

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, MARCH 21, 1995

SESSION OF 1995

179TH OF THE GENERAL ASSEMBLY

No. 29

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

PRAYER

REV. DR. EMLYN H. JONES, pastor of Stoverdale United Methodist Church, Hummelstown, Pennsylvania, offered the following prayer:

Great God and creator of our world, we gratefully acknowledge the wonder of Your presence and the delight of Your counsel. We have grown to depend upon Your daily involvement in the affairs of our Commonwealth and humbly submit to Your omnipotent hand that has graciously guided our Nation and State since their infancy.

The issues of this day sometimes seem to defy solution – difficult issues that address the quality of our children's future, the crime that presently saddens the lives of many of our citizens, and the poverty of body and soul that victimizes those caught in its web. A multitude of social distresses cry out for equitable solutions and insightful, compassionate legislative leadership. May every problem within our Commonwealth represent a renewed challenge to bring to bear the guiding motto of our land, "In God we trust."

May it be that every mountaintop within the borders of our State shall proclaim this motto and every valley sing its refrain. We do trust You for solutions to our issues this day, for answers to our future dreams and goals, for remedies that will enhance every Pennsylvanian, uniting all of our people for the common good.

Hear our prayer, O God, for we humbly seek Thy face. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, March 20, 1995, will be postponed until printed. The Chair hears no objection.

HOUSE SCHEDULE

The SPEAKER. Members in their offices, please take note, there is no need to come to the floor at this time. The majority and minority leaders have requested extensions of time for caucus.

It has been determined that the schedule will be that caucuses will continue until noon and thereafter lunch. Each person will be responsible for their own luncheon arrangements. We will return to the floor at 12:30 p.m. for the rest of the day, until we finish our calendars.

Now, the Chair is going to remain open for a moment to do some of its housekeeping, but there will be no votes at this time and no need to come to the floor, but rather the Chair suggests the members go to their respective caucus rooms.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

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

In the Senate
March 20, 1995

RESOLVED, (the House of Representatives concurring), That when the Regular Session of the Senate adjourns this week it reconvene on Tuesday, April 18, 1995, unless sooner recalled by the President Pro Tempore of the Senate: and be it further

RESOLVED, That when the Regular Session of the House of Representatives adjourns this week it reconvene on Tuesday, April 18, 1995, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1263 By Representatives MASLAND, GORDNER, PETTIT, MARSICO, STRITTMATTER, COLAIZZO, STETLER, BELARDI, MELIO, FAJT, DEMPSEY, E. Z. TAYLOR, MERRY, TRUE, BUNT, READSHAW, PISTELLA, STURLA, BATTISTO,

ITKIN, BROWNE, EGOLF, HERSHEY, DeLUCA, CORPORA, SERAFINI, BELFANTI, HUTCHINSON, SATHER, DiGIROLAMO, BEBKO-JONES, STEIL, RUBLEY, FARGO, MILLER, CORNELL, CLARK, SAYLOR, WAUGH, CLYMER, PLATTS, MAITLAND, KENNEY, NICKOL and LYNCH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for administrative suspension of drivers' licenses for driving under the influence independent of any criminal proceedings.

Referred to Committee on TRANSPORTATION, March 21, 1995.

No. 1264 By Representatives CARONE, CORNELL, TRAVAGLIO, CONTI, COWELL, KREBS, BUNT, HASAY, MELIO, SAYLOR, DEMPSEY, PLATTS, TRELLO, SERAFINI and MERRY

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, changing the day for nonpresidential general primaries and municipal primaries.

Referred to Committee on STATE GOVERNMENT, March 21, 1995.

No. 1265 By Representatives BOSCOLA, LLOYD, YEWIC, COLAIZZO, SCRIMENTI, BELARDI, MICOZZIE, YOUNGBLOOD, BATTISTO, MELIO, WOGAN, KUKOVICH, ROONEY, LaGROTTA, STEELMAN, HENNESSEY, E. Z. TAYLOR, JOSEPHS, LAUGHLIN, TIGUE, TRELLO, PISTELLA, WALKO, CIVERA, MUNDY, DeLUCA, HORSEY, CAPPABIANCA, DALEY, TRICH and RICHARDSON

An Act amending the act of June 18, 1984 (P.L.384, No.81), known as the Amusement Ride Inspection Act, further providing for records and reports to the Department of Agriculture.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, March 21, 1995.

No. 1266 By Representatives ROEBUCK, EVANS, RICHARDSON, OLIVER and McGEEHAN

An Act amending the act of October 12, 1984 (P.L.964, No.188), referred to as the Philadelphia Quarter Sessions Clerk Fee Law, increasing fees; and providing for additional fees.

Referred to Committee on JUDICIARY, March 21, 1995.

No. 1267 By Representatives KREBS, BELARDI, FAIRCHILD, DeLUCA, MELIO, DALEY, SATHER, READSHAW, HENNESSEY, TIGUE, YOUNGBLOOD, GODSHALL, CAPPABIANCA and BATTISTO

An Act amending the act of July 25, 1977 (P.L.95, No.35), known as the Mobile Home Titling Act, further providing for the application, issuance and cancellation of certificates of title or ownership; and providing for transfer of mobile home ownership.

Referred to Committee on TRANSPORTATION, March 21, 1995.

No. 1268 By Representatives E. Z. TAYLOR, SCHULER, COY, TIGUE, FLICK, COLAFELLA, L. I. COHEN, HENNESSEY, CAPPABIANCA, DENT, MICOZZIE, SAYLOR, ARMSTRONG, BELARDI, KUKOVICH, WOGAN, DRUCE, SEMMEL, SATHER, ALLEN, MUNDY, VAN HORNE, YOUNGBLOOD, MILLER, BOYES, DALEY, MERRY, HERMAN, LAUGHLIN, STEELMAN, MICHLOVIC, ITKIN, COLAIZZO, STERN, BATTISTO, SCRIMENTI, JADLOWIEC, DEMPSEY, RUBLEY, PISTELLA, BUNT, TRELLO, KING and BOSCOLA

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for higher education equipment grants.

Referred to Committee on EDUCATION, March 21, 1995.

No. 1269 By Representatives E. Z. TAYLOR, RUBLEY, HENNESSEY, FLICK, CLARK, ARMSTRONG, MICOZZIE, CIVERA, FARGO, YOUNGBLOOD and JOSEPHS

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for licenses not assignable and transfers.

Referred to Committee on LIQUOR CONTROL, March 21, 1995.

The SPEAKER. The Chair once again announces that both the Republican and Democratic caucuses will continue until 12 noon. This House will begin its deliberations at 12:30 p.m. There will be no further breaks. There will be no break for lunch, so make sure you have made arrangements prior to 12:30 for your luncheon recess.

RECESS

The SPEAKER. Does the majority leader or minority leader have any further business?

Hearing none, this House stands in recess until 12:30 p.m.

AFTER RECESS

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

The SPEAKER. Members will please report to the floor of the House. The House will be temporarily in recess awaiting the arrival of the members. Members, please report immediately to the floor.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair acknowledges receipt of additions and deletions for sponsorships of bills, which the clerk will file.

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

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip for the purpose of taking leaves of absence. The gentleman indicates there are none.

The Chair recognizes the gentleman, Mr. Itkin, for the purpose of taking leaves of absence. The gentleman requests leave for the

gentleman, Mr. GIGLIOTTI, from Allegheny County; the gentleman, Mr. PETRARCA, from Westmoreland; the gentleman, Mr. EVANS, from Philadelphia County.

Without objection, the leaves will be granted. The Chair hears no objections.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll call. The members will proceed to vote.

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 394, PN 399

By Rep. CLYMER

An Act amending the act of October 23, 1988 (P.L.1059, No.122), entitled "An act amending the act of April 9, 1929 (P.L.177, No.175), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined,' requiring the Auditor General to periodically audit the affairs of the Pennsylvania Turnpike Commission; further providing for powers and duties of the Department of Agriculture relative to the manufacture and use of ethyl alcohol and the transportation of poultry, and for leases of lands and offices by nonprofit corporations to the Commonwealth; making an editorial change; providing for the exemption from taxes of the lease upon the Eastern Pennsylvania Psychiatric Institute; authorizing and directing The General State Authority and the Department of General Services to remove all restrictions or encumbrances on certain land situate in Philadelphia; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Environmental Resources, to convey certain easements and parcels of land situate in the Borough of New Hope, Bucks County, Pennsylvania, to the River Road Development Corporation, and to accept the conveyance to the Commonwealth of certain parcels of land in the same borough; authorizing the Department of Environmental Resources to accept the conveyance of an easement in the same borough; authorizing and directing the Department of General Services, with the approval of the Governor, to sell and convey a tract of land situate in East Allen Township, Northampton County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Environmental Resources, to sell and convey a certain parcel of land in Erie County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Transportation, to convey to the county commissioners of Lackawanna County a tract of land situate in the Borough of Moosic, Lackawanna County, Pennsylvania; authorizing and directing the Department of General Services, with the

approval of the Governor and the Department of Public Welfare, to convey to Kirwan Heights Volunteer Fire Department a tract of land situate in Collier Township, Allegheny County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to convey a tract of land situate in the City of Pittsburgh, Allegheny County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor, to convey to the Canon-McMillan School District 3.109 acres of land, more or less, situate in the Borough of Canonsburg, Washington County, Pennsylvania; and making a repeal," further providing for a conveyance of land to the Kirwan Heights Volunteer Fire Department located in Collier Township, Allegheny County.

STATE GOVERNMENT.

HB 1177, PN 1320

By Rep. CLYMER

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, regulating disposition of surplus property.

