal exemption for all real property.

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—187

Allen	Farmer	Maitland	Scheetz
Argall	Fee	Manderino	Schuler
Armstrong	Fichter	Markosek	Scrimenti
Baker	Fleagle	Marsico	Semmel
Barley	Flick	Masland	Serafini
Battisto	Freeman	Mayernik	Smith, B.
Belardi	Gamble	McCall	Smith, S. H.
Belfanti	Gannon	McGeehan	Snyder, D. W.
Birmelin	Geist	McNally	Staback
Bishop	George	Melio	Stairs
Blaum	Gerlach	Merry	Steelman
Boyes	Gigliotti	Michlovic	Steighner
Brown	Godshall	Mihalich	Steil
Bunt	Gordner	Miller	Stern
Burns	Gruitza	Mundy	Stetler
Butkovitz	Gruppo	Nailor	Stish
Buxton	Haluska	Nickol	Strittmatter
Caltagirone	Hanna	Nyce	Sturla
Carn	Hasay	O'Brien	Surra
Carone	Hennessey	Olasz	Tangretti
Cawley	Herman	Oliver	Taylor, E. Z.
Cessar	Hershey	Pesci	Taylor, J.
Chadwick	Hess	Petrone	Thomas

Civera	Hutchinson	Pettit	Tigue
Clark	Itkin	Phillips	Tomlinson
Clymer	Jadlowiec	Piccola	Trello
Cohen, M.	James	Pistella	Trich
Colafrella	Jarolin	Pitts	True
Colaizzo	Josephs	Platts	Tulli
Conti	Kaiser	Preston	Uliana
Cornell	Kasunic	Raymond	Vance
Corrigan	Keller	Reber	Van Horne
Cowell	Kenney	Reinard	Veon
Coy	King	Richardson	Vitali
Curry	Kirkland	Rieger	Washington
Daley	Krebs	Ritter	Waugh
DeLuca	Kukovich	Roberts	Williams
Dempsey	LaGrotta	Robinson	Wogan
Dent	Laub	Roebuck	Wozniak
Dermody	Laughlin	Rohrer	Wright, D. R.
Donatucci	Lederer	Rooney	Wright, M. N.
Druce	Leh	Rublely	Yandrisevits
Durham	Lescovitz	Rudy	Yewcic
Egolf	Levdansky	Santoni	Zug
Evans	Lloyd	Sather	
Fairchild	Lucyk	Saurman	DeWeese,
Fajt	Lynch	Saylor	Speaker
Fargo			

NAYS-9

Adolph	Harley	Lee	Perzel
Cohen, L. I.	Lawless	Micozzie	Ryan
Gladeck			

NOT VOTING-1

Hughes

EXCUSED-5

Acosta	Bush	Cappabianca	Petrarca
Bebko-Jones			

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

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

**BILLS ON THIRD CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 217, PN 3515**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing an optional universal exemption for owner-occupied residential real property.

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

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

The question is, shall the bill pass finally?

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

YEAS-197

Adolph	Farmer	Lucyk	Saurman
Allen	Fee	Lynch	Saylor
Argall	Fichter	Maitland	Scheetz
Armstrong	Fleagle	Manderino	Schuler
Baker	Flick	Markosek	Scrimenti
Barley	Freeman	Marsico	Semmel
Battisto	Gamble	Masland	Serafini
Belardi	Gannon	Mayernik	Smith, B.
Belfanti	Geist	McCall	Smith, S. H.
Birmelin	George	McGeehan	Snyder, D. W.
Bishop	Gerlach	McNally	Staback
Blaum	Gigliotti	Melio	Stairs
Boyes	Gladeck	Merry	Steelman
Brown	Godshall	Michlovic	Steighner
Bunt	Gordner	Micozzie	Steil
Burns	Gruitza	Mihalich	Stern
Butkovitz	Gruppo	Miller	Stetler
Buxton	Haluska	Mundy	Stish
Caltagirone	Hanna	Nailor	Strittmatter
Carn	Harley	Nickol	Sturla
Carone	Hasay	Nyce	Surra
Cawley	Hennessey	O'Brien	Tangretti
Cessar	Herman	Olasz	Taylor, E. Z.
Chadwick	Hershey	Oliver	Taylor, J.
Civera	Hess	Perzel	Thomas
Clark	Hughes	Pesci	Tigue
Clymer	Hutchinson	Petrone	Tomlinson
Cohen, L. I.	Itkin	Petit	Trello
Cohen, M.	Jadlowiec	Phillips	Trich
Colafrella	James	Piccola	True
Colaizzo	Jarolin	Pistella	Tulli
Conti	Josephs	Pitts	Uliana
Cornell	Kaiser	Platts	Vance
Corrigan	Kasunic	Preston	Van Horne
Cowell	Keller	Raymond	Veon
Coy	Kenney	Reber	Vitali
Curry	King	Reinard	Washington
Daley	Kirkland	Richardson	Waugh
DeLuca	Krebs	Rieger	Williams
Dempsey	Kukovich	Ritter	Wogan
Dent	LaGrotta	Roberts	Wozniak
Dermody	Laub	Robinson	Wright, D. R.
Donatucci	Laughlin	Roebuck	Wright, M. N.
Druce	Lawless	Rohrer	Yandrisevits
Durham	Lederer	Rooney	Yewcic
Egolf	Lee	Rublely	Zug
Evans	Leh	Rudy	
Fairchild	Lescovitz	Ryan	DeWeese,
Fajt	Levdansky	Santoni	Speaker
Fargo	Lloyd	Sather	

NAYS-0

NOT VOTING-0

EXCUSED-5

Acosta	Bush	Cappabianca	Petrarca
Bebko-Jones			

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

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

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The House proceeded to third consideration of **HB 413, PN 3508**, entitled:

An Act requiring nursing homes to submit information annually to the Department of Health; providing for certain duties of the Department of Health and the Department of Aging; providing immunity for long-term care ombudsman and person reporting thereto; and providing for the licensure and regulation of personal care homes.

On the question recurring,

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

Mrs. TAYLOR offered the following amendment No. A1538:

Amend Sec. 501, page 9, lines 14 through 27, by striking out all of said lines and inserting

(a) Legislative intent.—The Department of Public Welfare shall continue to license and regulate those facilities that serve persons who are physically or mentally disabled and whose primary reason for needing personal care is not related to their age. The Department of Aging shall license and regulate personal care homes that serve populations of adults who are predominantly 60 years of age or older.

(b) Regulations.—The Department of Aging shall promulgate regulations regarding the licensure and regulation of personal care homes that serve populations of adults who are predominantly 60 years of age or older. Existing regulations for the licensing and regulation of facilities serving predominantly persons under 60 years of age who need personal care for reasons related to physical or mental disability shall remain in effect under the Department of Public Welfare.

(c) Interagency cooperation.—The Department of Aging shall coordinate with the Department of Public Welfare to facilitate the appropriate transfer of personnel, supplies and equipment and funds necessary to ensure that the Department of Aging can fulfill its responsibilities under this chapter while maintaining with the Department of Public Welfare the licensure of homes serving the physically or mentally disabled.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the gentlelady from Chester is recognized.

Mrs. TAYLOR. Thank you, Mr. Speaker.

I guess I want to say, well, here we go again; here we go again. This is the third time that we will have been addressing this very, very important amendment.

During the last debate, I suggested that this bill be returned, the entire bill be returned to the Aging and Youth Committee. Coming from the world of academics, I assumed that taking the bill back to the proper committee would mean that they would review it for its contents. I assumed that they would want to look at that chapter that was put in by the Appropriations Committee.

Mr. Speaker, I have never been able to understand in my 18 years as a member why the Appropriations Committee takes it upon itself to do other than fiscal oversight. I object and have objected during my term to them changing bills and adding substantive issues. That is what happened in this case.

I had hoped, I had hoped that this would not be a party issue. I do not view it as a Republican Party issue. I view it as an issue that will present the best kind of care for the clients,

the best opportunity for those who serve in the caring community to offer to both those who are elderly as well as those who are mentally retarded, mentally ill, physically disabled. I think we owe it to our constituency.

We are not elected by the Governor of this Commonwealth. We are not elected to come here by the Secretary of Aging. I commend the Secretary of Aging for her advocacy role. I do not commend her for forcing onto the members of this Assembly an issue that is not wanted by those who are serving the constituents, your constituents and my constituents.

Mr. Speaker, again I want to emphasize two things. My amendment does not, does not, does not mean dual licensure. Mr. Speaker, do you hear that? It is not dual licensure. Regardless of what your leadership has said, it is not dual licensure. What it is is making the best opportunity for all to serve those clients that deserve the best care. My amendment provides an opportunity for that quality care for those who are not elderly but to those who need that help that are mentally retarded, physically handicapped, or mentally ill.

I suggest to you, if you want to represent your constituents, if you want to represent the nonprofit homes in this Commonwealth, you should vote for my amendment. If you want to serve the wishes of those who probably will not be here in 6 months, then you should vote against my amendment.

I will read one more time the paragraph from a letter from PANPHA. That is the Pennsylvania Association of Non-Profit Homes for the Aging. "The PDA was created to advocate"—advocate—"for the elderly and to serve as an ombudsman. The addition of licensure responsibilities would obscure the focus of PDA's mission," kind of like—and these are my words—you know, kind of like the fox guarding the chicken coop, "making it unlikely that the PDA could fulfill both functions adequately. PANPHA believes that if the licensing transfer is made, organizational barriers must be created within PDA to separate the personal care home licensure responsibilities from PDA's ombudsman responsibilities."

I cannot urge you enough to support this amendment on behalf of the people who are serving this population and the clients. Thank you, Mr. Speaker.

The SPEAKER. On the Taylor amendment, the gentleman, Mr. Blaum, indicates that he would like recognition. The gentleman is recognized.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, this will be the third time that the members of the House have voted on this amendment.

What is contained in HB 413 is a transfer of the responsibility for the inspection and regulation of personal care homes, which contain roughly about 88 percent of the population being Pennsylvania senior citizens, transferring that from the Department of Welfare over where it should be, to the Department of Aging.

What this amendment does is it splits that function, leaving the office in the Department of Welfare to do the inspection or regulation of some homes, transferring part of it over to the Department of Aging to have them do regulations and inspection of some homes, creating two offices to do the same work.



It is duplicative and is something that we do not need. It costs too much money and is a repetitive function which is unnecessary, and we ask the members of the House, as they did last week, to vote against this amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—83

Adolph	Farmer	Lawless	Rohrer
Allen	Fichter	Lloyd	Rubley
Argall	Flick	Lynch	Ryan
Baker	Gannon	Maitland	Saurman
Birmelin	Gerlach	Marsico	Saylor
Boyes	Gladeck	Masland	Semmel
Brown	Godshall	Merry	Serafini
Bunt	Gruppo	Micozzie	Smith, B.
Buxton	Hanna	Nailor	Smith, S. H.
Carone	Harley	Nickol	Snyder, D. W.
Cawley	Hasay	Nyce	Taylor, E. Z.
Chadwick	Hennessey	O'Brien	Taylor, J.
Civera	Herman	Perzel	Tighe
Conti	Hershey	Pesci	Tomlinson
Cornell	Hess	Pettit	Tulli
Coy	Hutchinson	Phillips	Uliana
Dempsey	Jadlowiec	Piccola	Vance
Dent	Kenney	Pitts	Waugh
Durham	King	Platts	Wogan
Fairchild	Krebs	Raymond	Wright, M. N.
Fargo	Kukovich	Reber	

NAYS—113

Armstrong	Fee	Markosek	Staback
Barley	Fleagle	Mayernik	Stairs
Battisto	Freeman	McCall	Steelman
Belardi	Gamble	McGeehan	Steil
Belfanti	Geist	McNally	Stern
Bishop	George	Melio	Stetler
Blaum	Gigliotti	Michlovic	Stish
Burns	Gordner	Mihalich	Strittmatter
Butkowitz	Gruitzka	Miller	Sturla
Caltagirone	Haluska	Mundy	Surra
Carn	Hughes	Olasz	Tangretti
Cessar	Itkin	Oliver	Thomas
Clark	James	Petrone	Trello
Clymer	Jarolin	Pistella	Trich
Cohen, L. I.	Josephs	Preston	True
Cohen, M.	Kaiser	Reinard	Van Horne
Colafrella	Kasunic	Richardson	Veon
Colaizzo	Keller	Rieger	Vitali
Corrigan	Kirkland	Ritter	Washington
Cowell	LaGrotta	Roberts	Williams
Curry	Laub	Robinson	Wozniak
Daley	Laughlin	Roebuck	Wright, D. R.
DeLuca	Lederer	Rooney	Yandrisevits
Dermody	Lee	Rudy	Yewcic
Donatucci	Leh	Santoni	Zug
Druce	Lescovitz	Sather	
Egolf	Levdansky	Scheetz	DeWeese,
Evans	Lucyk	Schuler	Speaker
Fajt	Manderino	Scrimenti	

NOT VOTING—1

Steighner

EXCUSED—5

Acosta                      Bush                      Cappabianca                      Petrarca  
Bebko-Jones

The question was determined in the negative, and the amendment was not agreed to.

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

Mr. SNYDER offered the following amendment No. A1537:

Amend Sec. 501, page 9, line 14, by striking out "All" and inserting

Except as provided in subsection (d), all

Amend Sec. 501, page 9, by inserting between lines 27 and 28

(d) Exception.—The transfer provided for in this section shall not apply to personal care homes which, on the effective date of this section, have more than one license issued by the Department of Public Welfare. These personal care homes shall remain under the jurisdiction of the Department of Public Welfare.

Amend Sec. 501, page 9, line 28, by striking out "(d)" and inserting

(e)

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

The SPEAKER. On the amendment, the gentleman from Lehigh is recognized.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, I will be very brief. We have debated this amendment before. I do not think it has ever been brought up for a vote.

This amendment, Mr. Speaker, deals with what we have heard in previous debate may only be one or two facilities in the Commonwealth that have dual licensure, one as a partial psychiatric hospital and also licensed as a personal care home facility.

This amendment would allow facilities that have more than one license for the facility to remain under the Department of Welfare because of their special needs. Thank you.

The SPEAKER. Does the gentleman, Mr. Blaum, seek recognition?

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, we would rise to oppose this amendment for similar reasons although not the same as Representative Taylor's amendment.

What this would do would be to exempt what we believe would be only two facilities from that kind of a transfer. It just seems unnecessary and perhaps not the wisest thing to do to leave just two facilities out of this transfer, which we believe is in the best interest of Pennsylvania's senior citizens.

We would ask for a negative vote on this amendment.

Mr. LLOYD. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. LLOYD. For interrogation.

The SPEAKER. The gentleman from Somerset is recognized.

Mr. LLOYD. Thank you, Mr. Speaker.

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

The SPEAKER. The gentleman from Luzerne indicates he will stand for interrogation. Mr. Lloyd may proceed.

Mr. LLOYD. Mr. Speaker, I have in my legislative district a nursing home which also offers personal care services at that home. I, frankly, until this amendment this morning, had not thought about that problem, and I do not know whether it has two licenses or not, but under current requirements, would that facility have to be licensed as both a nursing home and a personal care home?

Mr. BLAUM. I am sorry, Mr. Speaker; I did not hear your question.

Mr. LLOYD. The situation is as follows: I have a facility in my legislative district which is a nursing home but is also a personal care home. Prior to this debate this morning, I did not understand that this issue was really involved in this dispute. What I want to know, based on your previous statement that there are only two institutions in the whole State which would be affected by this, what I want to know is, under current law, is that facility in my district, which has both nursing home and personal care, required to have two separate licenses?

Mr. BLAUM. Yes.

Mr. LLOYD. So then, if we do not pass the Snyder amendment, I should assume that one of those two institutions is in my legislative district.

Mr. BLAUM. I would guess so, Mr. Speaker.

Mr. LLOYD. Mr. Speaker, on the amendment.

The SPEAKER. Mr. Lloyd is in order and may proceed.

Mr. LLOYD. Mr. Speaker, I do not know, about the gentleman's answer, I do not know whether it is accurate or not. I have not talked to that facility in my district. Maybe his information is wrong. It is hard for me to believe that there are only two of these in the whole State and one of them happens to be in my district, but that is possible.

But, Mr. Speaker, what is going on here is wrong. There is no good reason why an institution which is a nursing home, which is going to have to continue to be visited by inspectors, to be licensed, to be visited by the Department of Health, to be licensed by the Department of Public Welfare, to have Department of Welfare dealings with regard to medical assistance, to have to have part of their facility transferred to the Department of Aging.

I heard lots of arguments made about this transfer. I have yet to hear one that persuades me that the merits of the transfer are enough to offset the additional hassles that we are going to create for a lot of businesses which are trying to do something good for senior citizens and other people in this State.

I certainly would have preferred to have taken the transfer out of this bill. Failing that, I would have preferred to have done what Mrs. Taylor wanted to do. But if we do not do what Mr. Snyder wants to do, we really are being shortsighted, and

you are going to find out that there are more than two people in the State affected by this, that my district is not the only place where one of these is located, and suddenly you are going to find out that you have voted to make a facility in your district have two licenses by two State agencies, and you go back and explain to them why that is okay.

I think we ought to vote for this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—174

Adolph	Fee	Maitland	Sather
Allen	Fichter	Manderino	Saurman
Argall	Fleagle	Markosek	Saylor
Armstrong	Flick	Marsico	Scheetz
Baker	Freeman	Masland	Schuler
Barley	Gamble	Mayernik	Scrimenti
Battisto	Gannon	McGeehan	Semmel
Birmelin	Geist	Melio	Serafini
Boyes	George	Merry	Smith, B.
Brown	Gerlach	Michlovic	Smith, S. H.
Bunt	Gigliotti	Micozzie	Snyder, D. W.
Butkovitz	Gladeck	Mihalich	Stairs
Buxton	Godshall	Miller	Steelman
Caltagirone	Gordner	Mundy	Steighner
Carn	Gruitza	Nailor	Steil
Carone	Gruppo	Nickol	Stern
Cawley	Haluska	Nyce	Stetler
Cessar	Hanna	O'Brien	Stish
Chadwick	Harley	Olasz	Strittmatter
Civera	Hasay	Oliver	Sturla
Clark	Hennessey	Perzel	Surra
Clymer	Herman	Pesci	Tangretti
Cohen, L. I.	Hershey	Petrone	Taylor, E. Z.
Colafella	Hess	Pettit	Taylor, J.
Colaizzo	Hughes	Phillips	Thomas
Conti	Hutchinson	Piccola	Tigue
Cornell	Jadlowiec	Pistella	Tomlinson
Cowell	Jarolin	Pitts	Trello
Coy	Kaiser	Platts	Trich
Curry	Kasunic	Raymond	True
Daley	Keller	Reber	Tulli
DeLuca	Kenney	Reinard	Uliana
Dempsey	King	Rieger	Vance
Dent	Kirkland	Ritter	Van Home
Dermody	Krebs	Roberts	Vitali
Donatucci	Kukovich	Robinson	Waugh
Druce	Laub	Roebuck	Wogan
Durham	Lawless	Rohrer	Wozniak
Egolf	Lederer	Rooney	Wright, D. R.
Evans	Lee	Rubley	Wright, M. N.
Fairchild	Leh	Rudy	Yandrisevits
Fajt	Levdansky	Ryan	Yewcic
Fargo	Lloyd	Santoni	Zug
Farmer	Lynch		

#### NAYS—22

Belardi	Corrigan	Lucyk	Veon
Belfanti	Itkin	McCall	Washington
Bishop	James	McNally	Williams
Blaum	Josephs	Preston	
Burns	Laughlin	Richardson	DeWeese,
Cohen, M.	Lescovitz	Staback	Speaker

NOT VOTING—1

LaGrotta

EXCUSED—5

Acosta                      Bush                      Cappabianca                      Petrarca  
Bebko-Jones

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

GUESTS INTRODUCED

The SPEAKER. A group of home-school students from Chester County and their parents, Nancy Herhei and Sue Esposito, are here today in the balcony. They are guests of our friend and colleague, Joe Pitts.

CONSIDERATION OF HB 413 CONTINUED

On the question recurring,

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

Mr. RICHARDSON offered the following amendment No. A1555:

Amend Sec. 304, page 8, line 22, by inserting before "An"  
(a) General rule.—

Amend Sec. 304, page 8, by inserting between lines 25 and 26

(b) Independence.—The Secretary of Aging shall assure the independence of the ombudsman and avoid any conflict of interest as long as both the Ombudsman Division and the Division of Personal Care Homes are both housed in the Department of Aging. It shall be unlawful for the Secretary of Aging or anyone employed by the Department of Aging to influence or coerce, or to attempt to influence or coerce, the ombudsman in the performance of its duties. The Secretary of Aging shall implement guidelines and make an annual report to the General Assembly on the operation of this section.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the gentleman from Philadelphia, Mr. Richardson, is recognized.