STATE GOVERNMENT.

MASTER ROLL CALL RETAKEN

The SPEAKER. Apparently there was a mistake in the taking of the master roll call. At this time I would ask the members to revote on the master roll call. The members will proceed to vote.

The following roll call was recorded:

PRESENT—200

Adolph	Egolf	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Farmer	Markoski	Semmel
Bard	Feese	Masland	Serafini
Barley	Fichter	Mayernik	Shaner
Battisto	Fleagle	McCall	Sheehan
Bebko-Jones	Flick	McGeehan	Smith, B.
Belardi	Gamble	McGill	Smith, S. H.
Belfanti	Gannon	Melio	Snyder, D. W.
Birmelin	Geist	Merry	Staback
Bishop	George	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Nailor	Stish
Bunt	Habay	Nickol	Stritmatter
Butkovitz	Haluska	Nyce	Sturla
Buxton	Hanna	O'Brien	Surra
Caltagirone	Harhart	Olasz	Tangretti
Cappabianca	Hasay	Olivier	Taylor, E. Z.
Carn	Hennessey	Perzel	Taylor, J.
Carone	Herman	Pesci	Thomas
Cawley	Hershey	Petrone	Tigue
Chadwick	Hess	Pettit	Travaglio
Civera	Horsey	Phillips	Trello
Clark	Hutchinson	Piccola	Trich
Clymer	Itkin	Pistella	True
Cohen, L. I.	Jadlowiec	Pitts	Tulli
Cohen, M.	James	Platts	Vance
Colafella	Jarolin	Preston	Van Horne
Colaizzo	Josephs	Ramos	Veon
Conti	Kaiser	Raymond	Vitali
Cornell	Keller	Readshaw	Walko
Corpora	Kenney	Reber	Washington
Corrigan	King	Reinard	Waugh

Cowell	Kirkland	Richardson	Williams
Coy	Krebs	Rieger	Wogan
Curry	Kukovich	Roberts	Wozniak
Daley	LaGrotta	Robinson	Wright, D. R.
DeLuca	Laughlin	Roebuck	Wright, M. N.
Dempsey	Lawless	Rohrer	Yewcic
Dent	Lederer	Rooney	Youngblood
Dermody	Leh	Rubley	Zimmerman
DeWeese	Lescovitz	Rudy	Zug
DiGirolamo	Levdansky	Sainato	
Donatucci	Lloyd	Santoni	Ryan,
Druce	Lucyk	Sather	Speaker
Durham	Lynch		

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Evans	Gigliotti	Petrarca
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LEAVES ADDED—2

Corrigan	LaGrotta
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ANNOUNCEMENT BY MAJORITY WHIP

The SPEAKER. The Chair recognizes the majority whip, Mr. Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

On each of our desks, you will find a small tin of candy that has been provided by the Pennsylvania Society of Anesthesiologists in celebration of Doctors' Day. Doctors' Day will actually be observed nationwide on March 30, and so in recognition of the 1,500 members of the Pennsylvania Society of Anesthesiologists, they have asked me to wish you a happy Doctors' Day, and for those members that are doctors, I especially wish them a happy Doctors' Day.

Again, we appreciate their kindness in giving us this small token in recognition of their special day. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The Chair was under the impression that the candy came from someone else for Representatives Pat Fleagle, Pat Carone, and John Wozniak. It has been called to the Speaker's attention that the three of them share today as their birthdays. I ordinarily would not announce that, but seeing as how this is a three-for, I thought I would announce it.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 304, PN 1295**, entitled:

An Act requiring administrators of certain residential care facilities to require applicants for employment to submit criminal history record information.

On the question,

Will the House agree to the bill on third consideration?

Mr. **BLAUM** offered the following amendment No. **A1648**:

Amend Sec. 2, page 1, by inserting between lines 13 and 14 "Residential care facility." The term includes only the following:

- (1) A long-term care nursing facility.
- (2) A continuing care facility.
- (3) A personal care home.
- (4) Domiciliary care.
- (5) A nonhospital residential care facility for persons 60 years of age and older.

Amend Sec. 3, page 2, lines 3 and 4, by striking out "nursing homes, extended care facilities," in line 3 and all of line 4 and inserting residential care facilities

Amend Sec. 7, page 6, lines 2 and 3, by striking out "NURSING HOME, AN EXTENDED CARE" in line 2, and all of line 3 and inserting residential care

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman, Mr. Blaum. Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I believe this is an agreed-to amendment, and this limits the facilities covered under the bill to those dealing with the elderly population in Pennsylvania. We think this improves the bill, and I ask the members for their support.

The SPEAKER. The Chair recognizes the lady, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, that is correct. I think the Representative's amendment does clarify that portion of the bill, and I suggest that we approve it.

The SPEAKER. The Chair thanks the lady.

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

Mr. LLOYD. Mr. Speaker, yesterday was a long day, today is going to be an even longer one. I did not, until just as Mr. Blaum began to announce his amendment, did not receive a copy of it. We yesterday got into a habit of saying this is an agreed-to amendment and not explaining the amendment. It would be very helpful if we could have on these amendments today at least a 20-second explanation of what the amendments do. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Blaum, would you give us a 20-second full explanation of your amendment; 20-second full.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, this bill deals with background checks of employees working at facilities which serve the elderly in Pennsylvania, and what the amendment does is just narrows it to which facilities will be covered under this bill, and the amendment 1648, if the members have that, lists under "Residential care facility." The term includes only the following," and it lists "A long-term care nursing facility. A continuing care facility. A personal care home. Domiciliary care. A nonhospital residential care facility for persons 60 years of age and older."

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-199

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

NAYS-0

NOT VOTING-1

Thomas

EXCUSED-3

Evans Gigliotti Petrarca

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. I would like to advise the members of the House that there are several technicians who have been granted permission— In fact, the leadership has hired, the Bipartisan Management Committee has hired sound technicians to move about the House to check to see what we can do to improve the acoustics in the chamber and the placement, perhaps, of speakers – bigger, smaller, more, fewer, whatever. So do not be alarmed if you see suspicious-looking people moving about the chamber. They are not from any undercover agency, but rather they are from a sound system expert organization, and they have the permission of the House to move about.

GUESTS INTRODUCED

The SPEAKER. In addition to those guests, we have other guests. There is seated in the back of the House a group of approximately 25 people. This group is from the district of Representative Steil, the Lower Makefield Senior Association and the Lower Makefield Park and Recreation Board. Would these folks please rise. They are in the rear of the House, guests of Representative Steil.

And guests of Representative Al Masland, we have Aaron Martin, Ian Gardner, and Todd Searer, from Big Spring High School. Will these guests please rise. They are over here to the left of the Speaker.

CONSIDERATION OF HB 304 CONTINUED

On the question,

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

Mrs. TAYLOR offered the following amendment No. A1667:

Amend Sec. 4, page 3, line 12, by inserting after "applicant" or maintain an employee for full-time, part-time, temporary or contract employment

Amend Sec. 4, page 3, line 12, by inserting after "applicant's" or employee's

Amend Sec. 4, page 3, line 13, by inserting after "applicant" or employee

On the question,

Will the House agree to the amendment?

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

Mrs. TAYLOR. Thank you very much, Mr. Speaker.

A quick explanation of this: It is saying that if an employee who has been employed is found to have a criminal record as outlined in the bill, then they would no longer be able to keep that employment.

The SPEAKER. On the question of the adoption of the amendment of the lady from Chester County, does the gentleman, Mr. Armstrong, desire recognition? The gentleman is recognized.

Mr. ARMSTRONG. Yes, just briefly. I would like to interrogate the maker of the amendment, please.

The SPEAKER. The lady will stand for interrogation. The gentleman, Mr. Armstrong, may begin.

Mr. ARMSTRONG. Just for clarity, if a person is found to have a criminal record and then we are going to disband them, what if they have gone through some kind of therapy and they are able to perform very well and treat all the residents in a very fashionable way?

Mrs. TAYLOR. An answer to that is that they still have that criminal record and they would have to stand by that record because that is what we are requiring of new applicants.

Mr. ARMSTRONG. Okay. Is this mandating that the nursing home would have to get rid of them, because what if they turned out to be an excellent employee and they made a mistake somewhere back in their past?

Mrs. TAYLOR. Mr. Speaker, you know, I hear your question, but this amendment would mandate that they would have to get rid of that employee.

Mr. ARMSTRONG. All right. Thank you. I would just like to speak to the amendment.

The SPEAKER. The gentleman is in order. The gentleman, Mr. Armstrong, is recognized.

Mr. ARMSTRONG. Do you want to add something to that?

Mrs. TAYLOR. Mr. Speaker, remember that we are talking about serious crimes.

Mr. ARMSTRONG. Okay.

Mrs. TAYLOR. We are not talking about just incidental misdemeanors; we are talking about serious crimes.

Mr. ARMSTRONG. Okay.

The SPEAKER. The gentleman is recognized.

Mr. ARMSTRONG. All right. Thank you for that explanation.

I guess all of us are probably looking to probably vote in favor of this amendment, and I guess I am going to vote in favor of it, but I guess I have a little bit of a reservation there, and maybe somewhere down the line we are going to have to address those individuals who did make a serious mistake and repented of their ways and have truly changed the way that they handle themselves.

So I guess at this point I will vote in favor of the amendment, but we may have to face it sometime in the future. Thank you.

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the author of this amendment?

The SPEAKER. The lady from Chester indicates she will stand for interrogation. You may proceed.

Mr. THOMAS. Maybe you can help me for my future interrogation on the author of the bill, but I have a concern. We have a lot of nursing homes in the Commonwealth of Pennsylvania. A lot of them have been cited by both the State and Federal governments. Some have even been targeted for closing. One of the deficiencies that appears to come up more often than a lot of other deficiencies is a high turnover of employees at nursing homes, and because of this high turnover of employees at nursing homes, more often than not, we have situations where there is nobody on watch to watch and take care of some of our elderly and frail citizens of the Commonwealth of Pennsylvania, and in the previous amendment nor in your amendment — and maybe you can help me — do we find circumstances that take into consideration the interests of the residents of these nursing homes.

Your amendment, from what I understand, would call for the immediate removal of the employee. Is that correct?

Mrs. TAYLOR. That is correct.

Mr. THOMAS. Okay. What happens— Well, go on.

Mrs. TAYLOR. Mr. Speaker, I think you raise some interesting points. It has been about 10 years when we addressed the criminal background check for child-care givers. It is time that we look at it for our elderly and frail citizens.

We have been able to hire and to keep those people in the child-care facilities. They do not get high salaries, as do the ones that work in the nursing homes, but we have been able to face the problem that we do not want our elderly citizens in these homes to be cared for by those who have had serious criminal offenses. At our hearings we did not hear that this would cause any great employment problem.

Mr. THOMAS. Okay. So you do not think that it would create any employment problems?

Mrs. TAYLOR. I do not think it would, and if it does, it may create it for the moment, but in the long run it will be in the interests of those that we wish to care for in this Commonwealth.

Mr. THOMAS. Okay. Mr. Speaker, may I make a statement?

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

Mr. THOMAS. I concur with the conclusion that we do not need people who have committed serious crimes to be working in facilities where we have people who are in the twilight of their years.

However, I guess what I am concerned with is, number one, it usually takes 3 to 6 weeks in order to facilitate a background check. Also, nursing homes are, in many cases, understrapped with good employees, with security, and with a number of other things. And so I guess what my concern is is that we move forward in sending a message that we do not want people with records or people who have committed serious crimes working in nursing homes and other facilities.

However, I just think that we have not provided sufficient protections for the care of our frail and elderly while we have a situation where we could end up cleaning out a whole population of employees and have the frail and elderly left with no care. And I just think that in the absence of a provision that would expedite the background check so that a whole lot of unnecessary time would not be wasted in finding out about people who have committed serious crimes or in the absence of providing for some kind of an emergency pool of employees — you know, most union contracts would not permit nursing homes to bring in people without the permission of that union — so without some kind of stopgap measures, I see us going down a road that could lead to having a lot of our frail and elderly unattended or uncared for while we are trying to resolve a public policy problem that needs to be addressed.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—183

Adolph	Egolf	Maitland	Sather
Allen	Fairchild	Major	Saylor
Argall	Fajt	Manderino	Schroder
Armstrong	Fargo	Markosek	Schuler
Baker	Farmer	Marsico	Scrimenti
Bard	Feese	Masland	Semmel
Barley	Fichter	Mayernik	Serafini
Battisto	Fleagle	McCall	Sheehan
Bebko-Jones	Flick	McGeehan	Smith, B.

Belardi	Gamble	McGill	Smith, S. H.
Belfanti	Gannon	Melio	Snyder, D. W.
Birmelin	Geist	Merry	Staback
Bishop	George	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Miller	Steil
Boyes	Gordner	Mundy	Stern
Brown	Gruitza	Nailor	Stetler
Browne	Gruppo	Nickol	Stish
Bunt	Habay	Nyce	Strittmatter
Buxton	Haluska	O'Brien	Sturla
Caltagirone	Harhart	Olasz	Surra
Carn	Hasay	Oliver	Tangretti
Carone	Hennessey	Perzel	Taylor, E. Z.
Cawley	Herman	Pesci	Taylor, J.
Chadwick	Hershey	Petrone	Travaglio
Civera	Hess	Pettit	Trello
Clark	Hutchinson	Phillips	Trich
Clymer	Htkin	Piccola	True
Cohen, L. I.	Jadlowiec	Pistella	Tulli
Cohen, M.	Jarolin	Pitts	Vance
Colafella	Josephs	Platts	Van Horne
Conti	Kaiser	Preston	Veon
Cornell	Keller	Raymond	Vitali
Corpora	Kenney	Readshaw	Walko
Corrigan	King	Reber	Waugh
Cowell	Krebs	Reinard	Williams
Coy	Kukovich	Rieger	Wogan
Daley	LaGrotta	Roberts	Wozniak
DeLuca	Laughlin	Robinson	Wright, D. R.
Dempsey	Lawless	Roebuck	Wright, M. N.
Dent	Lederer	Rohrer	Yewcic
Dermody	Lch	Rooney	Zimmerman
DeWeese	Lescovitz	Rublely	Zug
DiGirolamo	Lvdansky	Rudy	
Donatucci	Lucyk	Sainato	Ryan,
Druce	Lynch	Santoni	Speaker
Durham			

NAYS-17

Butkovitz	Horsey	Mihalich	Thomas
Cappabianca	James	Ramos	Tigue
Colaizzo	Kirkland	Richardson	Washington
Curry	Lloyd	Shaner	Youngblood
Hanna			

NOT VOTING-0

EXCUSED-3

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

On the question recurring,

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

Mr. **VEON** offered the following amendment No. **A1647**:

Amend Title, page 1, line 3, by removing the period after "information" and inserting ; and providing for certain information relating to nursing home providers.

TABLE OF CONTENTS

Chapter 1. General Provisions
 Section 101. Short title.
 Chapter 3. Residential Care Facility Employee Background Evaluation
 Section 301. Definitions.

Section 302. Information relating to prospective residential care facility personnel.
 Section 303. Grounds for denying employment.
 Section 304. Regulations.
 Section 305. Violations.
 Section 306. Existing or transferred employees.
 Section 307. Provisional employees for limited periods.
 Section 308. Fees.
 Section 309. State Police.
 Section 310. Application of chapter.
 Chapter 5. Nursing Home Consumer Information
 Section 501. Definitions.
 Section 502. Nursing Home Consumer Information Report.
 Section 503. Nursing home consumer information.
 Section 504. Complaints.
 Section 505. Additional consumer information.
 Section 506. Penalties.
 Chapter 7. Miscellaneous Provisions
 Section 701. Effective date.

Amend Bill, page 1, by inserting between lines 5 and 6
 CHAPTER 1

GENERAL PROVISIONS

Amend Sec. 1, page 1, line 6, by striking out "1" and inserting 101

Amend Sec. 1, page 1, line 8, by inserting after "Evaluation" and Consumer Information

Amend Bill, page 1, by inserting between lines 8 and 9
 CHAPTER 3

RESIDENTIAL CARE FACILITY

EMPLOYEE BACKGROUND EVALUATION

Amend Sec. 2, page 1, line 9, by striking out "2" and inserting 301

Amend Sec. 2, page 1, line 10, by striking out "act" and inserting chapter

Amend Sec. 3, page 2, line 1, by striking out "3" and inserting 302

Amend Sec. 4, page 3, line 10, by striking out "4" and inserting 303

Amend Sec. 5, page 5, line 4, by striking out "5" and inserting 304

Amend Sec. 5, page 5, line 6, by striking out "act" and inserting chapter

Amend Sec. 5, page 5, line 12, by striking out "4" and inserting 303

Amend Sec. 5, page 5, line 14, by striking out "3" and inserting 302

Amend Sec. 6, page 5, line 19, by striking out "6" and inserting 305

Amend Sec. 6, page 5, line 21, by striking out "act" where it appears the first time and inserting chapter

Amend Sec. 6, page 5, line 21, by striking out "act" where it appears the second time and inserting chapter

Amend Sec. 6, page 5, line 24, by striking out "act" and inserting chapter

Amend Sec. 7, page 5, line 26, by striking out "7" and inserting 306

Amend Sec. 7, page 6, line 12, by striking out "act" and inserting chapter

Amend Sec. 8, page 6, line 16, by striking out "8" and inserting 307

Amend Sec. 8, page 6, line 17, by striking out "3" and inserting 302

Amend Sec. 8, page 6, line 22, by striking out "3" and inserting 302

- Amend Sec. 8, page 6, line 26, by striking out "4" and inserting 303
- Amend Sec. 8, page 6, line 28, by striking out "4" and inserting 303
- Amend Sec. 8, page 6, line 29, by striking out "3" and inserting 302
- Amend Sec. 8, page 7, line 1, by striking out "4" and inserting 303
- Amend Sec. 9, page 7, line 5, by striking out "9" and inserting 308
- Amend Sec. 9, page 7, line 7, by striking out "3" and inserting 302
- Amend Sec. 10, page 7, line 10, by striking out "10" and inserting 309
- Amend Sec. 10, page 7, line 15, by striking out "ACT" and inserting chapter
- Amend Sec. 11, page 7, line 16, by striking out "11" and inserting 310
- Amend Sec. 11, page 7, line 16, by striking out "ACT" and inserting chapter
- Amend Sec. 11, page 7, line 17, by striking out "ACT" and inserting chapter
- Amend Bill, page 7, by inserting between lines 19 and 20

CHAPTER 5

NURSING HOME CONSUMER INFORMATION

Section 501. Definitions.

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

"Consumer Information Guide." The Nursing Home Consumer Information Guide required to be published under the provisions of this chapter.

"Elderly persons." Those persons residing within this Commonwealth who are 60 years of age or older.

"Nursing home." A facility that provides either skilled or intermediate nursing care or both levels of such care to two or more elderly persons, who are unrelated to the licensee, for a period exceeding 24 hours. Intermediate care facilities exclusively for the mentally retarded, commonly called ICF/MR shall not be considered nursing homes for the purpose of this chapter.