Mr. RICHARDSON. At present, Mr. Speaker, this amendment addresses concerns raised by the personal care home providers and advocates for seniors over the transfer of the personal care program from the Department of Public Welfare to the Department of Aging. They are concerned that once the Department of Aging's role shifts from solely advocacy to both advocacy and licensing, employees within the department may have interests which conflict. This amendment is intended to protect the advocacy role of the ombudsman program by assuring the independence of the program.

Requirements of this amendment guarantee the avoidance of conflicts of interest between the ombudsman program and the licensing and regulatory division within the Department of Aging. Those requirements include the implementation of guidelines and making an annual report to the General Assembly.

This amendment also meets the requirement of the older Americans act of 1965 that States insure that willful interference with representatives of the office of the ombudsman be unlawful by making attempts to influence or coerce the ombudsman illegal.

Mr. Speaker, I think we have an agreed-to amendment. Thank you very much.

The SPEAKER. On the Richardson amendment, the gentleman, Mr. Blaum, is recognized.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, this is a very good amendment. We urge the members to support it. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

Adolph	Farmer	Lucyk	Saurman
Allen	Fee	Lynch	Saylor
Argall	Fichter	Maitland	Scheetz
Armstrong	Fleagle	Manderino	Schuler
Baker	Flick	Markosek	Scrimanti
Barley	Freeman	Marsico	Semmel
Battisto	Gamble	Masland	Serafini
Belardi	Gannon	Mayernik	Smith, B.
Belfanti	Geist	McCall	Smith, S. H.
Birmelin	George	McGeehan	Snyder, D. W.
Bishop	Gerlach	McNally	Staback
Blaum	Gigliotti	Melio	Stairs
Boyes	Gladeck	Merry	Steelman
Brown	Godshall	Michlovic	Steighner
Bunt	Gordner	Micozzie	Steil
Burns	Gruitza	Mihalich	Stern
Buxton	Gruppo	Miller	Stetler
Caltagirone	Haluska	Mundy	Stish
Carn	Hanna	Nailor	Strittmatter
Carone	Harley	Nickol	Sturla
Cawley	Hasay	Nyce	Surra
Cessar	Hennessey	O'Brien	Tangretti
Chadwick	Herman	Olasz	Taylor, E. Z.
Civera	Hershey	Oliver	Taylor, J.
Clark	Hess	Perzel	Thomas
Clymer	Hutchinson	Pesci	Tigue
Cohen, L. I.	Itkin	Petrone	Tomlinson
Cohen, M.	Jadlowiec	Pettit	Trello
Colafella	James	Phillips	Trich
Colaizzo	Jarolin	Piccola	True
Conti	Josephs	Pistella	Tulli
Cornell	Kaiser	Pitts	Uliana
Corrigan	Kasunic	Platts	Vance
Cowell	Keller	Preston	Van Horne
Coy	Kenney	Raymond	Veon
Curry	King	Reber	Vitali
Daley	Kirkland	Reinard	Washington
DeLuca	Krebs	Richardson	Waugh
Dempsey	Kukovich	Ritter	Williams
Dent	LaGrotta	Roberts	Wogan
Dermody	Laub	Robinson	Wozniak
Donatucci	Laughlin	Roebuck	Wright, D. R.
Druce	Lawless	Rohrer	Wright, M. N.
Durham	Lederer	Rooney	Yandrisevits
Egolf	Lee	Rublely	Yewcic
Evans	Leh	Rudy	Zug
Fairchild	Lescovitz	Ryan	

Fajt	Levdansky	Santoni	DeWeese,
Fargo	Lloyd	Sather	Speaker
NAYS—0			
NOT VOTING—3			
Butkovitz	Hughes	Rieger	
EXCUSED—5			
Acosta	Bush	Cappabianca	Petrarca
Bebko-Jones			

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

On the question recurring,

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

Mr. S. H. SMITH offered the following amendment No. A1531:

Amend Sec. 105, page 7, lines 13 and 14, by striking out “, but not be limited to;”

Amend Sec. 105, page 7, line 14, by inserting after “ombudsman,”

a nursing home employee,

Amend Sec. 303, page 8, line 20, by removing the period after “duties” and inserting

, unless an ombudsman acted in bad faith or with malicious purpose.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, Mr. Smith is recognized.

Mr. S. H. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, this amendment merely clarifies a little bit of the language around the ombudsman, and essentially the key ingredient is that it would force the ombudsman to act in good faith, or at least allow a course of action should an ombudsman act with a malicious purpose.

I ask for an affirmative vote.

The SPEAKER. On the Smith amendment, Mr. Blaum.

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

I rise to support this amendment. I think it is a necessary addition to the legislation and ask the members for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

Adolph	Farmer	Lucyk	Sather
Allen	Fee	Lynch	Saurman
Argall	Fichter	Maitland	Saylor
Armstrong	Fleagle	Manderino	Scheetz
Baker	Flick	Markosek	Schuler
Barley	Freeman	Marsico	Scrimenti
Battisto	Gamble	Masland	Semmel
Belardi	Gannon	Mayernik	Serafini

Belfanti	Geist	McCall	Smith, B.
Birmelin	George	McGeehan	Smith, S. H.
Bishop	Gerlach	McNally	Snyder, D. W.
Blaum	Gigliotti	Melio	Staback
Boyes	Gladeck	Merry	Stairs
Brown	Godshall	Michlovic	Steelman
Bunt	Gordner	Micozzie	Steighner
Burns	Gruitza	Mihalich	Steil
Buxton	Gruppo	Miller	Stern
Caltagirone	Haluska	Mundy	Stetler
Carn	Hanna	Nailor	Stish
Carone	Harley	Nickol	Strittmatter
Cawley	Hasay	Nyce	Sturla
Cessar	Hennessey	O'Brien	Surra
Chadwick	Herman	Olasz	Tangretti
Civera	Hershey	Oliver	Taylor, E. Z.
Clark	Hess	Perzel	Taylor, J.
Clymer	Hutchinson	Pesci	Thomas
Cohen, L. I.	Itkin	Petrone	Tigue
Cohen, M.	Jadlowiec	Pettit	Tomlinson
Colaella	James	Phillips	Trello
Colaizzo	Jarolin	Piccola	Trich
Conti	Josephs	Pistella	True
Cornell	Kaiser	Pitts	Tulli
Corrigan	Kasunic	Platts	Uliana
Cowell	Keller	Preston	Vance
Coy	Kenney	Raymond	Van Home
Curry	King	Reber	Veon
Daley	Kirkland	Reinard	Vitali
DeLuca	Krebs	Richardson	Washington
Dempsey	Kukovich	Rieger	Waugh
Dent	LaGrotta	Ritter	Wogan
Dermody	Laub	Roberts	Wozniak
Donatucci	Laughlin	Robinson	Wright, D. R.
Druce	Lawless	Roebuck	Wright, M. N.
Durham	Lederer	Rohrer	Yandrisevits
Egolf	Lee	Rooney	Yewcic
Evans	Leh	Rubley	Zug
Fairchild	Lescovitz	Rudy	
Fajt	Levdansky	Ryan	DeWeese,
Fargo	Lloyd	Santoni	Speaker

NAYS—0

NOT VOTING—3

Butkovitz	Hughes	Williams
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EXCUSED—5

Acosta	Bush	Cappabianca	Petrarca
Bebko-Jones			

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

On the question recurring,

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

Mr. LAUB offered the following amendment No. A1532:

Amend Sec. 104, page 7, by inserting between lines 10 and 11

(h) Regulations.—The Department of Aging shall promulgate regulations setting forth proposed additions, changes, or both, if the department does any of the following:

(1) If it expands the scope of the consumer guide beyond those topics expressly set forth in subsection (a).

(2) If it expands the scope of the comparative list beyond those topics expressly set forth in subsection (b).

(3) If it expands the scope of any topic expressly set forth in subsection (a) or (b).

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

The SPEAKER. On the amendment, Mr. Laub.  
Mr. LAUB. Thank you, Mr. Speaker.

This amendment to HB 413 would clearly establish that before the character or scope of either the consumer guide or the comparative list may be changed, the Department of Aging must first promulgate regulations setting forth those proposed changes.

Passage of this amendment insures that a department, in this case the Department of Aging, may not supersede the legislative intent of HB 413. It provides a mechanism for flexibility yet establishes this legislature's ability to oversee change, and I would ask for an affirmative vote.

The SPEAKER. The gentleman from Beaver County, Mr. Veon, is recognized on the amendment.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, this is an agreed-to amendment, and I want to for the record thank very much the gentleman from Montgomery, Mr. Laub, for the time and effort he has put into this issue. From day 1 he has helped work out a lot of difficulties through the process, and I appreciate the work that he has done.

I would ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—196

Adolph	Farmer	Lynch	Saurman
Allen	Fee	Maitland	Saylor
Argall	Fichter	Manderino	Scheetz
Armstrong	Fleagle	Markosek	Schuler
Baker	Flick	Marsico	Scrimenti
Barley	Freeman	Masland	Semmel
Battisto	Gamble	Mayernik	Serafini
Belardi	Gannon	McCall	Smith, B.
Belfanti	Geist	McGeehan	Smith, S. H.
Birmelin	George	McNally	Snyder, D. W.
Bishop	Gerlach	Melio	Staback
Blaum	Gigliotti	Merry	Stairs
Boyes	Gladeck	Michlovic	Steelman
Brown	Godshall	Micozzie	Steighner
Bunt	Gordner	Mihalich	Steil
Burns	Gruitza	Miller	Stern
Butkovitz	Gruppo	Mundy	Stetler
Buxton	Haluska	Nailor	Stish
Caltagirone	Hanna	Nickol	Strittmatter
Carn	Harley	Nyce	Sturla
Carone	Hasay	O'Brien	Surra
Cawley	Hennessey	Olasz	Tangretti
Cessar	Herman	Oliver	Taylor, E. Z.
Chadwick	Hershey	Perzel	Taylor, J.
Civera	Hess	Pesci	Thomas
Clark	Hutchinson	Petrone	Tigue
Clymer	Itkin	Pettit	Tomlinson
Cohen, L. I.	Jadlowiec	Phillips	Trello
Cohen, M.	James	Piccola	Trich

Colafella	Jarolin	Pistella	Truc
Colaizzo	Josephs	Pitts	Tulli
Conti	Kaiser	Platts	Uliana
Cornell	Kasunic	Preston	Vance
Corrigan	Keller	Raymond	Van Horne
Cowell	Kenney	Reber	Veon
Coy	King	Reinard	Vitali
Curry	Kirkland	Richardson	Washington
Daley	Krebs	Rieger	Waugh
DeLuca	Kukovich	Ritter	Williams
Dempsey	LaGrotta	Roberts	Wogan
Dent	Laub	Robinson	Wozniak
Dermody	Laughlin	Roebuck	Wright, D. R.
Donatucci	Lawless	Rohrer	Wright, M. N.
Druce	Lederer	Rooney	Yandrisevits
Durham	Lee	Rubley	Yewcic
Egolf	Leh	Rudy	Zug
Evans	Lescovitz	Ryan	
Fairchild	Levdansky	Santoni	DeWeese,
Fajt	Lloyd	Sather	Speaker
Fargo	Lucyk		

NAYS—0

NOT VOTING—1

Hughes

EXCUSED—5

Acosta	Bush	Cappabianca	Petrarca
Bebko-Jones			

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

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to our balcony students from the Lower Dauphin High School. They are guests of Ron Marsico. Welcome to the hall of the House.

CONSIDERATION OF HB 413 CONTINUED

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

Mr. LAUB offered the following amendment No. A1533:

Amend Sec. 104, page 4, lines 29 and 30, by striking out “, but not be limited to,”

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

The SPEAKER. On the amendment, Mr. Laub.  
Mr. LAUB. Thank you, Mr. Speaker, and I do thank Mr. Veon for those kind comments.

This amendment clarifies exactly what items are to be included in the comparative list and the consumer information guide, and it just enumerates a little bit more and clarifies this House bill.

I believe it is an agreed-to amendment.  
The SPEAKER. Mr. Blaum on the amendment.  
Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, this is an agreed-to amendment. It is a welcome addition to the bill, and we ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—196

Adolph	Farmer	Lynch	Saurman
Allen	Fee	Maitland	Saylor
Argall	Fichter	Manderino	Scheetz
Armstrong	Fleagle	Markosek	Schuler
Baker	Flick	Marsico	Scrimenti
Barley	Freeman	Masland	Semmel
Battisto	Gamble	Mayernik	Serafini
Belardi	Gannon	McCall	Smith, B.
Belfanti	Geist	McGeehan	Smith, S. H.
Birmelin	George	McNally	Snyder, D. W.
Bishop	Gerlach	Melio	Staback
Blaum	Gigliotti	Merry	Stairs
Boyes	Gladeck	Michlovic	Steelman
Brown	Godshall	Micozzie	Steighner
Bunt	Gordner	Mihalich	Steil
Burns	Gruitza	Miller	Stern
Butkovitz	Gruppo	Mundy	Stetler
Buxton	Haluska	Nailor	Stish
Caltagirone	Hanna	Nickol	Strittmatter
Carn	Harley	Nyce	Sturla
Carone	Hasay	O'Brien	Surra
Cawley	Hennessey	Olasz	Tangretti
Cessar	Herman	Oliver	Taylor, E. Z.
Chadwick	Hershey	Perzel	Taylor, J.
Civera	Hess	Pesci	Thomas
Clark	Hutchinson	Petrone	Tigue
Clymer	Itkin	Pettit	Tomlinson
Cohen, L. I.	Jadlowiec	Phillips	Trello
Cohen, M.	James	Piccola	Trich
Colafella	Jarolin	Pistella	True
Colaizzo	Josephs	Pitts	Tulli
Conti	Kaiser	Platts	Uliana
Cornell	Kasunic	Preston	Vance
Corrigan	Keller	Raymond	Van Horne
Cowell	Kenney	Reber	Veon
Coy	King	Reinard	Vitali
Curry	Kirkland	Richardson	Washington
Daley	Krebs	Rieger	Waugh
DeLuca	Kukovich	Ritter	Williams
Dempsey	LaGrotta	Roberts	Wogan
Dent	Laub	Robinson	Wozniak
Dermody	Laughlin	Roebuck	Wright, D. R.
Donatucci	Lawless	Rohrer	Wright, M. N.
Druce	Lederer	Rooney	Yandrisevits
Durham	Lee	Rubley	Yewcic
Egolf	Leh	Rudy	Zug
Evans	Lescovitz	Ryan	
Fairchild	Levdansky	Santoni	DeWeese,
Fajt	Lloyd	Sather	Speaker
Fargo	Lucyk		

NAYS—0

NOT VOTING—1

Hughes

EXCUSED—5

Acosta	Bush	Cappabianca	Petrarca
Bebko-Jones			

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

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

Mr. LAUB offered the following amendment No. A1534:

Amend Sec. 107, page 7, line 28, by striking out "\$5,000 fine" and inserting  
\$1,000 civil penalty

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

The SPEAKER. On the amendment, the gentleman from Montgomery, Mr. Laub.

Mr. LAUB. Thank you, Mr. Speaker.

Mr. Speaker, there is a fiscal note that was required for this. The fiscal note has been submitted. I do not know whether the House has it in its possession yet. Nevertheless, Mr. Speaker—

The SPEAKER. The fiscal note is being distributed as we speak. The gentleman will yield momentarily.

The fiscal note is being distributed. Mr. Laub, without objection, without objection, you may proceed.

Mr. LAUB. Thank you, Mr. Speaker.

What this amendment does is to establish a civil penalty of \$1,000 for errors in the consumer guide or the regulations that are not done maliciously but are strictly errors. Originally called for within this bill was a \$5,000 fine. I believe that the \$5,000 fine is much too high, especially in the case where there may be multiple errors which were not done specifically for the purpose of deceit, and rather we are asking for a \$1,000 civil penalty.

I believe that this amendment also has been agreed to, and I would urge all members to vote in the affirmative. Thank you.

LEAVE OF ABSENCE

The SPEAKER. The gentleman, Mr. SAURMAN, has asked that his name be placed upon the leave list, at least temporarily. Mr. George Saurman of Montgomery is placed upon the leave list.

CONSIDERATION OF HB 413 CONTINUED

The SPEAKER. Mr. Blaum is recognized on the Laub amendment.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I urge support for the Laub amendment. I think it makes the bill much more workable, and we ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—194

Adolph	Fargo	Lucyk	Sather
Allen	Farmer	Lynch	Saylor
Argall	Fee	Maitland	Scheetz
Armstrong	Fichter	Manderino	Schuler
Baker	Fleagle	Markosek	Scrimenti
Barley	Flick	Marsico	Semmel
Battisto	Gamble	Masland	Serafini
Belardi	Gannon	Mayernik	Smith, B.
Belfanti	Geist	McCall	Smith, S. H.
Birmelin	George	McGeehan	Snyder, D. W.
Bishop	Gerlach	McNally	Staback
Blaum	Gigliotti	Melio	Stairs
Boyes	Gladeck	Merry	Steelman
Brown	Godshall	Michlovic	Steighner
Bunt	Gordner	Micozzie	Steil
Burns	Gruitza	Mihalich	Stern
Butkowitz	Gruppo	Miller	Stetler
Buxton	Haluska	Mundy	Stish
Caltagirone	Hanna	Nailor	Strittmatter
Carn	Harley	Nickol	Sturla
Carone	Hasay	Nyce	Surra
Cawley	Hennessey	O'Brien	Tangretti
Cessar	Herman	Olasz	Taylor, E. Z.
Chadwick	Hershey	Oliver	Taylor, J.
Civera	Hess	Perzel	Thomas
Clark	Hutchinson	Pesci	Tigue
Clymer	Itkin	Petrone	Tomlinson
Cohen, L. I.	Jadlowiec	Pettit	Trello
Cohen, M.	James	Phillips	Trich
Colafigliola	Jarolin	Piccola	True
Colaizzo	Josephs	Pistella	Tulli
Conti	Kaiser	Pitts	Uliana
Cornell	Kasunic	Platts	Vance
Corrigan	Keller	Preston	Van Home
Cowell	Kenney	Raymond	Veon
Coy	King	Reber	Vitali
Curry	Kirkland	Reinard	Washington
Daley	Krebs	Richardson	Waugh
DeLuca	Kukovich	Rieger	Williams
Dempsey	LaGrotta	Ritter	Wogan
Dent	Laub	Roberts	Wozniak
Dermody	Laughlin	Robinson	Wright, D. R.
Donatucci	Lawless	Roebuck	Wright, M. N.
Druce	Lederer	Rohrer	Yandrisevits
Durham	Lee	Rooney	Yewcic
Egolf	Leh	Rubley	Zug
Evans	Lescovitz	Rudy	
Fairchild	Levdansky	Ryan	DeWeese,
Fajt	Lloyd	Santoni	Speaker

NAYS—1

Freeman

NOT VOTING—1

Hughes

EXCUSED—6

Acosta	Bush	Petrarca	Saurman
Bebko-Jones	Cappabianca		

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—124

Barley	Gamble	Maitland	Santoni
Battisto	Gannon	Manderino	Scheetz
Belardi	George	Markosek	Schuler
Belfanti	Gigliotti	Mayernik	Scrimenti
Bishop	Godshall	McCall	Serafini
Blaum	Gordner	McGeehan	Staback
Boyes	Gruitza	Melio	Stairs
Brown	Gruppo	Merry	Steelman
Bunt	Haluska	Michlovic	Steighner
Burns	Hanna	Mihalich	Stetler
Butkowitz	Harley	Miller	Stish
Caltagirone	Hasay	Mundy	Strittmatter
Carn	Hershey	Nyce	Sturla
Civera	Hughes	O'Brien	Surra
Cohen, M.	Itkin	Olasz	Tangretti
Colafigliola	James	Oliver	Taylor, J.
Colaizzo	Jarolin	Pesci	Thomas
Cornell	Josephs	Petrone	Trello
Corrigan	Kaiser	Pistella	Trich
Cowell	Kasunic	Preston	Van Home
Coy	Keller	Raymond	Veon
Curry	Kenney	Reber	Vitali
Daley	Kirkland	Richardson	Washington
DeLuca	Kukovich	Rieger	Wozniak
Dempsey	LaGrotta	Ritter	Wright, D. R.
Dermody	Laub	Roberts	Yandrisevits
Donatucci	Laughlin	Robinson	Yewcic
Evans	Lederer	Roebuck	Zug
Fajt	Lescovitz	Rooney	
Fee	Levdansky	Rubley	DeWeese,
Fleagle	Lucyk	Rudy	Speaker
Freeman	Lynch		

NAYS—69

Adolph	Fairchild	Leh	Saylor
Allen	Fargo	Lloyd	Semmel
Argall	Farmer	Marsico	Smith, B.
Armstrong	Fichter	Masland	Smith, S. H.
Baker	Flick	Micozzie	Snyder, D. W.
Birmelin	Geist	Nailor	Steil
Buxton	Gerlach	Nickol	Stern
Carone	Gladeck	Perzel	Taylor, E. Z.
Cawley	Hennessey	Pettit	Tigue
Cessar	Herman	Phillips	Tomlinson
Chadwick	Hess	Piccola	True
Clark	Hutchinson	Pitts	Tulli
Clymer	Jadlowiec	Platts	Uliana
Cohen, L. I.	King	Reinard	Vance
Conti	Krebs	Rohrer	Waugh
Dent	Lawless	Ryan	Wogan
Druce	Lee	Sather	Wright, M. N.
Egolf			

NOT VOTING—3

Durham	McNally	Williams
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EXCUSED—6

Acosta                      Bush                      Petrarca                      Saurman  
 Beeko-Jones              Cappabianca

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.