Section 502. Nursing Home Consumer Information Report.

In addition to the information required by the Department of Health on a form provided by the Department of Health pursuant to the provisions of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, and regulations promulgated pursuant thereto, each nursing home shall provide to the Department of Health no later than 90 days after the close of each calendar year the following information on the above-referenced form:

- (1) Nursing hours worked per patient per day and nursing hours required by the Department of Health per patient per day. Actual hours worked per patient per day are for the most recently concluded fiscal or calendar year.
- (2) Average length of service of professional nursing staff and the average length of service of nurse aide personnel at the nursing home completing the form.
- (3) Average length of licensure and/or certification of professional nursing staff and the average length of licensure and/or certification of nurse aide personnel.
- (4) Nursing hours per patient per day of temporary agency professional nursing staff and nurse aide personnel.
- (5) Whether a resident council exists and meets on a regular basis.

Section 503. Nursing home consumer information.

(a) Guide.—

- (1) The Department of Aging shall produce, in a timely manner, an annual Nursing Home Consumer Guide. It shall include:

- (i) The items listed in section 502.
- (ii) Information obtained from the annual Long-Term Care Facilities Questionnaires submitted to the Department of Health.
- (iii) Information obtained from the Health Care Financing Administration Ownership Disclosure Form.
- (iv) A comparative list of nursing homes developed in the manner provided in subsection (b).

- (v) The Nursing Home Consumer Inquiry Hot Line telephone number required under subsection (c).

(2) If errors are found in the Nursing Home Consumer Guide, all facilities shall be sent a correction sheet within 30 days of the Department of Aging's receipt of notification of the error. For the purposes of this section, an error shall be defined as information incorrectly transcribed from the forms provided to the Department of Health to the consumer guide.

(3) The Department of Aging will send final proofs to the nursing home of its data profile that will be published in the consumer guide prior to publication. The nursing home will have five days to notify the Department of Aging of any errors to be corrected. If the Department of Aging receives no notification of errors, the data profile will be considered accurate and will be published.

(b) Comparative list. The comparative list of nursing homes shall be developed and included in the Consumer Information Guide by the Department of Aging. It shall set forth the following information:

- (1) Name of facility.
- (2) Facility address and phone number.
- (3) Bed capacity.
- (4) Owner of facility and managing company, if applicable.
- (5) Type of sponsorship, including, but not limited to, governmental, nonprofit and for-profit.
- (6) Payment sources accepted, including, but not limited to, Medicare, Medicaid, Veterans' Administration, long-term care insurance and private pay.
- (7) Current license, deficiency and certification status as determined by the Department of Health; whether, within the previous five years, the facility has been subject to a provisional license, a ban on admissions, penalties imposed in connection with the licensure or certification process, a license revocation or appointment of a temporary manager to operate the facility or Medicare or Medicaid decertification and the corresponding dates.
- (8) Nursing hours per patient per day and nursing hours required by the Department of Health per patient per day. Actual hours worked per patient per day are for the most recently concluded fiscal or calendar year.
- (9) Average length of service at the nursing home of professional nursing staff and the average length of service of nurse aide staff.
- (10) Average length of licensure and/or certification of professional nursing staff and the average length of licensure and/or certification of nurse aide personnel.
- (11) Nursing hours per patient per day of temporary agency professional nursing staff and nurse aide personnel.
- (12) A listing of existence and availability of specific therapy services, including, but not limited to, physical therapy, occupational therapy, speech therapy and respiratory therapy.
- (13) Whether a resident council exists and meets on a regular basis.
- (14) Name and telephone number of a local ombudsman.

(c) Nursing Home Consumer Inquiry Telephone Hot Line.—The Department of Aging shall establish a Statewide telephone number to serve as the Nursing Home Consumer Inquiry Telephone Hot Line. This number shall be a toll-free number. The purpose of this telephone number is to respond to calls regarding the current licensure, deficiency and certification status of nursing homes. All data provided by the hot line shall be updated each week using information provided by the Department of Health in a

timely fashion. This telephone number shall be prominently displayed in the annual Nursing Home Consumer Guide.

(d) Disclosure.—The State Long-Term Care Ombudsman in the Department of Aging shall mail at least one copy of the Nursing Home Consumer Information Guide to the local long-term care ombudsman of each area agency on aging, to each nursing home and to the Pennsylvania Council on Aging annually.

(e) Availability. Each nursing home shall post next to its Department of Health license an exact copy of its listing as found in the Consumer Information Guide. A nursing home shall provide to each prospective resident and family member of such prospective resident who visits the facility, or any member of the public upon request, during normal business or visiting hours, Sunday through Saturday, an exact copy of its listing as set forth in the Consumer Information Guide.

(f) Inspections.—The Department of Health shall verify the availability of the listing during annual licensing surveys. The Department of Health shall monitor compliance with the requirements of this chapter for regular filing of the Long-Term Care Facilities Questionnaire with the Department of Health.

(g) Update.—The Department of Health shall issue modifications to the Long-Term Care Facilities Questionnaire resulting from changes in the reimbursement system for nursing homes. Such modifications shall provide the same information in an updated format.

(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) Expands the scope of the consumer guide beyond those topics expressly set forth in subsection (a).

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

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

Section 504. Complaints.

Complaints of noncompliance with this chapter shall be filed with the Department of Aging. A complainant shall include a local ombudsman, a nursing home employee, a nursing home resident, a prospective nursing home resident, or any person representing the interests of a nursing home resident or prospective nursing home resident.

Section 505. Additional consumer information.

Each nursing home shall provide to each prospective resident or representative thereof at the time of initial inquiry, a companion consumer guide which describes how to select a nursing home. This information can be either a publication of the Department of Aging, a camera-ready copy of a publication provided by the Department of Aging or a comparable publication that will inform the consumer on how to choose a nursing home.

Section 506. Penalties.

The Department of Aging shall have the authority to assess a \$1,000 civil penalty for each violation of this chapter. Any person aggrieved by an adjudication by the Department of Aging shall have the right to appeal pursuant to 42 Pa.C.S. (relating to judiciary and judicial procedure).

CHAPTER 7

MISCELLANEOUS PROVISIONS

Amend Sec. 12, page 7, line 20, by striking out "12" and inserting 701

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

The SPEAKER. On the question of the adoption of the Veon amendment, the Chair recognizes the gentleman from Beaver, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is the same language as a bill that passed this House in the last session, and this amendment would provide a consumer information guide for nursing homes and require

that that consumer information guide be made available to the consumers across the State of Pennsylvania.

I think we have all had the experience of some constituents calling our offices and looking for information in their desire to put their family member into a quality nursing home in Pennsylvania, and I think the language that we have put together here is language that would be helpful for the consumers.

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—197

Adolph	Durham	Maitland	Saylor
Allen	Egolf	Major	Schroder
Argall	Fairchild	Manderino	Schuler
Armstrong	Fajt	Markosek	Scrimenti
Baker	Feese	Marsico	Semmel
Bard	Fichter	Masland	Serafini
Barley	Fleagle	Mayernik	Shaner
Battisto	Flick	McCall	Sheehan
Bebko-Jones	Gamble	McGeehan	Smith, B.
Belardi	Gannon	McGill	Smith, S. H.
Belfanti	Geist	Melio	Snyder, D. W.
Birmelin	George	Merry	Staback
Bishop	Gladeck	Michlovic	Stairs
Blaum	Godshall	Micozzie	Steelman
Boscola	Gordner	Mihalich	Steil
Boyes	Gruitza	Miller	Stetler
Brown	Gruppo	Mundy	Stish
Browne	Habay	Najlor	Strittmatter
Bunt	Haluska	Nickol	Sturla
Butkovitz	Hanna	Nyce	Surra
Buxton	Harhart	O'Brien	Tangretti
Caltagirone	Hasay	Olasz	Taylor, E. Z.
Cappabianca	Hennessey	Oliver	Taylor, J.
Carn	Herman	Perzel	Thomas
Carone	Hershey	Pesci	Tigue
Cawley	Hess	Petrone	Travaglio
Chadwick	Horsey	Pettit	Trello
Civera	Hutchinson	Phillips	Trich
Clark	Itkin	Piccola	True
Clymer	Jadlowiec	Pistella	Tulli
Cohen, L. I.	James	Pitts	Vance
Cohen, M.	Jarolin	Platts	Van Horne
Colafella	Josephs	Preston	Veon
Colaizzo	Kaiser	Ramos	Vitali
Conti	Keller	Raymond	Walko
Cornell	Kenney	Readshaw	Washington
Corpora	King	Reber	Waugh
Corrigan	Kirkland	Reinard	Williams
Cowell	Krebs	Richardson	Wogan
Coy	Kukovich	Rieger	Wozniak
Curry	LaCrotta	Roberts	Wright, D. R.
Daley	Laughlin	Robinson	Wright, M. N.
DeLuca	Lawless	Roebuck	Yewcic
Dempsey	Lederer	Rohrer	Youngblood
Dent	Leh	Rooney	Zimmerman
Dermody	Lescovitz	Rublely	Zug
DeWeese	Levdansky	Rudy	
DiGirolo	Lloyd	Sainato	Ryan,
Donatucci	Lucyk	Santoni	Speaker
Druce	Lynch	Sather	

NAYS-3

Fargo Farmer Stern

NOT VOTING-0

EXCUSED-3

Evans Gigliotti Petrarca

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

On the question recurring,

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

The SPEAKER. For what purpose does the gentleman, Mr. Richardson, rise?

Mr. RICHARDSON. Mr. Speaker, I have a reconsideration motion on the Blaum amendment, and I would like to submit it to the desk at this time, before you go to final passage, and ask for a reconsideration, before the decision to go to final passage, to ask for consideration on amendment A16—

The SPEAKER. The gentleman should submit his motion. Telling us about it will not do it. You must submit it.

AMENDMENT A1648 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman, Mr. Richardson, who moves that the vote by which amendment 1648 was passed to HB 304, PN 1295, on the 21st day of March be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-200

Adolph Egolf Maitland Saylor
Allen Fairchild Major Schroder
Argall Fajt Manderino Schuler
Armstrong Fargo Markosek Scrimenti
Baker Farmer Marsico Semmel
Bard Feese Masland Serafini
Barley Fichter Mayernik Shaner
Battisto Fleagle McCall Sheehan
Bebko-Jones Flick McGeehan Smith, B.
Belardi Gamble McGill Smith, S. H.
Belfanti Gannon Melio Snyder, D. W.
Birmelin Geist Merry Staback
Bishop George Michlovic Stairs
Blaum Gladeck Micozzie Steelman
Boscola Godshall Mihalich Steil
Boyes Gardner Miller Stern
Brown Gruitza Mundy Steller
Browne Gruppo Nailor Stish
Bunt Habay Nickol Strittmatter
Butkovitz Haluska Nyce Surla
Buxton Hanna O'Brien Surra
Caltagirone Harhart Olasz Tangretti
Cappabianca Hasay Oliver Taylor, E. Z.

Carn Hennessey Perzel Taylor, J.
Carone Herman Pesci Thomas
Cawley Hershey Petrone Tighe
Chadwick Hess Pettit Travaglio
Civera Horsey Phillips Trello
Clark Hutchinson Piccola Trich
Clymer Itkin Pistella True
Cohen, L. I. Jadlowiec Pitts Tulli
Cohen, M. James Platts Vance
Colafella Jarolin Preston Van Horne
Colaizzo Josephs Ramos Veon
Conti Kaiser Raymond Vitali
Cornell Keller Readshaw Walko
Corpora Kenney Reber Washington
Corrigan King Reinard Waugh
Cowell Kirkland Richardson Williams
Coy Krebs Rieger Wogan
Curry Kukovich Roberts Wozniak
Daley LaGrotta Robinson Wright, D. R.
DeLuca Laughlin Roebuck Wright, M. N.
Dempsey Lawless Rohrer Yewcic
Dent Lederer Rooney Youngblood
Dermody Leh Rubley Zimmerman
DeWeese Lescovitz Rudy Zug
DiGirolamo Levdansky Sainato
Donatucci Lloyd Santoni Ryan,
Druce Lucyk Sather Speaker
Durham Lynch

NAYS-0

NOT VOTING-0

EXCUSED-3

Evans Gigliotti Petrarca

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

On the question recurring,

Will the House agree to the amendment?

The clerk read the following amendment No. A1648:

Amend Sec. 2, page 1, by inserting between lines 13 and 14 "Residential care facility." The term includes only the following:

- (1) A long-term care nursing facility.
(2) A continuing care facility.
(3) A personal care home.
(4) Domiciliary care.
(5) A nonhospital residential care facility for persons 60 years of age and older.

Amend Sec. 3, page 2, lines 3 and 4, by striking out "nursing homes, extended care facilities," in line 3 and all of line 4 and inserting residential care facilities

Amend Sec. 7, page 6, lines 2 and 3, by striking out "NURSING HOME, AN EXTENDED CARE" in line 2, and all of line 3 and inserting residential care

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. The question recurs, will the House agree to the amendment offered by the gentleman, Mr. Blaum, being amendment No. 1648 to HB 304?

On that question, does the gentleman, Mr. Richardson, from Philadelphia desire recognition?

Mr. RICHARDSON. Mr. Speaker, I would just like to ask the prime sponsor of the amendment if he could explain the amendment. Many of us were not on the floor and did not hear the amendment. I would like to have an opportunity to intelligently debate the issue before the House.

The SPEAKER. The gentleman, Mr. Blaum, will take the floor. The gentleman, Mr. Richardson, may proceed.

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

Mr. Speaker, I would just ask for an explanation of the amendment, because many of us did not hear the amendment, and I would like to know what the amendment does.

Mr. BLAUM. Thank you, Mr. Speaker.

The amendment is— I will read it to you. What the amendment does is list the facilities for older Pennsylvanians that will be covered by the legislation, by the bill, requiring a background check so that it is specific. There are other facilities in Pennsylvania for kids that are covered, and background checks are done under the Child Protective Services Law.

So what this amendment does is say, as far as this legislation doing background checks on those who work in facilities for the elderly, that those facilities are long-term care nursing homes, a continuing care facility, a personal care home, domiciliary care home, a nonhospital residential care facility for persons 60 years of age or older.

Mr. RICHARDSON. Mr. Speaker, then the question I have is relevant to the question that we were trying to raise with the other amendment offered by the gentlelady, Representative Taylor, and that is, does this also require a background check inclusionary of those owners of these nursing homes as well?

The SPEAKER. The gentleman, Mr. Blaum, yields to the lady, Mrs. Taylor, to answer the gentleman's question.

Will the lady yield.

There are entirely too many conversations going on. Will the members please take their seats.

The interrogation may continue.

Mrs. TAYLOR. Mr. Speaker, in answer to the question, does this bill include administrators, the answer to that is no.

I would like to add a comment though. I think I know wherewith the Representative asks that question, but the answer, Mr. Speaker, is no, this bill does not cover the administrators.

Mr. RICHARDSON. The amendment, Mr. Speaker, I was just asking about the amendment right now, because I am not on final passage. The amendment, is that the answer to the question on the amendment?

Mrs. TAYLOR. Well, as far as I read the amendment, Mr. Speaker, the answer is no.

Mr. RICHARDSON. Thank you very much.

Mr. Speaker, I would like to be recognized to speak on the amendment.

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

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

Mr. Speaker, it always amazes me that when we want to deal with an issue that deals directly with making sure that we are protecting the rights of all of our citizens and particularly those who fall in the category of 60 years of age and older, we do not go at the top; we always go at the bottom. And it seems to me that if we are clear about

our direction, then today it would seem to me that we would want to make sure that inclusive of everyone working in a facility that we are going to deal with, that we would start with the ultimate top — those individuals who get the money, who then go and hire people to work for them — and then also say to them that if that is what we want to do, that we also should make sure that there is a background check on these individuals who are in fact owners of these establishments who in fact are having a tendency sometimes to also have a criminal background check of who these persons are.

For that reason, Mr. Speaker, and until they can clear this particular amendment up and the other amendments that are only forced at little people and only people who work and get paid the lowest amount of money, by the way — these are not the people that are getting all the money at the top; these are just workers who make less than \$10,000 a year who just happen to get a job, who may have cleaned up their act, as one of the other Representatives said earlier, and would not get a chance now, would be out totally — I do not think it is fair, and I think that we need to vote "no" on the amendment and hopefully come back and deal with those issues as they relate to the entire industry of nursing homes as opposed to just targeting certain individuals.

The SPEAKER. The Chair recognizes the gentleman, Mr. Blaum, on his amendment.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman's point may be well taken, and that is, this legislation, Representative Taylor's legislation, deals with background checks for employees of facilities that care for the elderly, but my amendment does not have anything to do with that, and I would point that out to the gentleman, Mr. Richardson.

This amendment just tightens the language to say in which facilities that those background checks will be done and lists the facilities that do care for the elderly. So I think even if you agree with the gentleman's point, we should still vote for the amendment, which outlines the facilities in which these background checks are done, and then once the amendment is approved, I think the argument then should be made, should there be background checks done on the owners of the facilities?

I think it is obvious to see that what Representative Taylor is trying to do is have background checks, not necessarily on the people in the front office who never touch or deal with the patients, but on the people who handle the patients on a daily basis, that it is more important for them to have the background checks than it perhaps is for some owner who may not even live in the town in which the facility is located.

So I would ask that members approve the amendment. I think the amendment tightens the bill up and lists the facilities that should be covered by this law, and then I think after the amendment is in, then we can debate the bill, the merits of the bill further, if that is what the gentleman wants to do.

So I would ask that the members approve the amendment. It is a good one. It is agreed to by Representative Taylor and myself, and I urge a "yes" vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-191

Adolph	Durham	Lynch	Santoni
Allen	Egolf	Maitland	Sather
Argall	Fairchild	Major	Saylor
Armstrong	Fajt	Manderino	Schroder
Baker	Fargo	Markosek	Schuler
Bard	Farmer	Marsico	Scrimenti
Barley	Feese	Masland	Semmel
Battisto	Fichter	Mayernik	Serafini
Bebko-Jones	Fleagle	McCall	Shaner
Belardi	Flick	McGeehan	Sheehan
Belfanti	Gamble	McGill	Smith, B.
Birmelin	Gannon	Melio	Smith, S. H.
Bishop	Geist	Merry	Snyder, D. W.
Blaum	George	Michlovic	Staback
Boscola	Gladeck	Micozzie	Stairs
Boyes	Godshall	Mihalich	Steelman
Brown	Gordner	Miller	Steil
Browne	Gruitza	Mundy	Stern
Bunt	Gruppo	Nailor	Stetler
Butkovitz	Habay	Nickol	Stish
Buxton	Haluska	Nyce	Strittmatter
Caltagirone	Hanna	O'Brien	Sturla
Cappabianca	Harhart	Olasz	Surra
Carone	Hasay	Oliver	Tangretti
Cawley	Hennessey	Perzel	Taylor, E. Z.
Chadwick	Herman	Pesci	Taylor, J.
Civera	Hershey	Petrone	Tigue
Clark	Hess	Pettit	Travaglio
Clymer	Hutchinson	Phillips	Trello
Cohen, L. I.	Itkin	Piccola	Trich
Cohen, M.	Jadlowiec	Pistella	True
Colafella	Jarolin	Pitts	Tulli
Colaizzo	Josephs	Platts	Vance
Conti	Kaiser	Preston	Van Home
Cornell	Keller	Ramos	Veon
Corpora	Kenney	Raymond	Vitali
Corrigan	King	Readshaw	Vitali
Cowell	Krebs	Reber	Walko
Coy	Kukovich	Reinard	Washington
Curry	LaGrotta	Rieger	Waugh
Daley	Laughlin	Roberts	Williams
DeLuca	Lawless	Robinson	Youngblood
Dempsey	Lederer	Roebuck	
Dent	Leh	Rohrer	
Dermody	Lescovitz	Rooney	
DeWeese	Levdansky	Rubley	
DiGirolamo	Lloyd	Rudy	
Donatucci	Lucyk	Sainato	
Druce			

NAYS-9

Carn	Kirkland	Thomas	Williams
Horshey	Richardson	Washington	Youngblood
James			

NOT VOTING-0

EXCUSED-3

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

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

AMENDMENT A1647 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman, Mr. Fargo, who moves that the vote by which amendment No. 1647 passed to HB 304 on this date be reconsidered.