Mr. BLAUM. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise? Mr. Blaum is recognized.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I did not want to interrupt the vote after the Speaker had called for it, but I would just like to thank the members of the House and especially the members on both sides of the aisle of the Aging and Youth Committee.

What we just passed here, whenever our families across this Commonwealth are faced with the horrible decision of placing a loved one in a long-term-care facility, HB 413 is producing consumer information so that they are able to shop within their limited geographical area and be able to know the questions to ask and the things to look for so that they can find the best facility for them and for their loved ones.

So I want to thank the members of the House, the members of the committee, and I think we did something very good today. Thank you.

Mrs. TAYLOR. Mr. Speaker?

The SPEAKER. The gentlelady is recognized.

Mrs. TAYLOR. Mr. Speaker, I, too, did not want to interrupt the voting. I just want to make very sure that when our members return to their district offices and to their constituents and to those who are in personal care homes that they understand very clearly that this Assembly did not, did not ever address completely the transfer.

There were portions of the bill that were amended and it is now a better bill, but no one had the guts to face that issue of the transfer squarely. There was a lot of talk around it, and in my opinion, that was the greatest bow to the bureaucracy and to the political influence that some have on our members, and you can be sure, when it comes election time, your constituents will be made very much aware of how the members of this House have bowed to political pressure.

VOTE CORRECTIONS

The SPEAKER. The gentlelady from Montgomery, Mrs. Harley, is recognized.

Mrs. HARLEY. Thank you, Mr. Speaker.

On HB 413, my switch malfunctioned. I would like to be recorded in the negative.

The SPEAKER. The lady's remarks will be spread across the record.

The House will be at ease momentarily.

Mrs. Rubley is recognized.

Mrs. RUBLEY. On HB 413, I was recorded in the positive. I would like to be recorded in the negative. Thank you.

The SPEAKER. The gentlelady's remarks will be spread across the record.

GUESTS INTRODUCED

The SPEAKER. The students from St. Joseph's Elementary School in Downingtown, Chester County, guests of Joe Pitts, Jim Gerlach, and Tim Hennessey, are in the balcony. Welcome to the hall of the House.

HB 413 RECONSIDERED

The SPEAKER. The Chair is in receipt of a reconsideration motion, a motion that the vote by which HB 413, PN 3508, was passed on the 13th day of April be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—194

Adolph	Fargo	Lloyd	Santoni
Allen	Farmer	Lucyk	Sather
Argall	Fee	Lynch	Saylor
Armstrong	Fichter	Maitland	Scheetz
Baker	Fleagle	Manderino	Schuler
Barley	Flick	Markosek	Scrimenti
Battisto	Freeman	Marsico	Semmel
Belardi	Gamble	Masland	Serafini
Belfanti	Gannon	Mayernik	Smith, B.
Birmelin	Geist	McCall	Smith, S. H.
Bishop	George	McGeehan	Snyder, D. W.
Blaum	Gerlach	McNally	Staback
Boyes	Gigliotti	Melio	Stairs
Brown	Gladeck	Merry	Steelman
Bunt	Godshall	Michlovic	Steighner
Burns	Gordner	Micozzie	Steil
Butkovitz	Gruitza	Mihalich	Stern
Buxton	Gruppo	Miller	Stetler
Callagirone	Haluska	Mundy	Stish
Cam	Hanna	Nailor	Strittmatter
Carone	Harley	Nickol	Sturla
Cawley	Hasay	Nyce	Surra
Cessar	Hennessey	O'Brien	Tangretti
Chadwick	Herman	Olasz	Taylor, E. Z.
Civera	Hershey	Oliver	Thomas
Clark	Hess	Perzel	Tigue
Clymer	Hutchinson	Pesci	Tomlinson
Cohen, L. I.	Itkin	Petrone	Trello
Cohen, M.	Jadlowiec	Pettit	Trich
Colaella	James	Phillips	True
Colaizzo	Jarolin	Piccola	Tulli
Conti	Josephs	Pistella	Uliana
Cornell	Kaiser	Pitts	Vance
Corrigan	Kasunic	Platts	Van Horne
Cowell	Keller	Preston	Veon
Coy	Kenney	Raymond	Vitali
Curry	King	Reber	Washington
Daley	Kirkland	Reinard	Waugh
DeLuca	Krebs	Richardson	Williams
Dempsey	Kukovich	Rieger	Wogan
Dent	LaGrotta	Ritter	Wozniak
Dermody	Laub	Roberts	Wright, D. R.
Donatucci	Laughlin	Robinson	Wright, M. N.



Druce	Lawless	Roebuck	Yandrisevits
Durham	Lederer	Rohrer	Yewcic
Egolf	Lee	Rooney	Zug
Evans	Leh	Rublely	
Fairchild	Lescovitz	Rudy	DeWeese,
Fajt	Levdansky	Ryan	Speaker

NAYS—0

NOT VOTING—2

Hughes Taylor, J.

EXCUSED—6

Acosta	Bush	Petrarca	Saurman
Bebko-Jones	Cappabianca		

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

On the question recurring,  
Shall the bill pass finally?

The SPEAKER. Mr. Smith wants the opportunity to make an observation. Mr. Smith from Jefferson County is recognized.

Mr. S. H. SMITH. Thank you, Mr. Speaker.

Like the two previous speakers on this issue, I really had not intended to go too far, but now that we have reconsidered it, I did want to make a few comments to the members following up on the lady from Chester County's remarks.

I think that as the House has dealt with this issue, many of us that have personal care homes and facilities of that nature in our districts have been getting very clear mixed messages, and last week when we dealt with this issue, it was obvious by the votes and the debate on the issue that the membership had not settled itself on just what direction we should go regarding the transfer.

It may be possible, Mr. Speaker, that transferring the licensing of the personal care homes from the Department of Public Welfare to Aging is the appropriate thing to do, but there is such a mixed message out there, both within the industry and then in terms of our responsibility to the general public which may be residents in these facilities, that I think that this legislation has moved independent of the bill.

The bill originally dealt with a provision to provide information to people looking to put their loved ones in a nursing home, and now we are suddenly dealing with another entirely different issue, that being of transferring the licensing. Given that fact, Mr. Speaker, I think it is an important reason that we delay the passage of this bill, and that is the reason that I have been voting against the bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—103

Barley	Gamble	Mayernik	Scheetz
Battisto	George	McCall	Schuler
Belardi	Gigliotti	McGeehan	Scrimenti
Belfanti	Gordner	McNally	Staback
Bishop	Gruitza	Melio	Stairs
Blaum	Gruppo	Michlovic	Steelman
Bunt	Haluska	Mihalich	Steighner
Burns	Hughes	Miller	Stetler
Butkowitz	Itkin	Mundy	Stish
Caltagirone	James	Nickol	Sturla
Carn	Jarolin	O'Brien	Surra
Civera	Josephs	Olasz	Tangretti
Cohen, M.	Kaiser	Oliver	Thomas
Colafiglia	Kasunic	Petrone	Trelio
Colaizzo	Keller	Pistella	Van Horne
Corrigan	Kenney	Preston	Veon
Cowell	Kirkland	Raymond	Vitali
Curry	Kukovich	Reber	Washington
Daley	LaGrotta	Richardson	Williams
DeLuca	Laub	Rieger	Wozniak
Dermoddy	Laughlin	Ritter	Yandrisevits
Donatucci	Lederer	Roberts	Yewcic
Evans	Lescovitz	Robinson	Zug
Fajt	Lucyk	Roebuck	
Fee	Maitland	Rooney	DeWeese,
Fleagle	Markosek	Santoni	Speaker
Freeman			

NAYS—92

Adolph	Egolf	Lee	Ryan
Allen	Fairchild	Leh	Sather
Argall	Fargo	Levdansky	Saylor
Armstrong	Farmer	Lloyd	Semmel
Baker	Fichter	Lynch	Serafini
Birmelin	Flick	Manderino	Smith, B.
Boyes	Gannon	Marsico	Smith, S. H.
Brown	Geist	Masland	Snyder, D. W.
Buxton	Gerlach	Merry	Steif
Carone	Gladeck	Micozzie	Stern
Cawley	Godshall	Nailor	Strittmatter
Cessar	Hanna	Nyce	Taylor, E. Z.
Chadwick	Harley	Perzel	Taylor, J.
Clark	Hasay	Pesci	Tigue
Clymer	Hennessey	Petit	Tomlinson
Cohen, L. I.	Herman	Phillips	True
Conti	Hershey	Piccola	Tulli
Cornell	Hess	Pitts	Uliana
Coy	Hutchinson	Platts	Vance
Dempsey	Jadlowiec	Reinard	Waugh
Dent	King	Rohrer	Wogan
Druce	Krebs	Rublely	Wright, D. R.
Durham	Lawless	Rudy	Wright, M. N.

NOT VOTING—1

Trich

EXCUSED—6

Acosta	Bush	Petrarca	Saurman
Bebko-Jones	Cappabianca		

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 4, PN 3465**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for watershed land.

On the question,

Will the House agree to the bill on third consideration?

Mr. BATTISTO offered the following amendment No. A1551:

Amend Sec. 1 (Sec. 102), page 2, lines 3 through 16, by striking out all of said lines and inserting

“Watershed buffer land.” Real property located within 500 feet of the high water level of any lake, surface water reservoir or other body of water which is used, directly or indirectly, to provide drinking water to the public.

“Watershed land.” Real property located within 1,500 feet of the high water level of any lake, surface water reservoir or other body of water which is used, directly or indirectly, to provide drinking water to the public. The term includes watershed buffer land.

Amend Sec. 2 (Sec. 532), page 6, line 10, by striking out “unapproved earth-disturbing”

Amend Sec. 2 (Sec. 532), page 6, line 11, by inserting after “land”

which would adversely affect drinking water quality

Amend Sec. 3, page 9, line 4, by striking out “60” and inserting

90

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, amendment A1551 more precisely defines “watershed buffer land” and “watershed land” in the legislation. It limits “watershed buffer land” to 500 feet from the high water mark of the water supply and delineates “watershed land” as that land within 1,500 feet of the high water mark of the water supply.

There are two other changes on page 6. They are editorial changes as a result of an amendment that was inserted in the Consumer Affairs Committee.

I urge your adoption of amendment A1551.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Wright, is recognized on the Battisto amendment.

Mr. D. R. WRIGHT. Mr. Speaker, the Consumer Affairs Committee considered an amendment that dealt with this same subject matter, and Mr. Battisto has refined that amendment so that it is now acceptable. I would urge the members to vote on this amendment as it is presented by Representative Battisto.

The SPEAKER. The Chair thanks the gentleman from Clarion County.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

**YEAS—195**

Adolph	Fee	Lucyk	Sather
Allen	Fichter	Lynch	Saylor
Argall	Fleagle	Maitland	Scheetz
Armstrong	Flick	Manderino	Schuler
Barley	Freeman	Markosek	Scrimenti
Battisto	Gamble	Marsico	Semmel
Belardi	Gannon	Masland	Serafini
Belfanti	Geist	Mayernik	Smith, B.
Birmelin	George	McCall	Smith, S. H.
Bishop	Gerlach	McGeehan	Snyder, D. W.
Blaum	Gigliotti	McNally	Staback
Boyes	Gladeck	Melio	Stairs
Brown	Godshall	Merry	Steelman
Bunt	Gordner	Michlovic	Steighner
Burns	Gruitza	Micozzie	Steil
Butkovitz	Gruppo	Mihalich	Stern
Buxton	Haluska	Miller	Stelner
Caltagirone	Hanna	Mundy	Stish
Carn	Harley	Nailor	Strittmatter
Carone	Hasay	Nickol	Sturla
Cawley	Hennessey	Nyce	Surra
Cessar	Herman	O'Brien	Tangretti
Chadwick	Hershey	Olasz	Taylor, E. Z.
Civiera	Hess	Oliver	Taylor, J.
Clark	Hughes	Perzel	Thomas
Clymer	Hutchinson	Pesci	Tigue
Cohen, L. I.	Itkin	Petronie	Tomlinson
Cohen, M.	Jadlowiec	Pettit	Trello
Colafella	James	Phillips	Trich
Colaizzo	Jarolin	Piccola	True
Conti	Josephs	Pistella	Tulli
Cornell	Kaiser	Pitts	Uliana
Corrigan	Kasunic	Platts	Vance
Cowell	Keller	Preston	Van Horne
Coy	Kenney	Raymond	Veon
Curry	King	Reber	Vitali
Daley	Kirkland	Reinard	Washington
DeLuca	Krebs	Richardson	Waugh
Dempsy	Kukovich	Rieger	Williams
Dent	LaGrotta	Ritter	Wogan
Dermody	Laub	Roberts	Wozniak
Donatucci	Laughlin	Robinson	Wright, D. R.
Druce	Lawless	Roebuck	Wright, M. N.
Durham	Lederer	Rohrer	Yandrisevits
Egolf	Lee	Rooney	Yewcic
Evans	Leh	Rubleby	Zug
Fairchild	Lescovitz	Rudy	
Fajt	Levdansky	Ryan	DeWeese,
Fargo	Lloyd	Santoni	Speaker
Farmer			

**NAYS—0**

**NOT VOTING—1**

Baker

**EXCUSED—6**

Acosta	Bush	Petrarca	Saurman
Bebko-Jones	Cappabianca		

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

Mr. Lawless.

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose HB 4 as currently written, although I supported the Battisto amendment and I believe it helps the bill.

First of all, if members look at today's House calendar, they will see that this bill is summarized as a telecommunications bill. Mr. Speaker, this bill has nothing to do with telecommunications. What this bill does deal with is watershed buffer land and watershed land.

This bill has been totally amended and rushed through the process. The bill does not cover all water supplies. Why are we not addressing all the water supplies?

Furthermore, I question the constitutionality of this bill in its present state. This bill would allow 50 percent of the proceeds from the sale of land purchased by investors — that is, stockholders — to be placed in the rate base. This bill is being submitted and proposed as an environmental bill. Why then are we considering proceeds of the sale of land?

Mr. Speaker, I urge members to oppose this bill.

The SPEAKER. Does the gentleman from Clarion County seek recognition? The gentleman indicates he does.

On final passage, the gentleman is recognized.

Mr. D. R. WRIGHT. Mr. Speaker, with all due respect to the gentleman, Mr. Lawless, we have solved some of the problems in committee. It is a balanced approach. Some of you have received correspondence from various conservation organizations, environmental groups, who are supporting this legislation, and I would urge that we adopt the legislation today.

The SPEAKER. The Chair thanks the gentleman from Clarion and recognizes the gentleman from Carbon, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HB 4, and there are a few reasons why I do.

For the information of the members, in Pennsylvania, Pennsylvania has the highest rate of waterborne disease than any other State in the Nation, and the reason why we have the highest rate of waterborne disease is that we have the highest rate of aboveground water systems in the country. HB 4 is about addressing those water problems. It is about addressing giardiasis and those waterborne diseases that we have to face day in and day out.

You know, Mr. Speaker, I was always under the impression that water companies were in the business of providing safe, clean, potable water to its consumers. That is not always the case, and HB 4 is trying to correct that.

So with the Battisto amendment and with the language that is contained in HB 4, we will help alleviate the pressures placed on one of our most valuable resources, that resource being our water, as well as protecting the watershed buffer land surrounding our watersheds. Additionally, it will protect the natural filtration process, coupled with the regulation of the development of land surrounding our watersheds, developing that watershed buffer land.

Furthermore, it is my understanding that the United States Congress is in the process of addressing this very same issue when it considers the clean water amendments that they will be deliberating sometime this year.

As far as addressing the issue of all water systems, this bill only addresses privately held water systems, and the reason why is that Title 66, the Public Utility Code, does not regulate water authorities. So we cannot go after all water systems because a lot of the water systems are water authorities. Therefore, they do not come under the purview of Title 66 and the Public Utility Commission.

Mr. Speaker, I think if we are about to address the issue of solving some of the waterborne diseases that we have experienced in the Commonwealth of Pennsylvania — namely, giardiasis in the northeast — we will pass HB 4. Thank you, Mr. Speaker.

The SPEAKER. The gentlelady from Indiana, Ms. Steelman, on the final passage of HB 4.

Ms. STEELMAN. Thank you, Mr. Speaker.

I am very much in sympathy with the major purpose of HB 4 — that is, to protect watersheds and to provide the Commonwealth with some oversight into the sale and disposal of these important parts of our State ecosystem. However, I think that there are some problems with the bill that were pointed out earlier by Representative Lawless, and I particularly object to that section of the bill that states that if the water company makes a profit on selling watershed land, 50 percent of that profit essentially is returned to the ratepayers as a bonus. Well, what happens if the water company does not make money selling the watershed land? If they take a loss on that land, the loss is going to be attributable entirely to the investors in the water company. That, as I understand it, is not going to be considered when the water company comes to the PUC and asks for an increase in water rates, and I think it is inappropriate for anyone who is involved with a corporation to be able to benefit from profits that are made by that corporation but not to be at risk for losses that are experienced by that corporation.

I understand that all of us like to be in the position of going back home and telling our constituents, who are customers of the water companies, that we have gotten something good for them, but I think if we are going to do good things for our constituents, we ought to do it with the money that we allocate as the State legislature rather than doing it with money that is being earned by the water companies. I do not think that we ought to hand out money from private corporations, and I think that that is what we are trying to do with this bill.

**MOTION TO RECOMMIT**

Ms. STEELMAN. Mr. Speaker, I would like to move that this bill be recommitted to the Consumer Affairs Committee in order to remove this provision from it and make it purely a conservation issue so that we could have, perhaps, unanimous support for this legislation.

The SPEAKER. The gentlelady from Indiana has moved to recommit to the Conservation Committee.

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

The SPEAKER. On the motion to recommit, the gentleman, Mr. Battisto; then the gentleman, Mr. Wright.

On the motion to recommit, the gentleman, Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, I strenuously object to the motion to recommit.

The lady's argument sounded good, but it is somewhat specious. She must understand that only if the land is purchased with ratepayers' money, only then is 50 percent returned. If the land is purchased by investors without using ratepayers' money, 100 percent, naturally, is returned to the water company.

Now, there is a rationale for this beyond that point. The fact of the matter is, if the PUC would agree to allow the sale of land—the PUC is not all-knowing; they are not omniscient—it is possible that in agreeing to the sale of land, that same land, that sale could result in activity which would contaminate a water supply, and when that happens, additional filtration is needed; higher costs are incurred. The fact of the matter is that besides returning money to ratepayers who helped buy the land, that 50 percent is to guard against future rate increases that could be incurred as a result of more treatment. The fact of the matter is, that has happened in the northeastern part of Pennsylvania, where land has been sold off; higher levels of treatment have been incurred. In fact, areas have been contaminated, and the cost of water has gone up astronomically.

The fact is, it is not a taking. The other point is, this is an environmental bill. This has been hanging around the General Assembly for over 10 years, and the fact is, 20 States have enacted this kind of legislation.

I strenuously object to returning it to the Consumer Affairs Committee.

The SPEAKER. On the motion to recommit to the Consumer Affairs Committee, the gentleman, Mr. David Wright, is recognized.