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

The following roll call was recorded:

YEAS-199

Adolph	Fairchild	Maitland	Saylor
Allen	Fajt	Major	Schroder
Argall	Fargo	Manderino	Schuler
Armstrong	Farmer	Markosek	Scrimenti
Baker	Feese	Marsico	Semmel
Bard	Fichter	Masland	Serafini
Barley	Fleagle	Mayernik	Shaner
Battisto	Flick	McCall	Sheehan
Bebko-Jones	Gamble	McGeehan	Smith, B.
Belardi	Gannon	McGill	Smith, S. H.
Belfanti	Geist	Melio	Snyder, D. W.
Birmelin	George	Merry	Staback
Bishop	Gladeck	Michlovic	Stairs
Blaum	Godshall	Micozzie	Steelman
Boscola	Gordner	Mihalich	Steil
Boyes	Gruitza	Miller	Stern
Brown	Gruppo	Mundy	Stetler
Browne	Habay	Nailor	Stish
Bunt	Haluska	Nickol	Strittmatter
Butkovitz	Hanna	Nyce	Sturla
Buxton	Harhart	O'Brien	Surra
Caltagirone	Hasay	Olasz	Tangretti
Cappabianca	Hennessey	Oliver	Taylor, E. Z.
Carn	Herman	Perzel	Taylor, J.
Carone	Hershey	Pesci	Thomas
Cawley	Hess	Petrone	Tigue
Chadwick	Horsey	Pettit	Travaglio
Civera	Hutchinson	Phillips	Trello
Clark	Itkin	Piccola	Trich
Clymer	Jadlowiec	Pistella	True
Cohen, L. I.	James	Pitts	Tulli
Cohen, M.	Jarolin	Platts	Vance
Colafella	Josephs	Preston	Van Home
Colaizzo	Kaiser	Ramos	Veon
Conti	Keller	Raymond	Vitali
Cornell	Kenney	Readshaw	Walko
Corpora	King	Reber	Washington
Corrigan	Kirkland	Reinard	Waugh
Cowell	Krebs	Richardson	Williams
Curry	Kukovich	Rieger	Wogan
Daley	LaGrotta	Roberts	Wozniak
DeLuca	Laughlin	Robinson	Wright, D. R.
Dempsey	Lawless	Roebuck	Wright, M. N.
Dent	Lederer	Rohrer	Yewcic
Dermody	Leh	Rooney	Youngblood
DeWeese	Lescovitz	Rubley	Zimmerman
DiGirolamo	Levdansky	Rudy	Zug
Donatucci	Lloyd	Sainato	
Druce	Lucyk	Santoni	
Durham	Lynch	Sather	
Egolf			

NAYS-0

NOT VOTING-1

Coy

EXCUSED-3

Evans

Gigliotti

Petrarca

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

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

The clerk read the following amendment No. **A1647**:

Amend Title, page 1, line 3, by removing the period after "information" and inserting ; and providing for certain information relating to nursing home providers.

TABLE OF CONTENTS

- Chapter 1. General Provisions
- Section 101. Short title.
- Chapter 3. Residential Care Facility Employee Background Evaluation
- Section 301. Definitions.
- Section 302. Information relating to prospective residential care facility personnel.
- Section 303. Grounds for denying employment.
- Section 304. Regulations.
- Section 305. Violations.
- Section 306. Existing or transferred employees.
- Section 307. Provisional employees for limited periods.
- Section 308. Fees.
- Section 309. State Police.
- Section 310. Application of chapter.
- Chapter 5. Nursing Home Consumer Information
- Section 501. Definitions.
- Section 502. Nursing Home Consumer Information Report.
- Section 503. Nursing home consumer information.
- Section 504. Complaints.
- Section 505. Additional consumer information.
- Section 506. Penalties.
- Chapter 7. Miscellaneous Provisions
- Section 701. Effective date.

Amend Bill, page 1, by inserting between lines 5 and 6

CHAPTER 1

GENERAL PROVISIONS

Amend Sec. 1, page 1, line 6, by striking out "1" and inserting 101

Amend Sec. 1, page 1, line 8, by inserting after "Evaluation" and Consumer Information

Amend Bill, page 1, by inserting between lines 8 and 9

CHAPTER 3

RESIDENTIAL CARE FACILITY

EMPLOYEE BACKGROUND EVALUATION

Amend Sec. 2, page 1, line 9, by striking out "2" and inserting 301

Amend Sec. 2, page 1, line 10, by striking out "act" and inserting chapter

Amend Sec. 3, page 2, line 1, by striking out "3" and inserting 302

Amend Sec. 4, page 3, line 10, by striking out "4" and inserting 303

Amend Sec. 5, page 5, line 4, by striking out "5" and inserting 304

- Amend Sec. 5, page 5, line 6, by striking out "act" and inserting chapter
- Amend Sec. 5, page 5, line 12, by striking out "4" and inserting 303
- Amend Sec. 5, page 5, line 14, by striking out "3" and inserting 302
- Amend Sec. 6, page 5, line 19, by striking out "6" and inserting 305
- Amend Sec. 6, page 5, line 21, by striking out "act" where it appears the first time and inserting chapter
- Amend Sec. 6, page 5, line 21, by striking out "act" where it appears the second time and inserting chapter
- Amend Sec. 6, page 5, line 24, by striking out "act" and inserting chapter
- Amend Sec. 7, page 5, line 26, by striking out "7" and inserting 306
- Amend Sec. 7, page 6, line 12, by striking out "act" and inserting chapter
- Amend Sec. 8, page 6, line 16, by striking out "8" and inserting 307
- Amend Sec. 8, page 6, line 17, by striking out "3" and inserting 302
- Amend Sec. 8, page 6, line 22, by striking out "3" and inserting 302
- Amend Sec. 8, page 6, line 26, by striking out "4" and inserting 303
- Amend Sec. 8, page 6, line 28, by striking out "4" and inserting 303
- Amend Sec. 8, page 6, line 29, by striking out "3" and inserting 302
- Amend Sec. 8, page 7, line 1, by striking out "4" and inserting 303
- Amend Sec. 9, page 7, line 5, by striking out "9" and inserting 308
- Amend Sec. 9, page 7, line 7, by striking out "3" and inserting 302
- Amend Sec. 10, page 7, line 10, by striking out "10" and inserting 309
- Amend Sec. 10, page 7, line 15, by striking out "ACT" and inserting chapter
- Amend Sec. 11, page 7, line 16, by striking out "11" and inserting 310
- Amend Sec. 11, page 7, line 16, by striking out "ACT" and inserting chapter
- Amend Sec. 11, page 7, line 17, by striking out "ACT" and inserting chapter
- Amend Bill, page 7, by inserting between lines 19 and 20

CHAPTER 5

NURSING HOME CONSUMER INFORMATION

Section 501. Definitions.

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

"Consumer Information Guide." The Nursing Home Consumer Information Guide required to be published under the provisions of this chapter.

"Elderly persons." Those persons residing within this Commonwealth who are 60 years of age or older.

"Nursing home." A facility that provides either skilled or intermediate nursing care or both levels of such care to two or more elderly persons, who are unrelated to the licensee, for a period exceeding 24 hours. Intermediate care facilities exclusively for the mentally retarded, commonly called ICF/MR shall not be considered nursing homes for the purpose of this chapter.

Section 502. Nursing Home Consumer Information Report.

In addition to the information required by the Department of Health on a form provided by the Department of Health pursuant to the provisions of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, and regulations promulgated pursuant thereto, each nursing home shall provide to the Department of Health no later than 90 days after the close of each calendar year the following information on the above-referenced form:

(1) Nursing hours worked per patient per day and nursing hours required by the Department of Health per patient per day. Actual hours worked per patient per day are for the most recently concluded fiscal or calendar year.

(2) Average length of service of professional nursing staff and the average length of service of nurse aide personnel at the nursing home completing the form.

(3) Average length of licensure and/or certification of professional nursing staff and the average length of licensure and/or certification of nurse aide personnel.

(4) Nursing hours per patient per day of temporary agency professional nursing staff and nurse aide personnel.

(5) Whether a resident council exists and meets on a regular basis.

Section 503. Nursing home consumer information.**(a) Guide.**

(1) The Department of Aging shall produce, in a timely manner, an annual Nursing Home Consumer Guide. It shall include:

(i) The items listed in section 502.