Mr. D. R. WRIGHT. Mr. Speaker, I rise to oppose the motion to recommit to the Committee on Consumer Affairs because the lady is asking us to recommit this bill to a committee to solve a problem that does not exist.

There is an exception that is written into this bill that says that the ratepayers will only get a portion of the profits from that sale if they have participated in the purchase of that land. If they have not participated any way, that is, if the ratepayers have not made any contribution to that land, they get zero. If the ratepayers have made a contribution, then they get a

portion of what they have contributed to the purchase of that land. It is only fair that the ratepayers get something of what they put back in.

So there is no problem to be solved. Recommitting this is simply a solution in search of a problem. What we want to do is to vote this bill today. I would urge you to vote against recommitment, and let us get on with the business.

**THE SPEAKER PRO TEMPORE  
(FRED A. TRELLO) PRESIDING**

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Lawless.

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, with all due respect to my chairman of the Consumer Affairs Committee, I rise in support of the Steelman proposal to put this in the Conservation Committee.

Once again, this bill, if you look—and I ask the members to do this—if you look on your House calendar, this bill is summarized as a telecommunications bill. This bill has nothing to do with telecommunications. This bill has been rushed through the process, and once again, I suggest, as Representative Steelman has, that this bill be recommitted. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For the second time, the Chair recognizes the lady, Ms. Steelman.

Ms. STEELMAN. To clarify the point, I am moving that the bill be recommitted to Consumer Affairs, not to Conservation. I said that I would like to see it made purely a water conservation and water quality bill, but I think that the Consumer Affairs Committee is the appropriate one to deal with those issues.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes, for the second time, the gentleman, Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, this is purely an environmental bill, as I said. Understand, this is not something new; 20 States have this kind of legislation. The fact of the matter is, the Federal Government, as Representative McCall said, is going to, in the Clean Water Act, when it is changed, is going to recommend, not only recommend, it is going to mandate that watershed management be enacted in all States.

The fact of the matter is, a watershed is an extension of a water system. If we do not protect it, we will do what happened to my district. We just used \$4 million of taxpayers' money in a Superfund project to clean up a contaminated water supply. The fact is, if we had prevented that, we would have saved \$4 million. That is all we are trying to do with this piece of environmental legislation.

I strenuously object to recommitting it to Consumer Affairs.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the motion to recommit, and I ask the members to reject that motion.

The arguments made by Representative Battisto, I think, are very salient, and the arguments concerning the bill on final passage earlier that were made by the gentleman, Mr. McCall, are to the point also.

Mr. Speaker, this legislation has been considered by the Consumer Affairs Committee. The chair of the committee indicates that it has been given every consideration, and there are really no new arguments to present.

I think the thing to do is to move forward with the legislation. If there are corrective measures or additional measures to be made, they can be made in the Senate. The committee has dealt with the bill, and we would request that the motion for recommitting be rejected and move forward with final passage. Thank you, Mr. Speaker.

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—92

Adolph	Fleagle	Maitland	Sather
Argall	Flick	Marsico	Saylor
Armstrong	Gannon	Masland	Scheetz
Baker	Geist	McNally	Schuler
Barley	Gladeck	Melio	Semmel
Birmelin	Godshall	Merry	Serafini
Brown	Gruppo	Micozzie	Smith, B.
Bunt	Harley	Miller	Stairs
Carone	Hasay	Nailor	Steelman
Cessar	Hershey	Nickol	Steil
Chadwick	Hess	O'Brien	Stern
Civera	Hutchinson	Perzel	Strittmatter
Clark	Jadlowiec	Pettit	Taylor, E. Z.
Clymer	Jarolin	Phillips	Taylor, J.
Cohen, L. I.	Kenney	Piccola	Tomlinson
Conti	King	Pitts	True
Cornell	Krebs	Platts	Tulli
Dempsey	Kukovich	Raymond	Uliana
Durham	Laub	Reber	Vance
Egolf	Lawless	Reinard	Vitali
Fargo	Lee	Roberts	Waugh
Farmer	Leh	Rohrer	Wogan
Fichter	Lynch	Ryan	Zug

NAYS—102

Allen	Evans	Levdansky	Scrimenti
Battisto	Fairchild	Lloyd	Smith, S. H.
Belardi	Fee	Lucyk	Snyder, D. W.
Belfanti	Freeman	Manderino	Staback
Bishop	Gamble	Markosek	Steighner
Blaum	George	Mayernik	Stetler
Boyes	Gerlach	McCall	Stish
Burns	Gigliotti	McGeehan	Sturla
Butkowitz	Gordner	Michlovic	Surra
Buxton	Gruitza	Mihalich	Tangretti
Caltagirone	Haluska	Mundy	Thomas
Carn	Hanna	Nyce	Tigue
Cawley	Hennessey	Olasz	Trello
Cohen, M.	Herman	Oliver	Trich
Colafella	Hughes	Pesci	Van Horne

Colaizzo	Itkin	Petrone	Veon
Corrigan	James	Pistella	Washington
Cowell	Josephs	Richardson	Williams
Coy	Kaiser	Rieger	Wozniak
Curry	Kasunic	Ritter	Wright, D. R.
Daley	Keller	Robinson	Wright, M. N.
DeLuca	Kirkland	Roebuck	Yandrisevits
Dent	LaGrotta	Rooney	Yewcic
Dermody	Laughlin	Rublely	
Donatucci	Lederer	Rudy	DeWeese,
Druce	Lescovitz	Santoni	Speaker

NOT VOTING—2

Fajt	Preston
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EXCUSED—6

Acosta	Bush	Petrarca	Saurman
Bebko-Jones	Cappabianca		

The question was determined in the negative, and the motion was not agreed to.

On the question recurring,  
Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the lady, Mrs. Miller.

Mrs. MILLER. Mr. Speaker, may I interrogate the maker of this legislation?

The SPEAKER pro tempore. The gentleman indicates that he will be interrogated. The lady may proceed.

Mrs. MILLER. Mr. Speaker, my question is, if this legislation is enacted, will farmers who farm within 500 feet of any waterway that is used for a municipal or watershed supply be required to have any of their activities approved by the Public Utility Commission?

Mr. D. R. WRIGHT. The bill as it is before us today does not apply to municipal water systems, so that would not be an issue.

Mrs. MILLER. Would it apply, Mr. Speaker, to private watersheds?

Mr. D. R. WRIGHT. It applies only to those water systems that are regulated by the Public Utility Commission.

Mrs. MILLER. I am sorry; I did not hear that.

Mr. D. R. WRIGHT. It would apply to only those which come under the jurisdiction of the Public Utility Commission.

Mrs. MILLER. Okay. Mr. Speaker, therefore, am I understanding this correctly that those farms that are adjacent to a private watershed, if they are in the process of doing any tillage, would have to have the Public Utility Commission's approval?

Mr. D. R. WRIGHT. No, they would not.

Mrs. MILLER. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

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—113

Battisto	Freeman	Lloyd	Scrimenti
Belardi	Gamble	Lucyk	Serafini
Belfanti	Gannon	Manderino	Smith, S. H.
Birmelin	George	Markosek	Snyder, D. W.
Bishop	Gerlach	Mayernik	Staback
Blaum	Gigliotti	McCall	Steighner
Burns	Gordner	McGeehan	Stetler
Butkovitz	Gruitza	McNally	Stish
Buxton	Haluska	Michlovic	Sturla
Caltagirone	Hanna	Mihalich	Surra
Carn	Hasay	Mundy	Tangretti
Cawley	Hennessey	Nailor	Thomas
Cohen, M.	Herman	Nyce	Tigue
Colafella	Hughes	Olasz	Trello
Colaizzo	Itkin	Oliver	Trich
Corrigan	James	Pesci	Van Horne
Cowell	Jarolin	Petrone	Veon
Coy	Josephs	Phillips	Vitali
Curry	Kaiser	Pistella	Washington
Daley	Kasunic	Richardson	Williams
DeLuca	Keller	Rieger	Wogan
Dent	Kenney	Ritter	Wozniak
Dermody	Kirkland	Roberts	Wright, D. R.
Donatucci	Kukovich	Robinson	Yandrisevits
Evans	LaGrotta	Roebuck	Yewcic
Fairchild	Laughlin	Rooney	
Fajt	Lederer	Rubley	DeWeese,
Fee	Lescovitz	Rudy	Speaker
Fichter	Levdansky	Santoni	

## NAYS—82

Adolph	Egolf	Maitland	Saylor
Allen	Fargo	Marsico	Scheetz
Argall	Farmer	Masland	Schuler
Armstrong	Fleagle	Melio	Semmel
Baker	Flick	Merry	Smith, B.
Barley	Geist	Micozzie	Stairs
Boyes	Gladeck	Miller	Steelman
Brown	Godshall	Nickol	Steil
Bunt	Gruppo	O'Brien	Stern
Carone	Harley	Perzel	Strittmatter
Cessar	Hershey	Pettit	Taylor, E. Z.
Chadwick	Hess	Piccola	Taylor, J.
Civera	Hutchinson	Pitts	Tomlinson
Clark	Jadlowiec	Platts	True
Clymer	King	Raymond	Tulli
Cohen, L. I.	Krebs	Reber	Uliana
Conti	Laub	Reinard	Vance
Cornell	Lawless	Rohrer	Wagh
Dempsey	Lee	Ryan	Wright, M. N.
Druce	Leh	Sather	Zug
Durham	Lynch		

## NOT VOTING—1

Preston

## EXCUSED—6

Acosta	Bush	Petrarca	Saurman
Bebko-Jones	Cappabianca		

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.

## GUEST INTRODUCED

The SPEAKER pro tempore. The Chair welcomes the Honorable Guido DeAngelis, district justice for the seventh and eighth wards of the city of Pittsburgh, who is the guest of Representative Itkin and Representative Pistella. He is located to the left of the Speaker. Will the guest please rise and be recognized.

## STATEMENT BY MR. BATTISTO

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

Mr. BATTISTO. Point of personal privilege, Mr. Speaker.

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

Mr. BATTISTO. I would like to just make a comment on the bill that just passed; a quick comment on the bill that just passed.

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

Mr. BATTISTO. I would like to personally thank Representative Wright and his staff for all the work they did in the passage of this legislation and Representative Nyce for his cooperation. In addition, Representative McCall did an awful lot of work to bring this important piece of environmental legislation before us. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILLS ON THIRD  
CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 1011, PN 1800**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," providing for license periods; further providing for the Bureau of Consumer Relations; providing for license fees; further providing for performing arts facilities and for special occasion permits; providing for the issuance of a restricted restaurant license for certain premises in a city of the first class; exempting units of nonprofit nationally chartered clubs from licensing quotas; and providing for privately owned private golf courses; further providing for licensee advertisements; and providing for additional activities of limited wineries and for money paid into The State Stores Fund.

On the question,

Will the House agree to the bill on third consideration?

Mr. CLYMER offered the following amendment No. A1564:

Amend Title, page 1, lines 21 through 23, by striking out "PROVIDING FOR" in line 21, all of line 22 and "PREMISES IN A CITY OF THE FIRST CLASS;" in line 23

Amend Bill, page 21, lines 14 through 30; page 22, lines 1 through 30; page 23, lines 1 through 14, by striking out all of said lines on said pages

Amend Sec. 11, page 23, line 15, by striking out "11" and inserting

Amend Sec. 12, page 28, line 30, by striking out "12" and inserting

11

Amend Sec. 13, page 30, line 12, by striking out "13" and inserting

12

Amend Sec. 14, page 35, line 7, by striking out "14" and inserting

13

Amend Sec. 15, page 36, line 16, by striking out "15" and inserting

14

Amend Sec. 16, page 39, line 19, by striking out "16" and inserting

15

Amend Sec. 17, page 40, line 10, by striking out "17" and inserting

16

Amend Sec. 18, page 40, line 24, by striking out "18" and inserting

17

Amend Sec. 19, page 51, line 12, by striking out "19" and inserting

18

Amend Sec. 20, page 52, line 4, by striking out "20" and inserting

19

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The gentleman, Mr. Clymer, is recognized.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, what my amendment does is it removes the permit application in the bill for one outdoor seasonal cafe license for the city of Philadelphia. The reason for my amendment, Mr. Speaker, is simply because we today are very health conscious. If we feel that smoking is injurious to our health and we prohibit smoking in many municipality buildings and State buildings and Federal buildings, yet we have alcohol abuse, which is also on par with smoking as a health problem, a very serious health problem and one that is recognized by the Philadelphia officials as a problem in their city, it just seems to me that this is bad policy to allow the city of Philadelphia to have this permit, to allow drinking on their premises, right on the premises where the people are employed. Can you imagine a person who is trying to go through a rehabilitation program to have to be confronted with this kind of scenario day after day; seasonal, whatever that would mean.

So, Mr. Speaker, that is the gist of my amendment, and I would ask for support. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence.

The Chair grants leave to Representative LUCYK for the rest of the afternoon.

### CONSIDERATION OF SB 1011 CONTINUED

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

Mr. DONATUCCI. Thank you, Mr. Speaker.

I would like to ask the members not to support this amendment. It is a Philadelphia outdoor cafe on the atrium of City Hall, and the argument Mr. Clymer gives is basically fruitless, because if you go a block in any direction, there are liquor establishments right on corners.

So I ask the members not to support this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the lady from Philadelphia, Ms. Josephs. Ms. JOSEPHS. Thank you, Mr. Speaker.

The site in question is in my district. What the chairman of the Liquor Control Committee has said is true. I think that we would have a very nice facility there, and I ask people to vote against this amendment.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman, Mr. Strittmatter.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

I would ask for support of the amendment.

I do not believe that the function of government should be in the retail liquor trade. I think it is ridiculous when we have other issues that should be before us, like cutting taxes and cutting government waste, to once again have our municipalities subjected to going into the liquor business.

I would ask for an affirmative vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Kenney.

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise as a Philadelphian to support the Clymer amendment.

City Hall is a representative body of every Philadelphian. I respect the comments of Ms. Josephs. It is in her district, yes, but City Hall represents government for all of us in the city. I think the last thing we need in the city of Philadelphia, especially dealing with the nuisance issue—Representative Carn and Representative Josephs and the chairman, Representative Donatucci, are trying to address the nuisance issue in the city—the last thing we need is the city of Philadelphia, the Rendell administration, getting into the bar business. That should be left to the hospitality and tavern industry, and I just do not understand why we have to do this on the grounds of City Hall.

I would ask for support of the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Cambria, Mr. Wozniak.

Mr. WOZNIAK. Thank you, Mr. Speaker.

I rise to oppose the Clymer amendment.

A number of years ago we had a local hotel that wanted to put in a sidewalk cafe, very nice, I guess something like Old France or Paris or something at the war, and city council decided not to put it on government property, and it was very

foolish. As a matter of fact, the people went ahead and put in a nice little sidewalk cafe; only had to tighten it up a little bit to keep it on their property.

There is nothing wrong with what is in the language of this bill as it is, and I would appreciate if we would oppose the Clymer amendment and give maybe a little ambience for the city of Philadelphia, to give it a little life of its own, to give it something pleasant. Thank you.

The SPEAKER pro tempore. Quit while you are ahead.

The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Snyder.

Mr. SNYDER. Mr. Speaker, I reluctantly rise in opposition to Representative Clymer's amendment.

When this bill was brought up before the House Liquor Control Committee, there was a lot of discussion about several of the amendments that were attached to SB 1011. Mr. Speaker, however, the main purpose of SB 1011 is to provide multiyear licensing for licensed facilities in Pennsylvania. This is a goal that has been strived for many years. It is something that will reduce the costs, reduce the paperwork, and reduce the administrative burden for all of our establishments throughout the Commonwealth; something that this General Assembly has recognized as an important goal for many years.

Mr. Speaker, as legislators, we recognize that when a bill of this kind of importance gets adopted by one chamber, other members will take advantage of that bill and attach amendments to it that, on their own, probably would not warrant full support.

Mr. Speaker, there are pros and cons for the amendment that Mr. Clymer is addressing. However, in the legislation, the facility at the City Hall is very limited in size. At times during the year when it can be provided, it is an outdoor cafe. It is not within the City Hall Office Building itself. Mr. Speaker, it is the feeling of many people that if any amendments go into this bill, multiyear licensing will not be realized this session.

Therefore, Mr. Speaker, as much as I respect Mr. Clymer's views and the members of our committee who debated this and considered this, who reluctantly agreed to go along with the bill because of its main purpose, I ask for a "no" vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

#### LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair would like to announce that Representative Saurman will be back on the master roll for the rest of the afternoon.

#### CONSIDERATION OF SB 1011 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Clymer, for the second time.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, just a few quick comments.

Number one, this bill does not affect any other outdoor cafes, only the one permitted for the city of Philadelphia that would have a 30-or-more seating capacity.

Regarding the multilicense, would it not have been better to send a bill through just with one or two provisions in it, instead of sending through a bill that has all these other controversial provisions, controversial as viewed by some of us. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Donatucci, for the second time.

Mr. DONATUCCI. Thank you, Mr. Speaker.

One point I want to make clear that was mentioned, this will not be run by the city of Philadelphia. The city will be picking a vendor to run this outdoor cafe. Mayor Rendell and the city will not be the actual operator. I want to make that point clear right now.

Again I am asking for a "no" vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman, Mr. Strittmatter, for the second time.

Mr. STRITTMATTER. Thank you.

I rise because of the comments that were just said by Representative Donatucci. I think that makes it even worse. At least we might have had some assurances that the mayor might have tried to run something well. Now we do not even know who is going to be appointed or who is going to be getting this contract to run a cafe. All we know in our analysis is, it has to be larger than 30. You know, who knows; for 3,000 people on the City Hall?

I think it is ridiculous that we would be considering this legislation. If it is going to be Christmas-treed like this, I think this is what the taxpayers want us to stop doing. That is the reason in Washington we need to have item-line vetoes, so this kind of stuff can stop.

I would ask for everybody to please vote for this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For the second time, the Chair recognizes the gentleman, Mr. Kenney.

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, again, I support the amendment, and if you read the section of the bill, "THE APPLICATION FOR A LICENSE UNDER THIS SECTION MAY BE FILED AT ANY TIME BY A CONCESSIONAIRE SELECTED AND CERTIFIED" by the city of Philadelphia, "BY THE CITY OF THE FIRST CLASS...." So the city has its hands in picking who, when, and where, and why this cafe is operating.

The other concern I have, Mr. Speaker, is the term "seasonal temporary outdoor cafe." You ask the question, how long is a season? It is a year. How temporary? I do not know what "temporary" means, but this is going to be a full-fledged cafe operating on taking it 12 months a year under certain— I think they would only have to meet the Sunday food sales. They are



allowed to be open on Sundays between the hours of 12 and 8 o'clock. So it goes way beyond what you and I know as a permit or a special occasion permit.