(ii) Information obtained from the annual Long-Term Care Facilities Questionnaires submitted to the Department of Health.

(iii) Information obtained from the Health Care Financing Administration Ownership Disclosure Form.

(iv) A comparative list of nursing homes developed in the manner provided in subsection (b).

(v) The Nursing Home Consumer Inquiry Hot Line telephone number required under subsection (c).

(2) If errors are found in the Nursing Home Consumer Guide, all facilities shall be sent a correction sheet within 30 days of the Department of Aging's receipt of notification of the error. For the purposes of this section, an error shall be defined as information incorrectly transcribed from the forms provided to the Department of Health to the consumer guide.

(3) The Department of Aging will send final proofs to the nursing home of its data profile that will be published in the consumer guide prior to publication. The nursing home will have five days to notify the Department of Aging of any errors to be corrected. If the Department of Aging receives no notification of errors, the data profile will be considered accurate and will be published.

(b) Comparative list.—The comparative list of nursing homes shall be developed and included in the Consumer Information Guide by the Department of Aging. It shall set forth the following information:

(1) Name of facility.

(2) Facility address and phone number.

(3) Bed capacity.

(4) Owner of facility and managing company, if applicable.

(5) Type of sponsorship, including, but not limited to, governmental, nonprofit and for-profit.

(6) Payment sources accepted, including, but not limited to, Medicare, Medicaid, Veterans' Administration, long-term care insurance and private pay.

(7) Current license, deficiency and certification status as determined by the Department of Health; whether, within the previous five years, the facility has been subject to a provisional license, a ban on admissions, penalties imposed in connection with the licensure or certification process, a license revocation or appointment of a temporary manager to operate the facility or Medicare or Medicaid decertification and the corresponding dates.

(8) Nursing hours per patient per day and nursing hours required by the Department of Health per patient per day. Actual hours worked per patient per day are for the most recently concluded fiscal or calendar year.

(9) Average length of service at the nursing home of professional nursing staff and the average length of service of nurse aide staff.

(10) Average length of licensure and/or certification of professional nursing staff and the average length of licensure and/or certification of nurse aide personnel.

(11) Nursing hours per patient per day of temporary agency professional nursing staff and nurse aide personnel.

(12) A listing of existence and availability of specific therapy services, including, but not limited to, physical therapy, occupational therapy, speech therapy and respiratory therapy.

(13) Whether a resident council exists and meets on a regular basis.

(14) Name and telephone number of a local ombudsman.

(c) Nursing Home Consumer Inquiry Telephone Hot Line. The Department of Aging shall establish a Statewide telephone number to serve as the Nursing Home Consumer Inquiry Telephone Hot Line. This number shall be a toll-free number. The purpose of this telephone number is to respond to calls regarding the current licensure, deficiency and certification status of nursing homes. All data provided by the hot line shall be updated each week using information provided by the Department of Health in a timely fashion. This telephone number shall be prominently displayed in the annual Nursing Home Consumer Guide.

(d) Disclosure.—The State Long-Term Care Ombudsman in the Department of Aging shall mail at least one copy of the Nursing Home Consumer Information Guide to the local long-term care ombudsman of each area agency on aging, to each nursing home and to the Pennsylvania Council on Aging annually.

(e) Availability. Each nursing home shall post next to its Department of Health license an exact copy of its listing as found in the Consumer Information Guide. A nursing home shall provide to each prospective resident and family member of such prospective resident who visits the facility, or any member of the public upon request, during normal business or visiting hours, Sunday through Saturday, an exact copy of its listing as set forth in the Consumer Information Guide.

(f) Inspections.—The Department of Health shall verify the availability of the listing during annual licensing surveys. The Department of Health shall monitor compliance with the requirements of this chapter for regular filing of the Long-Term Care Facilities Questionnaire with the Department of Health.

(g) Update. The Department of Health shall issue modifications to the Long-Term Care Facilities Questionnaire resulting from changes in the reimbursement system for nursing homes. Such modifications shall provide the same information in an updated format.

(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) Expands the scope of the consumer guide beyond those topics expressly set forth in subsection (a).

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

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

Section 504. Complaints.

Complaints of noncompliance with this chapter shall be filed with the Department of Aging. A complainant shall include a local ombudsman, a nursing home employee, a nursing home resident, a prospective nursing home resident, or any person representing the interests of a nursing home resident or prospective nursing home resident.

Section 505. Additional consumer information.

Each nursing home shall provide to each prospective resident or representative thereof at the time of initial inquiry, a companion consumer guide which describes how to select a nursing home. This information can

be either a publication of the Department of Aging, a camera-ready copy of a publication provided by the Department of Aging or a comparable publication that will inform the consumer on how to choose a nursing home. Section 506. Penalties.

The Department of Aging shall have the authority to assess a \$1,000 civil penalty for each violation of this chapter. Any person aggrieved by an adjudication by the Department of Aging shall have the right to appeal pursuant to 42 Pa.C.S. (relating to judiciary and judicial procedure).

CHAPTER 7

MISCELLANEOUS PROVISIONS

Amend Sec. 12, page 7, line 20, by striking out "12" and inserting 701

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

The SPEAKER. The question recurs, will the House agree to amendment A1647, which was the amendment offered by the gentleman, Mr. Veon?

On that question, Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

I just asked for reconsideration because I am concerned that this particular amendment may have been passed without really knowing what it was that we were voting on.

This is a bill which was passed last year on April 13, 1994, and the final vote on it was 103 to 92 here in the House of Representatives and then sent to the Senate.

This amendment will set up a real bureaucratic requirement, as far as all of our nursing homes are concerned, and a collection of information that will be an extreme expense to them.

I have not seen a fiscal note for this amendment, but I believe that there very definitely should have been one made up for it because it certainly is going to be an expensive item for the Department of Aging, who must gather all this information, who must then make out a consumer report and make sure that it is circulated, who must deal with all the nursing homes in gathering this information, and also, who, under this particular amendment, would be required to set up and man a hotline to be able to give information to people who may ask for it, about this particular consumer report that we are setting up.

It is just such a complex thing and puts so many different requirements on our nursing homes that I feel that we went through the bill rather quickly without really realizing what we were getting into.

I would like to have a question answered as to what the fiscal note is on this particular amendment, and then I just ask for a revote. Thank you, sir.

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

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, let me take you back to last session. You may remember HB 413, Representative Veon's bill, that he had a consumer information piece in there for families that are finding themselves between a rock and a hard place of having to place a loved one in a long-term care facility. How do you pick a good one? How can you tell one from another? What do you look for? What questions do you ask? And that was the gist of his bill.

Then there was an amendment offered — remember? — to move personal care homes from the Department of Welfare over to the Department of Aging, and that is the controversial part that I think the gentleman, Mr. Fargo, is talking about, and that is why the vote was so close last session.

Well, that part about changing the personal care homes from Welfare over to Aging, that is not in this amendment; that is not in this amendment. Representative Veon has taken that out. The only thing in his amendment — I ask you to look at it; look at page 6 of his amendment — and it asks that this information be provided to our constituents when they are trying to decide which is the best long-term care facility to place their loved ones in. So without the personal care homes in this amendment, I think this is an amendment we can all support.

If you look on page 6, basically what it gives you is a list of the things that Representative Veon would like made available to our constituents as they are shopping for a long-term care facility. It begins on line 15 of page 6, name of the facility; the facility address and phone number; bed capacity; the ownership of the facility, who owns it; the type of sponsorship; payment sources that are acceptable at this facility, including, but not limited to, medicare, medicaid, Veterans' Administration, long-term care insurance. Perhaps number (7), the current license, deficiency and certification status, how good a record does this facility have; nursing hours per patient per day, how well is the nursing home staffed, are there enough people working there; the average length of service at a nursing home of professional nursing staff, are these people here for a long time or is there a lot of turnover; the average length of licensure; the nursing hours per day per person; a listing of the existence and availability of specific therapy services, what kind of services in therapy do they provide to the patients; whether a resident council exists, and I think all of these things are worthwhile information to be placed in a little booklet.

This is not bureaucratic; this is not complicated. This is something that when you and I go in when our parents, God forbid, are in that situation, that we are going to get this information so that we know what questions to ask and how to tell a good nursing home from a bad one.

I think it is a nice addition to this bill, and I would ask you to vote for the Veon amendment.

The SPEAKER. Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

I requested the information about the fiscal note. Could I ask the maker of the amendment what the fiscal note is for this particular amendment?

The SPEAKER. Is the gentleman, Mr. Veon, asking to be recognized?

Mr. VEON. Yes, Mr. Speaker.

My understanding was the gentleman, Mr. Fargo, asked for a fiscal note, and I have not seen a fiscal note.

Mr. FARGO. Have you requested a fiscal note, Mr. Speaker?

Mr. VEON. I believe that we have, Mr. Speaker. Maybe the gentleman, Mr. Pitts, or someone from Appropriations may be able to help us with that.

The SPEAKER. The gentleman, Mr. Pitts, is in the back of the House. He will shortly—

The question, Mr. Pitts, is whether or not a fiscal note was requested for the Veon amendment A1647 to HB 304.

Mr. PITTS. Mr. Speaker, no, there has not been a request for a fiscal note on that amendment.

The SPEAKER. Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, in conferring with staff and the Democratic chair of the committee, it is our determination, Mr. Speaker, that a fiscal note would not be necessary. When we did vote on this bill in the last

session, I think some of the members may remember that there was a more contentious issue dealing with personal-care-home regulation, and that particular part of the bill in the last session did require a fiscal note; it did require cost to the State. It is our contention that this particular amendment does not require a cost to the State; it does not have a cost to the State, and in fact the cost of what we are asking for, the list that was read off by Representative Blaum, in fact that list must be put together by the nursing homes themselves. That would be our contention, Mr. Speaker.