Again, I ask for support of the Clymer amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—72

Adolph	Egolf	Krebs	Sather
Allen	Fairchild	Lawless	Saurman
Argall	Fargo	Lee	Scheetz
Armstrong	Farmer	Leh	Schuler
Baker	Fleagle	Lynch	Semmel
Barley	Flick	Maitland	Serafini
Birmelin	Gannon	Marsico	Smith, S. H.
Boyes	Geist	Masland	Steil
Brown	Gerlach	Miller	Stern
Carone	Godshall	Nyce	Strittmatter
Chadwick	Hasay	Pettit	Taylor, E. Z.
Civera	Hennessey	Phillips	Tomlinson
Clark	Herman	Piccola	True
Clymer	Hershey	Pitts	Tulli
Conti	Hess	Raymond	Uliana
Dempsey	Hutchinson	Reinard	Vance
Dent	Kenney	Rohrer	Wright, M. N.
Druce	King	Rubley	Zug

NAYS—124

Battisto	Gamble	McGeehan	Scrimenti
Belardi	George	McNally	Smith, B.
Belfanti	Gigliotti	Melio	Snyder, D. W.
Bishop	Gladeck	Merry	Staback
Blaum	Gordner	Michlovic	Stairs
Bunt	Gruitza	Micozzie	Steelman
Burns	Gruppo	Mihalich	Steighner
Butkovitz	Haluska	Mundy	Stetler
Buxton	Hanna	Nailor	Stish
Caltagirone	Harley	Nickol	Sturla
Carn	Hughes	O'Brien	Surra
Cawley	Itkin	Olasz	Tangretti
Cessar	Jadlowiec	Oliver	Taylor, J.
Cohen, L. I.	James	Perzel	Thomas
Cohen, M.	Jarolin	Pesci	Tigue
Colafrella	Josephs	Petrone	Trello
Colaizzo	Kaiser	Pistella	Trich
Cornell	Kasunic	Platts	Van Horne
Corrigan	Keller	Preston	Veon
Cowell	Kirkland	Reber	Vitali
Coy	Kukovich	Richardson	Washington
Curry	LaGrotta	Rieger	Waugh
Daley	Laub	Ritter	Williams
DeLuca	Laughlin	Roberts	Wogan
Dermody	Lederer	Robinson	Wozniak
Donatucci	Lescovitz	Roebuck	Wright, D. R.
Durham	Levdansky	Rooney	Yandrisevits
Evans	Lloyd	Rudy	Yewic
Fajt	Manderino	Ryan	
Fee	Markosek	Santoni	DeWeese,
Fichter	Mayernik	Saylor	Speaker
Freeman	McCall		

NOT VOTING—0

EXCUSED—6

Acosta	Bush	Lucyk	Petrarca
Bebko-Jones	Cappabianca		

The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. CLYMER offered the following amendment No. A1565:

Amend Title, page 1, line 21, by striking out "AND FOR SPECIAL OCCASION PERMITS"

Amend Sec. 6, page 11, line 20, by striking out "AND" where it appears the last time and inserting a comma

Amend Sec. 6, page 11, line 21, by inserting after "(E)"

, 408.5(b) and (d), 408.6(d), (e) and (f), 408.7(d), (e) and (f) and 408(d), (e) and (f)

Amend Bill, page 16, lines 23 through 30; page 17, lines 1 through 22, by striking out all of said lines on said pages

Amend Sec. 9, page 20, line 26, by striking out "9" and inserting

7

Amend Sec. 10, page 21, line 14, by striking out "10" and inserting

8

Amend Sec. 11, page 23, line 15, by striking out "11" and inserting

9

Amend Sec. 12, page 28, line 30, by striking out "12" and inserting

10

Amend Sec. 13, page 30, line 12, by striking out "13" and inserting

11

Amend Sec. 14, page 35, line 7, by striking out "14" and inserting

12

Amend Sec. 15, page 36, line 16, by striking out "15" and inserting

13

Amend Sec. 16, page 39, line 19, by striking out "16" and inserting

14

Amend Sec. 17, page 40, line 10, by striking out "17" and inserting

15

Amend Sec. 18, page 40, line 24, by striking out "18" and inserting

16

Amend Sec. 19, page 51, line 12, by striking out "19" and inserting

17

Amend Sec. 20, page 52, line 4, by striking out "20" and inserting

18

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment takes out that provision in the bill that authorizes the issuance of a special occasion permit to a nonprofit agricultural association. I do not know how many

permits that would mean. I do not know if that would mean 5 or 10 or 15, but let me tell the General Assembly the number of special occasion permits that were issued in 1993.

Because of the work of the General Assembly, over 1,400, over 1,400 special occasion permits were issued in 1993. That sounds like quite a few to me, and I think we are losing our grip on the ability to control alcohol abuse and alcohol addiction in this Commonwealth and to control those specific organizations that have the special permit.

Mr. Speaker, I just want to reiterate again, if this is truly a health problem, I have heard speakers, members on both sides of the aisle, get up and say how bad this problem is. I have articles and documentation where people say, while we are doing good things to tell young people not to drink and drive, to tell our Pennsylvania community-at-large not to drink and drive, yet we have policies that work in contradiction, that are counteractive to it, and this certainly is another step by the General Assembly to say one thing and do another. I just think that we just have to become more responsible on this issue of alcohol addiction.

Again, you know, we are looking at a major issue, and that is affordable health care reform, both at the Federal and State levels, and yet one of the main contributing reasons for the increase has been the problem of alcoholism.

So with those few remarks, Mr. Speaker, I would ask for support of my amendment. Thank you.

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

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, again I rise in opposition to Mr. Clymer's amendment to SB 1011.

Again, it is not the substance of the amendment that is of such concern as it is, again, what we mentioned earlier concerning the efforts to get the multiyear licensing approved by the General Assembly and to the Governor for his signature.

Mr. Speaker, members on both sides of the aisle on the House Liquor Control Committee are very concerned about the special-occasion-permit issue. We have scheduled meetings to meet and discuss the problems that are associated with the proliferation of special occasion permits.

Mr. Speaker, however, to say that this one particular group is not as deserving as the many other organizations that are currently allowed by law to receive the special occasion permits, I think, would be wrong at this time.

We need to address the issue comprehensively and deal with all the permits, put controls on them and limitations on them so we do not have the abusiveness and the proliferation that Representative Clymer talks about.

Therefore, Mr. Speaker, again we ask for a "no" vote on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

## GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair would like to welcome the students from the Nancy Grayson Elementary School from Shippensburg, who are the guests of Representative Coy. They are located in the balcony. Will the guests please rise and be recognized.

## CONSIDERATION OF SB 1011 CONTINUED

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

Mr. DONATUCCI. Thank you, Mr. Speaker.

Mr. Speaker, again I must ask for a "no" vote. I agree with Representative Snyder 100 percent. Please, a "no" vote and get this bill moving. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

### YEAS—36

Adolph	Fleagle	Lynch	Scheetz
Armstrong	Geist	Marsico	Schuler
Baker	Hennessey	Miller	Smith, S. H.
Barley	Hershey	Phillips	Stern
Birmelin	Hess	Piccola	Strittmatter
Boyes	Hutchinson	Pitts	True
Clymer	King	Rohrer	Tulli
Egolf	Krebs	Sather	Washington
Fargo	Lawless	Saurman	Zug

### NAYS—158

Allen	Farmer	Maitland	Santoni
Argall	Fee	Manderino	Saylor
Battisto	Fichter	Markosek	Scrimenti
Belardi	Flick	Masland	Semmel
Belfanti	Freeman	Mayernik	Serafini
Bishop	Gamble	McCall	Smith, B.
Blaum	Gannon	McGeehan	Snyder, D. W.
Brown	George	McNally	Staback
Bunt	Gerlach	Melio	Stairs
Burns	Gigliotti	Merry	Steelman
Butkovitz	Gladeck	Michlovic	Steighner
Buxton	Godshall	Micozzie	Steil
Caltagirone	Gordner	Mihalich	Stetler
Carn	Gruitza	Mundy	Stish
Carone	Gruppo	Nailor	Sturla
Cawley	Haluska	Nickol	Surra
Cessar	Hanna	Nyce	Tangretti
Chadwick	Harley	O'Brien	Taylor, E. Z.
Civera	Hasay	Olasz	Thomas, J.
Clark	Herman	Oliver	Thomas
Cohen, L. I.	Hughes	Perzel	Tigue
Cohen, M.	Itkin	Pesci	Tomlinson
Colafiglia	Jadlowiec	Petrone	Trello
Colaizzo	Jarolin	Pettit	Trich
Cornell	Josephs	Pistella	Uliana
Corrigan	Kaiser	Platts	Vance
Cowell	Kasunic	Preston	Van Horne
Coy	Keller	Raymond	Veon
Curry	Kenney	Reber	Vitali
Daley	Kirkland	Reinard	Waugh

DeLuca	Kukovich	Richardson	Williams
Dempsey	LaGrotta	Rieger	Wogan
Dent	Laub	Ritter	Wozniak
Dermody	Laughlin	Roberts	Wright, D. R.
Donatucci	Lederer	Robinson	Wright, M. N.
Druce	Lee	Roebuck	Yandrisevits
Durham	Leh	Rooney	Yewcic
Evans	Lescovitz	Rubley	
Fairchild	Levdansky	Rudy	DeWeese,
Fajt	Lloyd	Ryan	Speaker

## NOT VOTING—2

Conti James

## EXCUSED—6

Acosta Bush Lucy Petrarca  
Bebko-Jones Cappabianca

The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. CLYMER offered the following amendment No. A1566:

Amend Title, page 1, lines 25 and 26, by striking out "FURTHER PROVIDING FOR LICENSEE ADVERTISEMENTS;"

Amend Sec. 18, page 40, line 24, by striking out "(19) AND (20)(I),"

Amend Sec. 18 (Sec. 493), page 42, lines 22 through 30; page 43, lines 1 through 28, by striking out all of said lines on said pages

On the question,

Will the House agree to the amendment?

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

Mr. CLYMER. Mr. Speaker, this will be my final amendment.

Mr. Speaker, this amendment deals with that provision of the law that would allow increased advertisement of alcoholic beverages in established liquor licensees.

The reason for the amendment is simply this: Once again, if we go back to smoking, you know, there is a strong restriction against smoking, and rightfully so—I support those causes—and the policy that we are again adhering to is that, well, it is all right to promote alcoholic beverages; let us promote them further. And based on the fact that it is a major problem in our society, the fact that it is the beverage of choice for teenagers, the fact that this General Assembly continues to invest millions of dollars in drug and alcohol rehabilitation, and I support those programs, but it just seems common sense should prevail occasionally.

For those reasons, Mr. Speaker, I am asking a "no" vote, and this is my last amendment.

The SPEAKER pro tempore. You mean a "yes" vote.

Mr. CLYMER. I ask for a "yes" vote on this amendment. Thank you. A "yes" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

## VOTE CORRECTION

The SPEAKER pro tempore. For what purpose does the lady, Ms. Washington, rise?

Ms. WASHINGTON. Thank you, Mr. Speaker.

My button malfunctioned on the last amendment, on the Clymer amendment. My vote came up a positive. I would like to make that a "no" vote.

The SPEAKER pro tempore. The lady's remarks will be spread upon the record. The Chair thanks the lady.

## CONSIDERATION OF SB 1011 CONTINUED

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

Mr. PESCI. Mr. Speaker, may I interrogate the maker of the amendment?

The SPEAKER pro tempore. The gentleman indicates that he will be interrogated.

Mr. PESCI. Mr. Speaker, is it true that under your amendment, if it does pass, that those people that are licensed currently under the amendment, if it did pass, that they would be in violation with the LCB (Liquor Control Board) enforcement agents, that they could be fined?

Mr. CLYMER. Mr. Speaker, I could not understand what his question was.

The SPEAKER pro tempore. Would the gentleman please repeat the question.

Mr. PESCI. Yes.

If his amendment passes, is it not true that the LCB can fine that establishment for having any sign in the window pertaining to liquor or beer?

Mr. CLYMER. Mr. Speaker, no. The current law allows you to have licenses in the window and that is permissible. My understanding of what this bill would do is to allow an additional advertisement of, if you have a—

## AMENDMENT WITHDRAWN

Mr. CLYMER. Mr. Speaker, I have been advised that the amendment was drafted in error. All I wanted to do was to remove that provision that would allow for the additional advertisement. It would not touch the existing advertisement. That was not the occasion. That was not the purpose of this amendment, to take it all out. I just wanted to take out that additional advertisement.

So based on that, if that is true indeed, then I will withdraw that amendment because that was not the intent. Thank you.

The SPEAKER pro tempore. 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 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?

The Chair recognizes the gentleman, Mr. Cawley. For what purpose does the gentleman rise?

Mr. CAWLEY. I would like to interrogate the chairman of the Liquor Control Committee, Mr. Donatucci.

The SPEAKER pro tempore. The gentleman indicates that he will agree to interrogation.

Mr. CAWLEY. Mr. Speaker, I have not read the Administrative Code of 1929 lately, and I notice that everything regarding the fees and licenses has been taken out of the bill, and it says, as reported in the Administrative Code of 1929. Basically, here is my question: Is there an increase in fees in this bill?

Mr. DONATUCCI. No.

Mr. CAWLEY. No fees whatsoever?

Mr. DONATUCCI. No increase of fees; no.

Mr. CAWLEY. Okay. That is all I have. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Scrimenti.

Mr. SCRIMENTI. Thank you, Mr. Speaker.

Mr. Speaker, I am standing before the membership to encourage their support for this bill, which contains the provisions of HB 1462, which provides for the wineries in my district and throughout Pennsylvania the ability to participate in fairs or exhibits and sell their wines with no problem because this language is in the bill.

It is clarifying language, and I would appreciate the membership's support. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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—169

Adolph	Fee	Manderino	Saylor
Allen	Fichter	Markosek	Scrimenti
Argall	Freeman	Marsico	Semmel
Barley	Gamble	Masland	Serafini
Battisto	Gannon	Mayernik	Smith, B.
Belardi	George	McCall	Smith, S. H.
Belfanti	Gerlach	McGeehan	Snyder, D. W.
Bishop	Gigliotti	McNally	Staback
Blaum	Gladeck	Melio	Stairs
Boyes	Godshall	Merry	Stelman
Brown	Gordner	Michlovic	Steighner
Bunt	Gruitza	Micozzie	Steil
Burns	Gruppo	Mihalich	Stetler
Butkovitz	Haluska	Miller	Stish
Buxton	Hanna	Mundy	Sturla
Caltagirone	Harley	Nailor	Surra
Cam	Hasay	Nickol	Tangretti
Carone	Hennessey	Nyce	Taylor, E. Z.
Cawley	Herman	O'Brien	Taylor, J.

Cessar	Hughes	Olasz	Thomas
Chadwick	Hutchinson	Oliver	Tigue
Civera	Itkin	Perzel	Tomlinson
Cohen, L. I.	Jadlowiec	Pesci	Trello
Cohen, M.	James	Petrone	Trich
Colafella	Jarolin	Pettit	Tulli
Colaizzo	Josephs	Piccola	Uliana
Conti	Kaiser	Pistella	Vance
Cornell	Kasunic	Platts	Van Horne
Corrigan	Keller	Preston	Veon
Cowell	Kenney	Raymond	Vitali
Coy	King	Reber	Washington
Curry	Kirkland	Reinard	Waugh
Daley	Kukovich	Richardson	Williams
DeLuca	LaGrotta	Rieger	Wogan
Dempsey	Laub	Ritter	Wozniak
Dent	Laughlin	Roberts	Wright, D. R.
Dermody	Lawless	Robinson	Wright, M. N.
Donatucci	Lederer	Roebuck	Yandrisevits
Druce	Lee	Rooney	Yewcic
Durham	Leh	Rubley	
Evans	Lescovitz	Rudy	DeWeese,
Fajt	Levdansky	Ryan	Speaker
Farmer	Maitland	Santoni	

NAYS—27

Armstrong	Fargo	Lloyd	Scheetz
Baker	Fleagle	Lynch	Schuler
Birmelin	Flick	Phillips	Stern
Clark	Geist	Pitts	Strittmatter
Clymer	Hershey	Rohrer	True
Egolf	Hess	Sather	Zug
Fairchild	Krebs	Saurman	

NOT VOTING—0

EXCUSED—6

Acosta	Bush	Lucyk	Petrarca
Bebko-Jones	Cappabianca		

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

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

RULES SUSPENDED

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

Mr. PICCOLA. Mr. Speaker, I move that the rules be suspended to offer HR 303.

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

The following roll call was recorded:

YEAS—194

Adolph	Fargo	Lloyd	Saurman
Allen	Farmer	Lynch	Saylor
Argall	Fee	Maitland	Scheetz
Armstrong	Fichter	Manderino	Schuler
Baker	Fleagle	Markosek	Scrimenti

Barley	Flick	Marsico	Semmel
Battisto	Freeman	Masland	Serafini
Belardi	Gamble	Mayernik	Smith, B.
Belfanti	Gannon	McCall	Smith, S. H.
Birmelin	Geist	McGeehan	Snyder, D. W.
Bishop	George	McNally	Staback
Blaum	Gerlach	Melio	Stairs
Boyes	Gigliotti	Merry	Stelman
Brown	Gladeck	Michlovic	Steighner
Bunt	Godshall	Micozzie	Steil
Burns	Gordner	Mihalich	Stern
Butkovitz	Gruitza	Miller	Stetler
Buxton	Gruppo	Mundy	Stish
Caltagirone	Haluska	Nailor	Strittmatter
Carn	Hanna	Nickol	Sturla
Carone	Harley	Nyce	Surra
Cawley	Hasay	O'Brien	Tangretti
Cessar	Hennessey	Olasz	Taylor, E. Z.
Chadwick	Herman	Oliver	Taylor, J.
Civera	Hershey	Perzel	Thomas
Clark	Hess	Pesci	Tigue
Clymer	Hughes	Petrone	Tomlinson
Cohen, L. I.	Hutchinson	Pettit	Trello
Cohen, M.	Itkin	Phillips	Trich
Colaella	Jadlowiec	Piccola	True
Colaizzo	James	Pistella	Tulli
Conti	Josephs	Pitts	Uliana
Cornell	Kaiser	Platts	Vance
Corrigan	Kasunic	Preston	Van Horne
Cowell	Keller	Raymond	Veon
Coy	Kenney	Reinard	Vitali
Curry	King	Richardson	Washington
Daley	Kirkland	Rieger	Waugh
DeLuca	Krebs	Ritter	Williams
Dempsey	Kukovich	Roberts	Wogan
Dent	LaGrotta	Robinson	Wozniak
Dermody	Laub	Roebuck	Wright, D. R.
Donatucci	Laughlin	Rohrer	Wright, M. N.
Druce	Lawless	Rooney	Yandrisevits
Durham	Lederer	Rubley	Yewcic
Egolf	Lee	Rudy	Zug
Evans	Leh	Ryan	
Fairchild	Lescovitz	Santoni	DeWeese,
Fajt	Levdansky	Sather	Speaker

NAYS—0

NOT VOTING—2

Jarolin Reber

EXCUSED—6

Acosta Bush Lucyk Petrarca  
Bebko-Jones Cappabianca

A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

**RESOLUTION**

The SPEAKER pro tempore. The gentleman, Mr. Piccola, calls up HR 303, which will be read by the clerk.

The following resolution was read:

**House Resolution No. 303**

**A RESOLUTION**

Opposing the bigotry, hatred and historical revisionism in the message of Khallid Abdul Muhammad.

WHEREAS, Bigotry and racism in any form must be condemned; and

WHEREAS, Members of the House of Representatives know that, for evil to prevail, only the silence of good people is required; and

WHEREAS, Members of the House of Representatives know the truth and will not be silent; and

WHEREAS, On Saturday night, March 26, 1994, the first night of Passover, Dr. Khallid Abdul Muhammad spoke at the Camp Curtin YMCA in Harrisburg, where he denied that Nazis killed 6,000,000 Jews in the Holocaust; and

WHEREAS, Dr. Muhammad has voiced and continues to voice a message of bigotry and hatred and historical revisionism; therefore be it

RESOLVED, That the House of Representatives unequivocally state that hatred, bigotry and historical revisionism created the environment which made possible the Holocaust and enslavement of many peoples throughout the ages; and be it further

RESOLVED, That the House of Representatives stand united with others with the courage and decency to speak out in opposition to Dr. Khallid Abdul Muhammad's message or any such message of bigotry, hatred or historical revisionism in this Commonwealth.

- Jeffrey E. Piccola
- Raymond Bunt, Jr.
- Mario J. Civera, Jr.
- J. Scot Chadwick
- Lita Indzel Cohen
- Jim Lynch
- Carole A. Rubley
- Jeffrey W. Coy
- Stanley E. Saylor
- Albert W. Pettit
- Joseph M. Gladeck, Jr.
- Thomas W. Druce
- Fred Belardi
- Ronald S. Marsico
- Frank Tulli, Jr.
- Dan A. Surra
- David G. Argall
- Michael R. Veon
- Charles W. Dent
- Joseph R. Pitts
- Samuel H. Smith
- Larry O. Sather
- Jerry L. Nailor
- Frank W. Yandrisevits
- Robert W. Godshall
- David J. Steil
- Patricia H. Vance
- Thomas E. Armstrong
- Michael K. Hanna
- Nicholas A. Micozzie
- Jess M. Stairs
- Jerry A. Stern
- Mark B. Cohen
- Dennis M. O'Brien
- Roy Reinard
- Joseph F. Markosek
- Anthony L. Colaizzo
- Dante Santoni, Jr.
- John M. Perzel
- Italo S. Cappabianca
- Thomas W. Dempsey
- Albert H. Masland
- Robert M. Tomlinson

John W. Fichter  
 Anthony M. DeLuca  
 Edward G. Staback  
 Ronald I. Buxton  
 Michael P. McGeehan  
 Richard J. Cessar  
 C. Allan Egolf  
 Elinor Z. Taylor  
 George E. Saurman  
 Joseph M. Uliana  
 John J. Taylor  
 Howard L. Fargo  
 Jim Gerlach  
 George C. Hasay  
 Katie True  
 Arthur D. Hershey  
 T. J. Rooney  
 Bruce Smith  
 Thomas A. Tangretti  
 Dennis E. Leh  
 George T. Kenney, Jr.  
 Patricia Carone  
 Phyllis Mundy  
 Matthew E. Baker  
 Fred A. Trello  
 Frank J. Gigliotti  
 Russ Fairchild  
 Susan Laughlin  
 Thomas M. Tighe  
 Kenneth E. Lee  
 Frank J. Pistella  
 Timothy F. Hennessey  
 Jere W. Schuler  
 Lawrence H. Curry  
 Ellen A. Harley

On the question,

Will the House adopt the resolution?

Ms. MANDERINO offered the following amendment No. A1571:

Amend Title, page 1, line 1, by striking out "the" where it appears the first time

Amend Title, page 1, line 1, by inserting a period after "revisionism"

Amend Title, page 1, lines 1 and 2, by striking out "in the" in line 1 and all of line 2

Amend Fourth Whereas Clause, page 1, lines 10 through 13, by striking out all of said lines

Amend Fifth Whereas Clause, page 1, lines 14 and 15, by striking out "Dr. Muhammad has voiced and continues to voice a message" and inserting

Far too many people in our society continue to voice messages

Amend First Resolve Clause, page 2, line 2, by inserting after "which"

has

Amend First Resolve Clause, page 2, line 2, by striking out "Holocaust and" and inserting oppression,

Amend First Resolve Clause, page 2, line 3, by striking out "of many peoples" and inserting and slaughter of millions of men, women and children

Amend Second Resolve Clause, page 2, line 7, by striking out "Dr. Khallid Abdul Muhammad's message or any such message of"

Amend Second Resolve Clause, page 2, line 8, by inserting after "revisionism" anywhere and everywhere

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the lady on the amendment.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, bigotry and racism perpetuated through hateful speech or hateful acts is intolerable and it must be condemned. I commend Representative Piccola for wanting to speak out against words of hatred and historical revisionism that recently occurred in his district, but the sad reality, Mr. Speaker, is that words and acts of bigotry and racism occur every day in our Commonwealth and in our country against people of every race, creed, and color. Every incident of hate is egregious as the next.

Amendment 1571 recognizes egregious acts by all people against all people. It deletes references to a particular speech and a particular speaker — in this case, Dr. Khallid Abdul Muhammad — and it recognizes that these instances of hatred, bigotry, and historical revision, both in the past and in the present, have created an environment that has made it possible for the oppression, enslavement, and slaughter of millions of men, women, and children over the ages, and it condemns such bigotry, hatred, and historical revision anywhere and everywhere that it occurs.

I ask for an affirmative vote by all members of the House on amendment 1571.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

First, before I speak on the amendment, I would like to advise the members that the resolution will hopefully remain at the desk if any additional members wish to cosponsor it. I think we have well over 75 at the present time.

Mr. Speaker, I oppose the Manderino amendment, although I believe I understand where Ms. Manderino is coming from. Her amendment will transform this resolution from a specific statement about actual words of hate and historical revisionism that were made and revise it, if you will, to a watered-down, simply generic statement against hatred and bigotry. While we can perhaps not disagree with what will end up in that resolution, the resolution will not speak to the actual words or to the actual occurrence. Why should we speak to those actual words in the context of a House resolution? We should speak to them because this is what was said and what occurred.

On March 26, 1994, the first night of Passover, Dr. Muhammad appeared at the Camp Curtin YMCA here in the capital city of Harrisburg to deliver a message. His appearance was announced in advance of that speech by several days, perhaps a week, and because of the controversy that surrounded Dr. Muhammad's remarks made last year—I believe it was in New Jersey—there was some concern in the general community and in the Jewish community about the possibility of a reoccurrence, but the response was not unfriendly; it was merely cautious. There was no call for canceling the speech. There was no call for saying that Dr. Muhammad should not come. There was a call for caution and concern that a repeti-

tion of the New Jersey incident would occur. Then on the first night of Passover—and incidentally, I might say that reaction was widely reported in the central Pennsylvania news media—on the first night of Passover, that concern was proven to be well founded, because the remarks were made as outlined in the resolution, and the next day and days thereafter, it was widely reported in the news media, and it caused a great deal of concern and disquieting among thousands and thousands of people in not only central Pennsylvania but I understand it reached the Pittsburgh news media as well.

Let me speak, Mr. Speaker, to what this resolution is not. It is not a condemnation of Dr. Muhammad or his followers or his right to speak or his organization. It is not a resolution that says he does not have the right to say whatever he pleases. He has that right under our Constitution. What it is, Mr. Speaker, is a statement by the leadership of this Commonwealth that his message contains elements of hatred and bigotry which we do not and will not agree with, which we will not and do not condone, and which we will not allow to go unresponded to. By adopting this amendment and eliminating the response to the actual words, I believe that we are condoning this specific hateful message.

This resolution, as I have introduced it, has the support of the Pennsylvania Jewish Coalition, it has the support of the Pennsylvania Catholic Conference, and it has the support of the Pennsylvania Council of Churches.

I urge that we keep this resolution intact, defeat the Manderino amendment, no matter what the good intentions are behind the offering of it, and pass this resolution as is. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the lady, Mrs. Cohen.

Mrs. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of Representative Piccola's statement and urge the members to vote against the Manderino amendment.

We are supposed to be the leaders of this Commonwealth. It is incumbent upon us to condemn every act of hatred, every statement of bigotry that is presented in this Commonwealth.

Representative Manderino is correct that these statements and these occurrences do happen almost every day, and it is up to us to condemn each specific act of hatred, of bigotry as each one occurs. If it means that it is unfortunate that we have to pass these kinds of specific resolutions on a daily basis, then we will until we have stopped these kinds of statements and these malicious, ugly acts. But we are the leaders of this Commonwealth. We must take a position specifically on every single statement and on every single act, and if we do not, then shame on us. Then all we are is a bunch of wimps that just put forth some rhetoric with no meat behind it. This was a dreadful occurrence, and we must stand up and condemn each and every act as they occur.

I therefore urge you to support the Piccola resolution without the Manderino amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady. The Chair recognizes the gentleman, Mr. Richardson.

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

Mr. Speaker, I rise to support the Manderino amendment, and I want to do so in the context that would allow me an opportunity since this is a very sensitive, or more importantly, is a very vital situation to members of this Commonwealth.

I hear everyone talk about their leaders, and I would just like to ask whether or not the prime sponsor of the resolution, being Representative Piccola, will submit to interrogation.

The SPEAKER pro tempore. He indicates he will stand for interrogation.

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

Mr. Speaker, I would like to know whether or not you had an opportunity to speak to ministers and other community leaders of the African-American community who invited Dr. Khallid Muhammad here to Harrisburg to speak at the Camp Curtin YMCA here in Harrisburg.

Mr. PICCOLA. I have not spoken to ministers who invited him. I have spoken to ministers of the African-American community of Harrisburg on this subject, but I have no idea whether they were ones who invited him. I do not know who invited him.

Mr. RICHARDSON. Oh, you do not know. Okay.

But they did meet with you?

Mr. PICCOLA. Could you repeat the question, Mr. Speaker?

Mr. RICHARDSON. But you did meet with them?

Mr. PICCOLA. I have spoken to ministers who are ministers in the African-American community of Harrisburg concerning this issue.

Mr. RICHARDSON. So the answer is, yes, you met with them?

Mr. PICCOLA. I have spoken with them. Some were in terms of personal meetings, some were in terms of phone calls—

Mr. RICHARDSON. Okay. Well, then since you did not meet with them, did you speak to them on the phone then, Mr. Speaker, or did you meet with them in person?

Mr. PICCOLA. Both, Mr. Speaker.

Mr. RICHARDSON. As a result of the conversation, did they indicate to you that Dr. Khallid Muhammad had said something that was inappropriate to that particular day in the conversation and did they in fact deliver to you a tape and also the actual video of Dr. Khallid Muhammad's statements at the Y?

Mr. PICCOLA. My conversations with ministers of the African-American community of Harrisburg were of a mixed variety. Some expressed the same outrage about the message that I expressed and that many, many other people expressed and publicly expressed it and expressed it to me. Others took a more reserved position on the message.

To answer your specific question, yes, I did receive a tape and a so-called transcript.

Mr. RICHARDSON. Did you attend the event of March 26 here in Harrisburg?

Mr. PICCOLA. No.

Mr. RICHARDSON. Were you aware of the fact of the matter that the persons that did in fact contact the persons from the community that invited Dr. Khallid Muhammad here to Harrisburg?

Mr. PICCOLA. Would you repeat that question, Mr. Speaker? I am not sure I understood it.

Mr. RICHARDSON. Yes.

Did you have an opportunity as an individual person here in Harrisburg, who evidently received the transcripts, also received the video, did you have a chance to review it?

Mr. PICCOLA. I reviewed the video that constituted about 7 1/2 minutes of the whole program, which I do not know how long it lasted, and a transcript, a partial so-called transcript, of a portion of that same section of the video. I found—and I did review both—and I found that the transcript was in a very significant way altered from the video, and so I discarded the transcript.

Mr. RICHARDSON. So you really do not have a clear understanding then of really what took place or what was actually said by Dr. Khallid Muhammad.

Mr. PICCOLA. No, that is not true. I have a very clear and specific understanding, and I thank the ministers of the African-American community of Harrisburg for providing me with the video, because it crystallized in my mind why this resolution as it has been introduced is so important.

Mr. RICHARDSON. So then, Mr. Speaker, as a result of the review now, you are indicating now that you reviewed the tape and it supposedly gives your suspicions to whatever it is that you are alleging here in this resolution.

Mr. PICCOLA. No, that is not accurate, Mr. Speaker. I do not have suspicions. I do not have probable cause. I have sufficient evidence to convict.

Mr. RICHARDSON. Well, let me say this: I think that—Well, that is good. Then maybe then all those that clapped, maybe they should see the video, because I think that there is definitely some indication that the members of the community, and not only in the African-American community but others that also were in attendance, since none of you were, that perhaps maybe that transcript as well as the information that is being shared and that you have promoted this type of concern on the floor should relegate itself to a basic understanding of those individuals who did invite him and in fact have indicated to you and told you in person that there was not in fact any violation of anyone's rights and definitely not in the manner in which you have expressed it here on the floor of this House. They are people that live in Harrisburg, and you do not even represent the district where the conference itself was being held here in Harrisburg, and I think that that should be noted very clearly that you have taken this up not only as not a member of the district in which it was held but as a person who you felt some compelling reason to address this issue from a different standpoint of view.

I want to have an opportunity now to address the Manderino amendment, and, Mr. Speaker, I would like to ask to speak on the amendment.

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

Mr. PICCOLA. Mr. Speaker, I think the—

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

I rise today to comment on the House resolution entitled House resolution on hatred, bigotry, and historical revisionism. My understanding is that it was proposed to register condemnation of a speech of a relatively unknown person, one Dr. Khallid Muhammad, a secondary and demoted member of a relatively small organization called the Nation of Islam.

The resolution seeks to call upon the Pennsylvania House of Representatives, who represent 11 million people, to take its valuable time to condemn a speech this person made to a mere 500 people in a small YMCA here in Harrisburg.

It seems to me that this is analogous to commandeering a cannon to shoot a mosquito.

In fact, Mr. Speaker, however, we may just briefly address ourselves to some valuable principles involved. One principle is condemning racial hatred and historical revisionism, to which I, like Representative Piccola, am unalterably opposed. Another principle which caused me to respond is the principle of unequivocal adherence to a righteous stand against racial hatred and historical revisionism.

I am happy to note that so many of my colleagues have taken a stand against historical revisionism. In fact, historical revisionism is not only explicitly denying that certain proven historical facts existed but also implicitly denying that they existed by selecting them from history.

For 22 years, Mr. Speaker, I have brought before this General Assembly documented facts proving the momentous contributions of Africans and African-Americans who have been deliberately deleted from the history taught to all of our children in this Commonwealth. This historical revisionism has met without rebuff from this Assembly, without any resolution signed by the majority of this Assembly.

I am very happy today to note that a new day has dawned, when according to information which I have received, more than a majority of this body's membership has signed the resolution condemning historical revisionism. Therefore, I have caused to have drawn up a resolution, and separately an amendment, that deals with the fact that we should support history, support history being taught to all children in this Commonwealth that is free of historical revisionism.

We especially note the truth of Representative Piccola's resolution beginning on page 1, line 17, in which he says, in effect, that this House of Representatives stands against the historical revisionism which created the environment which made possible the enslavement of many peoples throughout the ages. We agree that it was and is the historical revisionism of the history of the Africans and African-Americans which reinforced our enslavement and subsequent physical and mental brutalization.



### POINT OF ORDER

Mr. GLADECK. A point of order, Mr. Speaker.

Mr. RICHARDSON. We have gathered the names of those of you who have taken a stand—

The SPEAKER pro tempore. Will the gentleman, Mr. Richardson, please suspend.

For what purpose does the gentleman rise?

Mr. GLADECK. Is the gentleman speaking on the amendment or on the resolution itself?

Mr. RICHARDSON. I am speaking on the amendment.

The SPEAKER pro tempore. The gentleman is speaking on the amendment.

Mr. GLADECK. To me, line 17 that he just quoted in the resolution is not amended by the amendment, so maybe the gentleman might—

The SPEAKER pro tempore. The Chair thanks the gentleman.

Will the gentleman, Mr. Richardson, please address his remarks to the amendment.

Mr. RICHARDSON. Yes.

As I was saying, we have gathered the names of those of you who have taken a stand against violating history, and we are sure that your stand is firmly against violation of anyone's history, whether or not the history being violated is the history of white persons or the history of black persons or any other race. We are sure you will take an unequivocal stand for justice.

As did Representative Piccola, we are having this resolution sent to each one of you. That will be on the desk for signatures for those who really believe in historical revisionism.

And I want to say that the inclusion and the deletions and the denials of our history indicate very strongly the support for what Representative Manderino has raised today. In fact, if we are so much against hatred, racism, and bigotry, then it would mean that we would not take an individual and make this person a martyr when in fact it is not the condemning of one individual who is insignificant to the issues of hatred, racism, and bigotry as it is so delineated by Representative Manderino in her proposal to substitute language that evidently is not made very clear to many of the members on the floor of this House.

And once again, I can point out every single day, as many of you do not understand, that the historical revisionism is the denial of history that would indicate that those 100 million Africans that were killed coming over on the slave ships here to America, that in fact the holocaust continues every single day, and it never has been denied by those history books that are continually written in the history of the Commonwealth of Pennsylvania.

I can, Mr. Speaker, speak to the activities of a continual hatred, racism, and bigotry that existed down in Alabama when the principal decided that he was going to cancel a particular event that was being held by those individuals. I did not hear anyone on this floor condemn that gentleman for the racism, bigotry, and hatred that was displayed by him. I did not hear anyone on this floor, Mr. Speaker, raise to the consciousness

of those who heard Senator Hollings make condemnable statements against Africans and African-Americans being cannibals eating each other on the Senate floor. Mr. Speaker, I did not hear anyone stand on this floor and talk about the condemnation of the police that beat up Rodney King in Los Angeles, and the list goes on and on and on.

Every day when you talk about dealing with facts in history, it seems to me that to take this minute issue and to take someone who made a speech at a Y back in March when we have so many other issues that face us today, to put this in front of the members and force this down the throats of the members who did not review the tape, who did not hear anything, is an indication of why I believe that the compromise position today is to support the Manderino amendment as it deals directly with the inconsistencies that have come out over and over and over again.

Yesterday in this Capitol, many of you may not have known, but there was a major confrontation. I did not hear the speaker who today is in fact in charge of this resolution condemn the actions taken by the individuals who marched in protest yesterday against the death penalty, said they were for it, and almost had a major riot here in Harrisburg right outside the halls of this chamber, right in front of the Governor's Office. But because of cooler heads prevailing, it was not allowed to exhibit the hatred, racism, and bigotry that was exhibited yesterday in the major confrontation that already took place, and I think that many of you need to know that no one condemned that action yesterday. But we stand here today to condemn the actions that were taken that almost caused a near riot between those individuals that came up to deal with the Mumia Abu-Jamal situation with the Governor and those that were on the opposite side who were police officers, who almost came into a major confrontation with the other group, but because cooler heads prevailed were able to make sure that that situation did not explode.

Hatred, racism, and bigotry. If we are really to address that issue, then it would seem to me that we would make sure that we condemn it in all forms of life wherever it may exist, because Dr. Khallid Muhammad is not the issue before us but the whole racism and the problem that racism and institutionalized racism is alive and well still in America and still has not been dealt with, even in the hall of this House of Representatives.

Thank you very much, Mr. Speaker, and I ask for an affirmative vote on the Manderino amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Butkovitz.

Mr. BUTKOVITZ. Mr. Speaker, I would remind this House that the Holocaust, a very specific historical event in which a third of the world's Jewry was systematically murdered, began with mere words, and an environment was created in which, over time, it became acceptable. People originally could not believe the kinds of words that were being spoken and the kinds of suggestions that were being made, and eventually that led to action, very murderous action.

This House has repeatedly taken positions, specific positions, when there are specific problems, either legislatively or in terms of condemning actions, and what I am having difficulty understanding is why we cannot put aside our affiliations on occasion and just say what is right is right and what is wrong is wrong and not worry about teams or parties or whose particular ox is being gored.

This speech was absolutely wrong. It is reprehensible, and we ought to say so. *The Manderino amendment is an attempt to water down a condemnation of that very, very specific conduct by essentially equaling the Holocaust with other types of conduct of varying kinds of magnitude. It is wrong— Excuse me? Mr. Speaker?*

The SPEAKER pro tempore. Can we have order in the House. The gentleman, Mr. Butkovitz, has the floor.

Mr. BUTKOVITZ. Too often in this House we classify issues on the basis of who is making the speech, who the person is. There is conduct that is right, there is conduct that is wrong, and we ought to act on that basis and defeat this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny County, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

Will the gentleman, Mr. Piccola, stand for interrogation?

The SPEAKER pro tempore. The gentleman agrees that he will accept interrogation.

Mr. PRESTON. Thank you, Mr. Speaker.

Before I would vote on the Manderino amendment, because as I have been reading it, I see that it displaces several statements that are within your resolution that denotes it specifically to individuals' names.

What I am trying to get to, I guess, is you made certain statements that you had facts. It would help me to be able to understand these facts in relationship to the Manderino amendment if you could give me a statement, a written statement of facts, a newspaper clipping of direct facts or direct quotes that the gentleman made, direct statements about revisionism that applied to him and were not by hearsay. Can you give me any of those facts or a transcript of the speech per se that would be factual?

Mr. PICCOLA. Mr. Speaker, as I told the gentleman, Mr. Richardson, in response to a similar question, I have a videotape of the offending portion of the speech. I have here right on my desk a purported transcript, although in viewing the tape and comparing it to the transcript, I found a very significant deletion or omission that was not on the transcript but which is in the tape, and I would be more than happy to share a copy of this with the gentleman and point out the omission. I specifically did not circulate that because I did not feel it was appropriate to do so and to further inflame the issue.

You see, in my mind, the issue is very simple. He said what he said. He basically in summary said that the Holocaust was a lie. I do not agree with that. That is not true. I do not believe that the House of Representatives believes that, and I

think that kind of statement has to be spoken to in the context of this resolution.

Mr. PRESTON. So in other words, you are saying that he is quoted as saying that he believes that it was a lie.

Mr. PICCOLA. I am going to allow you to read this transcript, Mr. Speaker, and let you draw whatever conclusions you draw from it. I drew that conclusion.

Mr. PRESTON. Did he say that or did he say someone told him that? *In the speech.*

Mr. PICCOLA. Mr. Speaker, he said it.

Mr. PRESTON. Could you give me a copy of it now? Could you give me a copy of the tape now?

Mr. PICCOLA. I do not have the tape on the floor of the House.

Mr. PRESTON. You do not have the tape.

Did you talk to anyone—before we go on to the Manderino amendment—did you talk to anyone who specifically was there at the speech?

Mr. PICCOLA. I spoke with a number of people, and I honestly could not tell you, Mr. Speaker, whether they were there or not. I believe that some of them were there, but I am not absolutely certain.

Mr. PRESTON. Did any of the newspaper clippings that were printed by any of the reporters quote him directly as saying the issue in relationship to the Holocaust— To that, where they quoted him.

Mr. PICCOLA. I believe there were quotes from the speech in the newspaper stories, Mr. Speaker.

Mr. PRESTON. Were they quoting him?

My question simply is, if an individual said it, yes, that is true, but what I am getting at is I am trying to get, as you said you have, factual information, and I would like to see that factual information to help me as far as my vote, that the individual said that he believes that these particular things happened, and then I would agree with you about revisionism, and I am trying to get that. Did any of the newspaper clippings that you have over there quote him as saying that?

Mr. PICCOLA. I do not have the newspaper clippings of the day after the story here on the floor of the House. I have the actual purported transcript, which I indicated contains an omission from the videotape.

Mr. PRESTON. But you said that that is a purported transcript, right? You are not sure if that is a real—

Mr. PICCOLA. No; it is a transcript. It just contains one or two omissions that I have corrected.

Mr. PRESTON. You corrected the omissions? So in other words, you have augmented the statement.

Mr. PICCOLA. Yes.

Mr. PRESTON. I get very concerned, because we are talking about an individual whereas the Manderino amendment talks about something that is very serious, and it concerns me. I will give you an example.

In Allegheny County, I have the second largest Jewish population in the county. I am very concerned about that, and I do not like to point my fingers at anybody one way or the other unless I can have the facts. You said you have the direct

facts. I would like to be able to see a direct quote where this actually happened before we condemn an individual about that.

I am going to speak and ask questions concerning the resolution itself, but I am concerned about the Manderino amendment that deals with hatred and bigotry and different connotations to a particular individual, and if you are saying that you have the direct facts, then we should all be able to see that in the quote marks as far as revisionism is concerned. If that is not the case— And all of the newspaper clips that I saw per se that you distributed, there were no quotes of saying that this individual said that, and all I am trying to do is get the direct facts. I do not like to try to punish someone per se unless I have all the information. Can you provide me with these facts or can we wait until I can get the facts before me before I can vote “yes” or “no” on the Manderino amendment?

Mr. PICCOLA. Mr. Speaker, I have here the transcript. You are welcome to come over here and take a look at it.

Mr. PRESTON. Mr. Speaker, can we delay just a minute while I run over and get the transcript?

The SPEAKER pro tempore. The House will be at ease.

In the interest of time, we are going to recognize the next speaker.

The gentleman, Mr. Masland, is recognized.

Mr. MASLAND. Thank you, Mr. Speaker.

I rise in opposition to amendment A1571.

What we are talking about here is a very significant resolution today. This is not like the myriad of other resolutions that come our way and we push a button without even thinking about it. This is a significant resolution that we need to thoughtfully consider.

I would submit, however, that if this amendment passes, we might as well just pass it as if it was any other resolution, because it waters it down to the extent that it is meaningless. Of course we are against bigotry and racism in any form as it says in the first “whereas” paragraph; that is obvious. But for this resolution to be meaningful, we need to go beyond that.

I would suggest that the amendment is a revisionist amendment. Are we going to condemn statements or are we going to condone them? We cannot change the fact that the Holocaust occurred. We cannot change the fact that statements were made about the Holocaust at Camp Curtin YMCA, but we should not gloss over them either.

I know that there is some sentiment and there is some concern about naming names, that we should not be specific; let us not do that. Again, a specific act occurred here. The fourth “whereas” paragraph, lines 10 through 13, is crucial to this resolution.

A month or so ago there was a horrible incident that took place in the settlements in Israel. You may recall that a Dr. Baruch Goldstein went into a mosque and mowed down many individuals, killed them, while they were praying in a mosque. Now, I ask you, did the PLO (Palestine Liberation Organization) ask the Israeli Government to just condemn bad acts in general? No. They condemned that specific bad act, as we should condemn this specific act.

We are obviously against bigotry. We are obviously against hatred. We are obviously against racism. We do not need a resolution for that. But this did not happen in Los Angeles. This did not happen in Israel. This happened here in Pennsylvania, and it happened here right under our noses, and for us to say that we are just going to brush it aside, we are just going to emasculate this resolution to the point that it says we are against bad thoughts, we are against hatred, we are against bad ideas, misses the point — totally misses the point.

The last part of the amendment would change line 8 on page 2 to state that we are against bigotry, hatred, or historical revisionism “anywhere and everywhere.” Yes, we are, but that is not a statement. If we are going to make a statement today, then let us make a statement that we are against this specific speech, not to condemn the speaker but to condemn the speech. And as somebody said, it is merely 500 people. Merely 500 people? How many people do those 500 people talk to, how many people believe that, and how many people will it take to believe thoughts like that until we speak out and do something against it?

The only solution is to condemn these specific statements, and I urge your opposition to this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and wishes to apologize to the gentleman, Mr. Preston. Do you wish to continue your interrogation, or do you wish to make a statement?

Mr. PRESTON. I wish to continue the interrogation of Mr. Piccola, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Piccola, is agreeable.

Mr. PRESTON. Mr. Speaker, the purported factual information that I read that you said was copyrighted, would you be willing to enter that document into the record?

Mr. PICCOLA. Not without advice of counsel because of the copyright that is on here, Mr. Speaker. I just do not know exactly why it is copyrighted, but—

Mr. PRESTON. Would you be willing to enter the document that you have before you into the record?

Mr. PICCOLA. I am certainly willing to allow any member to come over here and take a look at it and read it, but—

Mr. PRESTON. But would you be willing to enter your factual information into the record?

Mr. PICCOLA. This has got a copyright 1994 stamped on it, Mr. Speaker, and I do not know what status that gives to this document. I would rather not submit it.

Mr. PRESTON. Could I read the words from your document into the record?

Mr. PICCOLA. Mr. Speaker, this document has on it a copyright, and it says all rights are reserved, and no part of this document may be reprinted without the express written consent of the Power Study Group. Now, if you get their written consent, I do not care what you do with it.

Mr. PRESTON. So in other words, you would not permit me to read the words of the document into the history even

though you are using it as factual information of saying that the gentleman is talking about revisionism.

Mr. PICCOLA. Mr. Speaker, I think I am on pretty solid ground. The Power Study Group is the group, as I understand it—I do not know who they are—but they invited Dr. Muhammad to Harrisburg to speak. So I suspect I am on pretty solid ground relying upon what is in this.

Mr. PRESTON. Okay. Mr. Speaker, because this is very critical, you have said you have the factual information. If I remember right, in the document per se, and it is supposed to be quoted, does he say “their Holocaust” in the document in the first paragraph?

Mr. PICCOLA. Yes, those words are there.

Mr. PRESTON. Would you denote to say then, if he says “their Holocaust,” he was talking about those people who are of Jewry descent?

Mr. PICCOLA. I believe that is who he is referring to.

Mr. PRESTON. Would you therefore then, if he uses a possessive connotation about “their Holocaust” in a pronoun statement, that he is saying that the Holocaust did exist and it does belong to them?

Mr. PICCOLA. Except that in the next paragraph he denies that either it happened or that it certainly was not to the extent that history established that it did happen.

Mr. PRESTON. Wait a minute. Either he is saying it did happen or he is saying it did not happen, or is he per se questioning that someone told him, as he said “they say,” I remember, about the amount of the numbers, whether it was 9 million, 6 million, or 1.4 million.

Mr. PICCOLA. Well, he is very clever in the way he puts his speech together. He quotes from purported scholars and scientists and tour guides about what they purportedly say, but he never identifies who these people are.

Mr. PRESTON. But is he saying that he believes their statements, in your document?

Mr. PICCOLA. He gives the definite impression that he believes those statements, yes.

Mr. PRESTON. He gives the definite impression or does he say “I believe what they said” in that document that you have?

Mr. PICCOLA. Could you repeat that question, Mr. Speaker? I am not too sure I understood.

Mr. PRESTON. Is he saying “I believe what they say” or is it your impression that he is believing what they say?

Mr. PICCOLA. Well, why would you quote them if you did not believe what they said?

Mr. PRESTON. If I remember, he said “they say.” It is quoted in that document. You said “they say,” right? He did not say “I believe it”; he said “they say.” Am I correct?

Mr. PICCOLA. Yes.

Mr. PRESTON. He is saying “they say,” but has he denied that the Holocaust did or did not happen in that document?

Mr. PICCOLA. I am sorry, Mr. Speaker. I did not hear your question.

Mr. PRESTON. I gave you an example concerning the pronoun statement about “their Holocaust.” Has he denied or does he say other people have said that the Holocaust—

Mr. PICCOLA. Oh, he claims he has evidence. Yes, he claims he has evidence that there was no Holocaust.

Mr. PRESTON. He says that in the issue there, or is he saying other people have evidence?

Mr. PICCOLA. Well, he is basing it upon what other people have told him.

Mr. PRESTON. But he did not say that, if I read your document right.

Mr. PICCOLA. Yes, he did say it.

Mr. PRESTON. He did? You are saying he is quoted as saying that?

Mr. Speaker, may I address the body?

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

Mr. PRESTON. I want to address the issue about the amendment, because I am going to address and probably go through this a little bit more thoroughly, line by line, when we finally get to the actual resolution, because I am very concerned, again, as we point fingers toward any individual.

And I know about the emotionalism of hearing about the amendment as far as the members are concerned, because I can remember the actual thing, as he said, he had fact, and I would encourage every single member here to go over right now to see Mr. Piccola’s factual information and to be able to read what I read and see where it says that it did not happen, that he denies that it happened, and that he preached bigotry and hate for that statement. And the reason why I said that is because when this came up to me, and in relationship to why I respect the Manderino amendment in general—I am not going to just deal with the individual, because that is later when we finally get to the resolution—you heard me simply question from the document that Mr. Piccola had where he said “their Holocaust.” There is no statement in there that denies that it did not happen.

I talked personally to a reporter who was there, and as he said, the gentleman said that people told me that this is what happened. I do not know whether it happened or not. I do not want to condemn someone and mislead someone from the emotionalism of persecution of anybody of any race, any creed, or any sex that we are dealing with.

And I would again encourage the members to go over and read the statement. There is a particular reason—I do not care why—for some reason, I could not get a copy. He does not want to read the statement to anybody else, but you are free to go over and read it. I am very concerned that we are misleading the general public about this, because I read from all the clips that I have, and I was trying to make up my mind on the Manderino amendment, did the gentleman say this or not?

Now, I will agree that the previous speech that was quoted, what the gentleman said I thought was insulting, was derogatory to an awful lot of people, but I am saying that this resolution and the amendment that we are trying to deal with, or clarify the resolution, there are no quotes. The gentleman

cannot give me any newspaper clippings that quote the gentleman as saying this, and if we were so adamant about it, take my word for it, Mr. Piccola is a very good, effective, and shrewd, not just politician but an attorney. I am not an attorney. All I asked for was the facts and the direct quotes. No newspaper quoted this gentleman as saying that. So therefore, why should we have a resolution that quotes somebody as saying it but no one has given us clear information to say that the gentleman said it or not. The Manderino amendment addresses that.

We have always talked about not voting for a pig in a poke. Well, I will again encourage every member to go over and read the document, the so-called factual information. I am very concerned that we are being misled, that we are being caught up in the emotionalism and pointing our fingers. I have various concerns about certain allegations, and I do not know if there were any other religious holidays on that particular Friday. There might have been other religious holidays and at least a certain connotation, I think, to possibly promote further racism. I see nothing wrong with the Manderino amendment, unless Mr. Piccola can come up with clear facts and clear quoted statements that the gentleman preached and gave revisionism.

Like I said, I am not an attorney. All I wanted was the facts. All I wanted to see was clear statements, and I am going to ask some of the similar questions when we finally get to the actual resolution itself unless we vote for the Manderino amendment, and I would ask for an affirmative vote on the Manderino amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the lady from Lehigh, Ms. Ritter.

Ms. RITTER. Thank you, Mr. Speaker.

Most of us were outraged over the newspaper accounts of Dr. Muhammad's statements. I was not there; the gentleman, Mr. Piccola, was not there, but if the statements were made as they have been described in the newspaper, then those statements should be condemned in the strongest possible way. This resolution, however, is not the strongest possible way to express our outrage over those statements or any other types of statements that would express similar feelings.

This is not the only example—although it may be one of the most egregious examples if in fact these statements were made—is not the only example of hatred-filled or bigoted speech that we have seen in our Commonwealth. Are we saying by this resolution without the amendment that this is the only example that we can think of of hatred or bigotry that we have witnessed in our State in recent years, that cross burnings and hatermongering and Ku Klux Klan marches do not deserve our condemnation as well? If the only way to demonstrate our outrage over bigoted speech such as this is to pass a resolution, then we could, unfortunately, spend a lot of our time here passing such resolutions, and if passing a resolution is the extent of our involvement in this issue, then we are accomplishing nothing.

It is important for us to make a strong statement, as this amendment will do, that we condemn all hate-filled or bigoted

speech and any statements that reflect a distorted view of history and that we will speak out forcefully against same in every instance, wherever and whenever it occurs, including this particular incident and other incidents like this throughout the State of Pennsylvania.

Contrary to the way it has been described, my purpose in cosponsoring this amendment is not to exclude from our condemnation the statements that are purported to have been made by Dr. Muhammad. If they were made by Dr. Muhammad, they should be included in our condemnation. My purpose was to include other statements, other actions that we have seen in our State of Pennsylvania within the context of our condemnation by this resolution, any statements that have been made or might be made in the future. That is the strong commitment that we bring to this amendment, that we should consider carefully and reflect thoughtfully on the words of the amendment and follow it, follow it up with our actions and our words whenever we encounter hatred or bigotry.

We provide an additional forum for Dr. Muhammad to make further statements by naming him in this resolution. It would be too easy also for us to have staff draw up a resolution a few weeks after the occurrence whenever we are outraged over something rather than taking the opportunity to immediately and forcefully and publicly condemn such statements or actions whenever they occur.

I do not remember whether I read and I do not remember if the gentleman, Mr. Piccola, has stated whether or not he made any public statements at the time of the remarks that were made in this forum in his district, but if he had made such statements or if he did, that is the most effective way to express the feelings of the community about these types of statements, not to wait several weeks after it has occurred, after people have already read the account of the remarks, to then a few weeks later come up now and say that we are going to condemn it. It is not nearly as effective as doing it at the time.

Eventually, if the only way to express our outrage is not to speak within our community but only to say to come here and have resolutions prepared, then eventually these resolutions of condemnation will be absolutely meaningless. Even this resolution as amended, whether in its original form or as amended, is meaningless unless we each make a commitment to justice, unless we each take it upon ourselves as our personal responsibility to speak out not here in this chamber, where our words are lost in the din of more mundane matters, but in our communities, in our neighborhoods, as leaders in our communities. That is where our presence is needed. That is where our sense of outrage will be most effective.

If you intended to vote for this resolution to express your outrage over this particular incident and then felt that your obligation to speak out on these types of incidents is over with, that you can then go home and feel that you have accomplished something, then you should not vote for this amendment. If, however, you wanted to express your outrage over not only these particular statements but to further condemn any other extreme examples of ethnic or religious intolerance that

have occurred or may occur in the future, then you should vote for this amendment, and we should consider the vote on this amended resolution to be only the beginning of our responsibility, and we should all make a commitment to acting more forcefully within our own communities to condemn these types of statements immediately when they occur and not wait for the legislative process to take its course.

If Representative Piccola and other community leaders had been present at this forum and would have spoken out immediately and been covered in the same articles that reported these statements, it would have been much more effective, and that is not to fault him for not doing that, but that is the most effective way to express the feelings of the community about these sorts of statements.

The most effective way for us to end bigotry and hatred, as the lady, Mrs. Cohen, said, is for us to speak out each time, every time we hear or see hatred and bigotry in our community and to do it immediately. That is what this amendment says, that we will here today publicly make a strong commitment to speaking out immediately, not waiting several weeks for a resolution but immediately whenever and wherever statements like the ones reported to have been made by Dr. Muhammad are expressed, and that we do so in our communities, that we accept our responsibilities as leaders in our community.

So I would ask for the support of the members for this amendment.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the lady from Philadelphia, Ms. Josephs.

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

I rise in support of the Manderino amendment. I would like to respond to some of the things that have been said.

I did go over to look at the statement that Representative Piccola has. I thought it was open to interpretation. I thought the person who made that statement was very unwise, perhaps very immature, but it is very hard for me to tell whether that statement warrants the kind of disruption and passion and heat and rhetoric that is happening here on the floor today.

I do not think we can stop these statements by resolution, and I think also that we are using here a cannon to swat a flea.

But I am also very amazed at the opposition to the Manderino amendment, and I would like to say in that context that I remember as a young girl people rolling up their sleeves in my house and you could see that there were numbers branded on their skin, and that had happened to them during the Holocaust. So I want everybody to understand that I know what this meant and that I understand what happened there in a way that perhaps many of you others do not. That is the reason why I, year after year, introduce a resolution condemning the Holocaust that took place in Nazi Germany, and it goes through without a murmur, a shadow, a whisper of controversy. And there are no names; there are no dates; there are no real specific acts. What it says is, in a general way, that we must condemn hatred and bigotry and bigoted speech and hated speech wherever we see it and wherever we find it, and nobody makes any fuss about that. Why do we have a different

standard when we are talking about hate speech, bigotry, discrimination, racism, any of those things, when they happen here in this country?

I think that the Manderino amendment is a perfect counterpart to the Josephs resolution on the Holocaust that we pass every single year, and I think that if you voted for the Holocaust amendment—and those of you who have been here for 10 years or 12 years have voted for it 10 times or 12 times—we ought to vote also for the Manderino amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the lady, Ms. Steelman.

Ms. STEELMAN. Thank you, Mr. Speaker.

I rise in support of the Manderino amendment for some of the reasons that have already been stated by Representative Ritter.

I would take exception to the comments by some of the previous speakers that by making the language of this resolution more broadly inclusive we are watering it down. I think that we are doing exactly the opposite; that we are making the resolution stronger when, instead of speaking to one incident, we are speaking to all of the incidents that occur in the Commonwealth and we are expressing our opposition not only to the offensive speech that occurred in one place at one time but we are also expressing opposition to the offenses created by the publication of an advertisement in newspapers in Centre County in February. When I was up in Centre County for a conference at Penn State, people in the community were organizing to protest a message apparently of the same level of historical revisionism that we are being called upon to condemn in Representative Piccola's specific resolution. I think that we need to speak out against this kind of behavior wherever it occurs.

I also think, as Representative Ritter said and as I want to emphasize, that even if we pass a broad resolution against hatred, bigotry, and historical revisionism, that does not mean a great deal unless we go back to our own districts and we embody in our own actions the principles that we are prepared to espouse on the floor today. To quote Abraham Lincoln, "The world will little note nor long remember what we say here." The world may be very right in that, but the world is much more likely to note what we do and particularly what we do in our own communities to speak out for those principles that, as Representative Masland says, we all do espouse — that we are opposed to hatred, we are opposed to bigotry — but if the most that we can do about it is to vote for a resolution that condemns someone who said something far away from most of our districts and that did not directly affect most of the people in our districts but we recuse ourselves from taking action when racism, hatred, and bigotry raise their ugly heads closer to us, then we might as well do absolutely nothing at all, because words without actions are meaningless.

I would also argue that we should speak to a larger resolution because that is our function as the legislature. When we pass legislation, we do not pass legislation crafted to treat one specific individual; we pass legislation that deals with

issues across the Commonwealth. In the same way, when we pass resolutions, I think that we should speak to the broad issues rather than speaking to the specific individual cases, both as a matter of principle and because if, as Representative Cohen suggests, we should address every public incident of hatred individually, there might be weeks when we would find it hard to deal with the other legislative business of the Commonwealth.

Therefore, I hope that you, my colleagues, will choose to support an inclusive amendment to the resolution, and I hope that you will also pledge yourselves not simply to support the great principles of tolerance and justice by your words but also by your actions. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

In the interest of the members, those that have requested to speak on the amendment are Bishop, Uliana, Dent, Saurman, Vance, and Sturla.

The Chair recognizes the lady, Ms. Bishop.

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

Mr. Speaker, I rise to support the Manderino amendment. I rise to support that amendment because bigotry is always wrong.

It is no more wrong if it comes in the form of anti-Semitism than racism, or sexism than age discrimination. All of it is wrong; all bigotry is wrong. So the issue here is not which offense is greater or who among the oppressed has suffered the most. That kind of debate mocks our resolve to fight discrimination; it belittles the seriousness of this problem.

Our stance here today must be to unite in fighting bigotry, all bigotry, not to divide among ourselves to prioritize which act of hatred is worse than others or deserves greater recognition. And so I say today, hatred for reason of race, hatred for reason of nationality, hatred for reason of religion or sexual orientation or age or gender is hatred all the same.

Unfortunately, we cannot stop the action of this House every day we meet to memorialize every offense, to recognize and deplore every gay-bashing, every racist attack, every act of sexual harassment. Nonetheless, each and every one of them is a debasement of human spirit, and we should not rank these outrageous acts because no one of them deserves to be left off our list.

So I call on every member of this House to reject the notion of elitism among discriminations and join in rejecting all bigotry, all bigotry, by supporting the Manderino amendment. No, it does not weaken the resolution but it broadens it, because all hatred and bigotry is included in it. It would be more pathetic even than the desperate acts of mindless discriminations we seek to condemn today for us to turn this effort to close ranks against hatred into a dispute that further divides the people of good will.

I beg you, vote "yes" on the Manderino amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair would like to make a correction. It was not Mrs. Vance who wants to speak; it was Mrs. True.

Next on the agenda is the gentleman, Mr. Uliana.

Mr. ULIANA. Thank you, Mr. Speaker.

I rise today in support of freedom of speech, because freedom of speech entails in all of us the responsibility to point out when one individual or a group is speaking, first of all, untruthfully and, second of all, against the common interest that we all have. I rise today also to ask all the members of this body to speak out against historical revisionism, to speak out against those who would diminish the sufferings of those in the past, those who will incorrectly view history as a way to somehow ratify their beliefs through lies.

Mr. Speaker, my father was part of the group that liberated a Dachau concentration camp, and for him to tell the story to his children was a gripping moment in my life, a moment which changed me, a moment which had a fundamental impact on me, and for any of us not to support Representative Piccola's resolution as it has been put forth to this body diminishes the efforts of all the people who fought to liberate those concentration camps and diminishes the suffering of those people who had to give of their lives because somebody believed that words did not have any meanings, somebody believed that human values and the value of human life was somehow lesser for one individual group than another.

Mr. Speaker, this is the oldest deliberative body in the world, a great institution for all of us to take pride in. If we adopt the Manderino amendment, my fear is that somehow we will be lessened as an institution, not broadened like previous speakers say, and that we will somehow not be standing up to our true intentions to speak freely for truth, to speak freely about history, and to not allow those people who would somehow subjugate and change the past for their own political purposes to succeed.

Mr. Speaker, in final, I ask all of you to preserve the memory of history, to preserve these truly horrible experiences of our past, to not diminish them, to vote "no" on the Manderino amendment and vote "yes" on the Piccola resolution. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Dent.

Mr. DENT. Thank you, Mr. Speaker.

I rise in opposition to this amendment.

The timing of this particular resolution has been questioned, but I think the timing is completely appropriate.

On Sunday, like so many others in this room, I attended an observance, Yom Hashoah. It is a solemn day of remembrance intended to honor those who perished in Nazi death camps. Yom Hashoah is a day for survivors and all others to remember the events of 50 years ago, and we heard the statement of one survivor who spoke in broken English, and he told everybody, several hundred people in that room, to remember and not only to remember but to rebuke and reject the statements that these events ever occurred.

I think this body should be on record today to publicly rebuke and condemn the statements of Dr. Muhammad.

Again I urge my colleagues to oppose this particular amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, not too long ago in this chamber, we passed legislation that increased penalties for crimes of hatred, bigotry, and racism. That was the message that we sent that is embodied in this amendment. We have spoken in violation of what we said. While there were no physical acts of bigotry, racism, nevertheless, a statement was made publicly which embodied those feelings.

Someone said earlier that it was not in the maker of the resolution's district where this was said. We have heard references to what happened 50 years ago and even before that in Europe, where one person, in fiery speeches all over Europe, spread hatred which resulted in the death of millions of people, not in our legislative district, not even in our country, yet every one of us was affected by what happened, and unless we stop these kinds of outbursts of hatred and bigotry, we face or stand to face those same kinds of consequences.

Mr. Speaker, I saw in the Inquirer several years ago where an African-American family had moved into a white neighborhood. Residents of that neighborhood gathered outside that house, and you could see from the pictures that there was hatred there. We have to destroy that, and we will not destroy it by generally saying we are against it because we have said that, but when we see it, when we hear about it, and when it is really put right up in front of us, in front of our faces and thrown at us, if we fail to speak out, it will recur all over and in our districts, and now is the time to speak out specifically, not in a general way.

We need to defeat this amendment and then pass the Piccola resolution. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes, finally, the lady, Mrs. True.

Mrs. TRUE. Thank you, Mr. Speaker.

A lot has been said today. I happen to have my name on Representative Piccola's resolution. In speaking with Representative Manderino yesterday and listening to her concerns, I had to agree that a broader resolution might be in order.

It is with deep regret, however, that I would like to withdraw my name from this amendment and ask people to support Jeff Piccola's resolution. The reasoning is, it is not that I am in absolute agreement with Representative Bishop, Representative Ritter, and all those that have spoken, but I was born in 1941, and I, too, grew up with immigrant grandparents, and I had not seen this amendment, and it is just not in my heart to support something that takes "Holocaust" out of the resolution, and therefore, I urge you to support the Piccola resolution.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Mr. Speaker, I rise in support of the Manderino amendment.

It has been suggested earlier that somehow we would be watering this down by the Manderino amendment, and I

disagree with that. I believe that in fact we are strengthening this.

It was also raised earlier that we should condemn every single act of bigotry and hatred or speech about that, and I think that is perhaps appropriate but not in the form of a resolution, my concern being that if we take on the precedent that every act has to be condemned with a resolution and that each and every single act must be condemned with a resolution, I am not concerned about staying here till 7 o'clock each night running resolutions; what I am concerned about is those acts that do not get condemned, because then those people who do not have specific resolutions addressing their speech will be able to stand up around the Commonwealth and say, see, the House of Representatives did not condemn me; therefore, what I said must be okay. Given the number and magnitude of those types of statements of racial hatred and bigotry that are made around this Commonwealth on a daily basis, I would hope that we would not allow those types of people to stand up around the State and say, I was not condemned; therefore, I must be okay.

So it is with that reasoning that I support the Manderino amendment, because the Manderino amendment condemns all of those statements, not just specific ones that we may or may not recognize. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Manderino amendment. Mr. Speaker, the Manderino amendment should be supported by all of us, from both sides of the aisle, for a number of reasons.

Number one, I have sat here and I have listened to other speakers talk about instances or talk about acts of bigotry, acts of hatred, acts of revisionism, and refer to instances where we should have spoken out on those particular acts. I have heard speakers make reference to things that this legislative body should have addressed. If we fail to support the Manderino amendment, then we will be dealing with acts on a case-by-case basis, and I fear that being caught in that kind of situation, where we have to deal with these things on a case-by-case basis, will interfere with our ability to move the legislative process forward.

So to that end, the Manderino amendment establishes clear and concise public policy with respect to where this body is at on speech that is bigoted, speech that promotes hatred, speech that incorrectly promotes history. Mr. Speaker, the Manderino amendment will allow us to establish clear public policy that talks about where this body is at on this issue.

I agree that speech that incorrectly states history, speech that promotes hatred, and speech that promotes bigotry should be condemned, should be condemned not tomorrow or next year but should be condemned today, but I think the best way for us to do that is to do that through the Manderino amendment. I say to other speakers who have commented, and that is, that the Manderino amendment allows us to come together,



to come together and formulate a position on the kind of conduct that we are addressing.

So in conclusion, Mr. Speaker, I urge members of this august body from both sides of the House to do the right thing and support the Manderino amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—43

Belardi	James	Preston	Steelman
Bishop	Josephs	Richardson	Stetler
Burns	Kaiser	Rieger	Sturla
Carn	Kirkland	Ritter	Thomas
Cawley	Kukovich	Roberts	Trich
Curry	Manderino	Robinson	Van Horne
Dermody	Mihalich	Roebuck	Vitali
Donatucci	Miller	Rooney	Washington
Evans	Mundy	Rubley	Williams
Fajt	Oliver	Rudy	Wright, D. R.
Hughes	Petrone	Staback	

NAYS—153

Adolph	Fargo	Lederer	Saurman
Allen	Farmer	Lee	Saylor
Argall	Fee	Leh	Scheetz
Armstrong	Fichter	Lescovitz	Schuler
Baker	Fleagle	Levdansky	Scrimenti
Barley	Flick	Lloyd	Semmel
Battisto	Freeman	Lynch	Serafini
Belfanti	Gamble	Maitland	Smith, B.
Birmelin	Gannon	Markosek	Smith, S. H.
Blaum	Geist	Marsico	Snyder, D. W.
Boyes	George	Masland	Stairs
Brown	Gerlach	Mayernik	Steighner
Bunt	Gigliotti	McCall	Steil
Butkovitz	Gladeck	McGeehan	Stern
Buxton	Godshall	McNally	Stish
Caltagirone	Gordner	Melio	Strittmatter
Carone	Gruitza	Merry	Surra
Cessar	Gruppo	Michlovic	Tangretti
Chadwick	Haluska	Micozzie	Taylor, E. Z.
Civera	Hanna	Nailor	Taylor, J.
Clark	Harley	Nickol	Tigue
Clymer	Hasay	Nyce	Tomlinson
Cohen, L. I.	Hennessey	O'Brien	Trello
Cohen, M.	Herman	Olasz	True
Colafella	Hershey	Perzel	Tulli
Colaizzo	Hess	Pesci	Uliana
Conti	Hutchinson	Pettit	Vance
Cornell	Itkin	Phillips	Veon
Corrigan	Jadlowiec	Piccola	Waugh
Cowell	Jarolin	Pistella	Wogan
Coy	Kasunic	Pitts	Wozniak
Daley	Keller	Platts	Wright, M. N.
DeLuca	Kenney	Raymond	Yandrisevits
Dempsey	King	Reber	Yewcic
Dent	Krebs	Reinard	Zug
Druce	LaGrotta	Rohrer	
Durham	Laub	Ryan	DeWeese,
Egolf	Laughlin	Santoni	Speaker
Fairchild	Lawless	Sather	

NOT VOTING—0

EXCUSED—6

Acosta	Bush	Lucyk	Petrarca
Bebko-Jones	Cappabianca		

The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,  
Will the House adopt the resolution?

Mr. RICHARDSON offered the following amendment No. A1613:

Amend Title, page 1, line 1, by striking out "the" where it appears the first time

Amend Title, page 1, line 1, by inserting a period after "revisionism"

Amend Title, page 1, lines 1 and 2, by striking out "in the" in line 1 and all of line 2

Amend Fourth Whereas Clause, page 1, lines 10 through 13, by striking out all of said lines

Amend Fifth Whereas Clause, page 1, line 14, by striking out "Dr. Muhammad has voiced and continues" and inserting  
Certain individuals continue

Amend Second Resolve Clause, page 2, lines 5 through 8, by striking out all of said lines and inserting

RESOLVED, That the House of Representatives take all steps necessary to end the historical revisionism presently existing in the curricula of the schools of this Commonwealth, including having African and African American history included in the curricula of all private, parochial and public schools in this Commonwealth.

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

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

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

Mr. Speaker, we have tried very hard to make the approach to deal with this issue from one that was nonemotional, nonvindictive, and nonattacking, but what has happened—

PARLIAMENTARY INQUIRY

Mr. LAWLESS. Mr. Speaker?

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

Mr. LAWLESS. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his point of inquiry.

Mr. LAWLESS. Mr. Speaker, I know that we suspended the rules to deal with the resolution today. I am wondering if we suspended the rules to also include amendments that are stamped at 1:37 today.

The SPEAKER pro tempore. We did suspend the rules to offer the resolution. The way the motion was presented, it also included the offering of amendments also. The suspension included the amendments that are being offered also.

Mr. RYAN. Mr. Speaker?

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

Mr. RYAN. Are you telling me that any time the rule is suspended to take up a resolution, it automatically carries with it any amendment that might be offered to that resolution?

The SPEAKER pro tempore. No; I did not say that. I said the way the suspension of the rules was presented in this particular case, it also included the amendments that were being offered.

Mr. RYAN. I wonder if I may approach the Chair.

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

(Conference held at Speaker's podium.)

### THE SPEAKER (H. WILLIAM DeWEESE) PRESIDING

The SPEAKER. The gentleman, Mr. Richardson, please approach the Speaker's podium.

(Conference held at Speaker's podium.)

### MOTION TO ADJOURN

The SPEAKER. The gentleman from Delaware is recognized.

Mr. RYAN. Mr. Speaker, I move that this House do now adjourn until Monday— What is that date, Mr. Speaker?

The SPEAKER. It is Elinor Taylor's birthday, Mr. Ryan; it is the 18th of April.

Mr. RYAN. Thank you.

I move that this House do now adjourn until Monday, April 18, at 1 p.m., and I would ask that only those in their seats be permitted to vote.

The SPEAKER. It is not debatable except by the gentleman, Mr. Itkin, the floor leader.

Mr. ITKIN. Mr. Speaker, I would support that motion.

On the question,

Will the House agree to the motion?

(Members proceeded to vote.)

### VOTE STRICKEN

Mr. ITKIN. Excuse me, Mr. Speaker. Could you strike the vote?

The SPEAKER. The clerk will strike the vote.

Mr. ITKIN. Mr. Speaker, would you strike the vote, please.

The SPEAKER. I believe the vote is struck.

### RULES COMMITTEE MEETING

The SPEAKER. The gentleman is recognized.

Mr. ITKIN. Thank you, Mr. Speaker.

I want to move this process expeditiously. I just realized we need a Rules Committee meeting, so if we could just stand at ease just for a moment for the purpose of a Rules Committee meeting, I would like to call one right now at the majority leader's podium.

The SPEAKER. Rules Committee meeting at the majority leader's podium.

The House will be at ease.

Mr. RYAN. Mr. Speaker?

The SPEAKER. The gentleman from Delaware is recognized.

Mr. RYAN. Mr. Speaker, I have a motion to adjourn. It is my understanding that when we return to the floor of the House on Monday, the matter that is presently before the House will again appear before the House on the House calendar in its position as we are adjourning today because it has not been removed. Is that accurate?

The SPEAKER. That is accurate.

Mr. RYAN. Thank you, Mr. Speaker.

I would like to call for a vote.

Mr. ITKIN. Mr. Speaker, I would prefer to have the Rules referral made.

The SPEAKER. There are a couple of housekeeping things. The gentleman from Delaware indicates that he will acquiesce momentarily.

The gentleman is recognized.

Mr. RYAN. I would expect between now and Monday the fiscal notes that were raised by the Parliamentarian would be available on Monday.

The SPEAKER. Technically, Mr. Ryan, the Parliamentarian advises that technically for a resolution there is nothing in our rules that mandates a fiscal note. However, it would be advantageous for all of us, as we consider the resolution, to have our Appropriations teams bring forward fiscal notes.

There will be no further votes taken except for the adjournment vote.

### SENATE MESSAGE

#### AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE AND REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 1420, PN 3347; HB 1488, PN 3520; and HB 1513, PN 3329**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

### SENATE MESSAGE

#### AMENDED HOUSE RESOLUTION RETURNED FOR CONCURRENCE AND REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HR 247, PN 3521**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**SENATE MESSAGE****HOUSE BILLS  
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 1763, PN 2705**; and **HB 2495, PN 3207**, with information that the Senate has passed the same without amendment.

**SENATE MESSAGE****HOUSE RESOLUTION  
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in **HR 300, PN 3518**.

**BILL ON CONCURRENCE REPORTED  
FROM RULES COMMITTEE**

**HB 1420, PN 3347** By Rep. ITKIN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for cruelty to animals; and prohibiting the offering of live animals as prizes.

RULES.

**RESOLUTION ON CONCURRENCE  
REPORTED FROM RULES COMMITTEE**

**HR 247, PN 3521** By Rep. ITKIN

A Concurrent Resolution to authorize the Speaker of the House of Representatives and the President pro tempore of the Senate to enter into an agreement to perform necessary duties and responsibilities to prepare for the 1997 National Conference of State Legislatures Annual Meeting in Philadelphia, Pennsylvania.

RULES.

**RESOLUTIONS REPORTED  
FROM COMMITTEE**

**HR 218, PN 2949** By Rep. ITKIN

A Resolution designating the week of April 24 through 30, 1994, as "Youth Temperance Council Week" in Pennsylvania.

RULES.

**HR 295, PN 3523** By Rep. ITKIN

A Resolution recognizing May 5, 1994, as "Prayer Day" in Pennsylvania as part of The National Day of Prayer celebration.

RULES.

**HR 296, PN 3524** By Rep. ITKIN

A Resolution memorializing the Governor to proclaim May as "Celebrate to Live" month in Pennsylvania.

RULES.

**VOTE CORRECTIONS**

The SPEAKER. The gentlelady from Philadelphia, Ms. Washington, is recognized. For what purpose does the lady rise?

Ms. WASHINGTON. Mr. Speaker, yesterday on HB 2205 on the Haluska amendment, I was voted as a "no," and I would like to have a "yes" vote.

The SPEAKER. The lady's switch malfunctioned. Her report will go on the record.

Ms. WASHINGTON. The switch malfunctioned.

The SPEAKER. Yes, ma'am. Your comments will be spread across the record. The Chair thanks the lady.

The gentleman, Mr. Baker, is recognized.

Mr. BAKER. Thank you, Mr. Speaker.

My voting button was locked out on HB 4, amendment 1551, and I wish to be recorded in the affirmative.

The SPEAKER. The Chair thanks the gentleman, and his remarks will also be spread across the record.

**BILLS SIGNED BY SPEAKER**

The Chair gave notice that he was about to sign the following bills, which were then signed:

**HB 1763, PN 2705**

An Act authorizing and directing the Department of General Services, with the approval of the Adjutant General for the Department of Military Affairs and the Governor, to convey to the County of Butler, the old Butler Armory and the surrounding tract of land located in the City of Butler, Butler County.

**HB 2495, PN 3207**

An Act amending the act of December 13, 1988 (P. L. 1190, No. 146), known as the First and Second Class County Property Tax Relief Act, further defining "longtime owner-occupant"; further providing for deferral or exemption authority and for conditions of deferral or exemption; providing for applications for relief; and further providing for data used to determine eligibility.

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

**HB 2583, PN 3305** By Rep. D. R. WRIGHT

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further providing for payment of costs and restitution and for civil penalties.

**CONSUMER AFFAIRS.**

**HB 2635, PN 3543 (Amended)** By Rep. BELFANTI

An Act providing for the Workplace Antiretaliation Act.

**LABOR RELATIONS.**

**ANNOUNCEMENT BY MR. FREEMAN**

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

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise just to announce that the meeting of the ad hoc group on land use issues has been canceled for today. We will reschedule, hopefully, for next week sometime.

The SPEAKER. The Chair thanks the gentleman.

**VOTE CORRECTION**

The SPEAKER. Does Mr. Jarolin seek recognition?

Mr. JAROLIN. Thank you, Mr. Speaker.

A correction of the record.

On the suspension of the rules for HR 303, I would like to be recorded in the affirmative.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread across the record.

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

**HB 1467, PN 1644** By Rep. CALTAGIRONE

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for persons qualified to solemnize marriages.

JUDICIARY.

**HB 2346, PN 3546** (Amended)

By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for Federal prosecution fingerprinting.

JUDICIARY.

**HB 2471, PN 3096** By Rep. CALTAGIRONE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, empowering the Governor to authorize the transfer of certain convicted offenders pursuant to outstanding treaties.

JUDICIARY.

**HB 2648, PN 3547** (Amended)

By Rep. CALTAGIRONE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges of the courts of common pleas; and providing for reimbursement for county expenses for judges.

JUDICIARY.

**SB 1461, PN 2037** (Amended)

By Rep. CALTAGIRONE

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

JUDICIARY.

**HOUSE BILL  
INTRODUCED AND REFERRED**

**No. 2723** By Representatives DeLUCA, TRELLO, PESCI, KELLER, DALEY, COWELL, LAUGHLIN, STABACK and PISTELLA

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing special tax provisions to abate an increase in tax on owner-occupied residential real property when improvements or additions are made to the property.

Referred to Committee on STATE GOVERNMENT, April 13, 1994.

**GUEST INTRODUCED**

The SPEAKER. The Chair would like to welcome to the hall of the House a guest of Representative Pete Daley and Bill DeWeese, Cheryl Marcolini Corazzi, from Washington County, Pennsylvania, one of our constituents. Welcome to the hall of the House. Stand up; stand up.

No further votes will be taken today.

**BILLS AND RESOLUTIONS PASSED OVER**

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

**ADJOURNMENT**

The SPEAKER. Without objection, this House stands adjourned until Monday, April 18, 1994, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

At 2:45 p.m., e.d.t., the House adjourned.