The SPEAKER. The Chair respectfully disagrees with the gentleman.

As the Chair views this amendment, on the bottom of page 5, on line 43, there are duties given to the Department of Aging. On the next page there are further duties given to the Department of Aging, and I think a fiscal note really is required.

Accordingly, I, for the first time, have to say that these amendments are out of order.

Mr. VEON. Thank you, Mr. Speaker.

The SPEAKER. Mr. Veon, to go a step further, I do not know with what success you would meet, but of course, you can attempt to suspend the rules.

Mr. VEON. Thank you, Mr. Speaker.

I would like to make that motion at the proper time upon the recognition of the Speaker.

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentleman.

Mr. VEON. Thank you, Mr. Speaker.

I would like to move that we suspend the rules for the consideration of a fiscal note on this particular amendment, given the fact that it did pass the House overwhelmingly just a few minutes ago. I would ask that we suspend the rules.

On the question,

Will the House agree to the motion?

The SPEAKER. The question of suspension of the rules is debatable only by the floor leaders.

Mr. PERZEL. Mr. Speaker?

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

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, purposely we have made sure that everybody in this chamber knows well in advance exactly what we are going to do on the floor of this House. We have taken an awful lot of time and effort to put the bills on the computer to make sure that they are available a week in advance. Everybody knew what we were going to run today.

Now, we also supply Mr. Potts, who is the PR guy for the other side of the aisle, with copies of what we are going to do in the future week. So everybody on the other side of the aisle either has to turn on their computer or talk to Mr. Potts. Or call my office; we will send you a copy of what we are going to do.

We have purposely tried not to suspend the rules because we had a number of our members that, during the rules negotiations, do not want to suspend the rules on a constant, regular basis, so we would rather not do that, Mr. Speaker.

So I would request a "no" vote.

GUEST INTRODUCED

The SPEAKER. I am going to interrupt for a moment this debate to introduce, from the city of Pittsburgh, Mr. Bob O'Connor, here today as the guest of Mr. Itkin and the Allegheny County delegation. He tried to get up here to meet me on St. Patty's Day but got lost.

CONSIDERATION OF HB 304 CONTINUED

The SPEAKER. The Chair recognizes the gentleman, Mr. Blaum, who succeeds to the rights of the gentleman, Mr. DeWeese, in this debate.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I would ask the members to support the motion to suspend the rules.

Obviously, this amendment passed just a few minutes ago almost unanimously, if not unanimously, because the personal-care-home language was taken out, which was in last session's bill; it has been taken out of this amendment. I think in all good faith it was believed that there was no fiscal note required.

But we have in our rules the ability to suspend the rules. Why? Because every once in a while we use our heads and, through thoughtful consideration, we decide that those rules should be suspended, that those rules do not act to facilitate debate and good government but they actually once in a while stand in our way.

A vote against suspending the rules here today means that we cannot offer this amendment which would provide this consumer information to our constituents, and I think that would be unfortunate. So I would ask the members to support suspension of the rules, because the practical effect means that is the only way that this amendment can be put in so that this consumer information can be provided to our families when they are in a very difficult situation.

They are entitled to this information. We should give it to them. They should not be denied it simply because, you know, a member or somebody on staff did not get a fiscal note for an amendment that they believed it was not necessary for.

So let us use our heads on this one and our own judgment. Let us vote to suspend the rules and put this amendment back where it was 10 minutes ago - in this bill. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-96

Battisto	DeWeese	Markosek	Santoni
Bebko-Jones	Donatucci	Mayernik	Scrimenti
Belardi	Fajt	McCall	Shaner
Belfanti	Gamble	McGechan	Staback
Bishop	George	Melio	Stelman
Blaum	Gordner	Michlovic	Stetler
Boscola	Gruitza	Mihalich	Sturla
Butkovitz	Haluska	Mundy	Surra
Buxton	Horsey	Olasz	Tangretti
Caltagirone	Itkin	Oliver	Thomas
Cappabianca	James	Pesci	Tigue
Cam	Jarolin	Petrone	Travaglio
Cawley	Josephs	Pistella	Trello
Cohen, M.	Kaiser	Preston	Trich
Colafrella	Keller	Ramos	Van Home
Colaizzo	Kirkland	Readshaw	Veon

Corpora	Kukovich	Richardson	Vitali
Corrigan	LaGrotta	Rieger	Walko
Cowell	Laughlin	Roberts	Washington
Coy	Lederer	Robinson	Williams
Curry	Lescovitz	Roebuck	Wozniak
Daley	Lloyd	Rooney	Wright, D. R.
DeLuca	Lucyk	Rudy	Yewcic
Dermody	Manderino	Sainato	Youngblood

NAYS-103

Adolph	Fargo	Lynch	Schroder
Allen	Farmer	Maitland	Schuler
Argall	Feese	Major	Semmel
Armstrong	Fichter	Marsico	Serafini
Baker	Fleagle	Masland	Sheehan
Bard	Flick	McGill	Smith, B.
Barley	Geist	Merry	Smith, S. H.
Birmelin	Gladeck	Micozzie	Snyder, D. W.
Boyes	Godshall	Miller	Stairs
Brown	Gruppo	Nailor	Steil
Browne	Habay	Nickol	Stern
Bunt	Hanna	Nyce	Stish
Carone	Harhart	O'Brien	Strittmatter
Chadwick	Hasay	Perzel	Taylor, E. Z.
Civera	Hennessey	Pettit	Taylor, J.
Clark	Herman	Phillips	True
Clymer	Hershey	Piccola	Tulli
Cohen, L. I.	Hess	Pitts	Vance
Conti	Hutchinson	Platts	Waugh
Cornell	Jadlowiec	Raymond	Wogan
Dempsey	Kenney	Reber	Wright, M. N.
Dent	King	Reinard	Zimmerman
DiGirolamo	Krebs	Rohrer	Zug
Druce	Lawless	Rubley	
Durham	Leh	Sather	Ryan,
Egolf	Levdansky	Saylor	Speaker
Fairchild			

NOT VOTING-1

Gannon

EXCUSED-3

Evans	Gigliotti	Petrarca
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Less than a majority of the members elected to the House having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

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

PARLIAMENTARY INQUIRY

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

Mr. VEON. Thank you, Mr. Speaker.

A parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. VEON. I just would like to ask the Speaker if a motion to have the bill recommitted for the purpose of a fiscal note would be in order at this time?

The SPEAKER. Yes, that would be in order.

By way of clarification, the amendment would not be with the bill at this time, so you could recommit to the committee or you could recommit to Appropriations or you could move to lay over, if what you are trying to do is simply get a fiscal note for your amendment—

Mr. VEON. Yes, Mr. Speaker. My intention would be to just have time for a fiscal note to be drafted. Are you suggesting that the motion that would be in order would be to go over the bill?

The SPEAKER. I think any of these things are appropriate. I am not going to make a suggestion other than to say that any of them would probably fit the bill. No pun intended.

MOTION TO PASS OVER TEMPORARILY

Mr. VEON. The motion that I would like to make is to go over the bill temporarily, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Veon, moves that HB 304, with amendments, be postponed temporarily.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question, the Chair recognizes the majority leader, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, it is obvious that this has become a stalling tactic here.

We have been moving ahead with an agenda. We are right now counting up the number of Democrat bills that we have put on the calendar for a vote today. Every bill that has come through here that has had Democrat amendments we have accepted. All the ones that were fair and reasonable we have put into the bills.

This is only a delaying tactic, Mr. Speaker. This is absurd. They did not follow the rules the way the rules were laid down, Mr. Speaker, and I would request a "no" vote.

MOTION WITHDRAWN

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

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, despite the improper characterization of my desire or my motion by the gentleman, Mr. Perzel, and in light of the help and support by the gentlewoman, Mrs. Taylor, as I considered this amendment the first time, so as not to delay her particular bill, I am willing to come back on another day with this amendment, even despite the fact that that is a very wrong interpretation of my desire on this issue of the gentleman, Mr. Perzel.

And I would only ask that the members remember that yesterday we had quite a few amendments that passed to HB 1073 with no fiscal notes. We have quite a few amendments on today's calendar that do not have fiscal notes, that a motion to determine whether a fiscal note would be proper might be in order, and I think that I just want to let the gentleman, the majority leader, know that that is not my desire and not my intent.

But in light of the cooperation that I have had with the gentlewoman, Mrs. Taylor, I have no desire to delay her efforts. I would only ask that she come back with me on another day to pass what I think is an important consumer bill for Pennsylvania. Thank you, Mr. Speaker. So I withdraw the motion.

The SPEAKER. The Chair thanks the gentleman.

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

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

The Chair recognizes the gentleman from Philadelphia County, Mr. Richardson.

Mr. RICHARDSON. Mr. Speaker, while the gentleman has indicated that he has put forth a direction for the members of this House, I just want to make sure that it is pointed out for the record that there was an attempt made to deal with this issue that both the prime sponsor and also the Democratic chair indicated was not a part of this bill, and that is the criminal history background on the owners of these facilities that they indicated was so very important but not important enough to make sure that the bill is amended properly to deal with those individuals, basically because those individuals who sit at the top are those who do not have too much say about those who get hired at the bottom, because most of those individual people do not get paid a tremendous amount of money in the first place, and in fact they work for almost below the minimum wage, less than \$10,000 a year. They have been trying to get an increase. We have worked tremendously on personal care boarding homes, nursing homes, and other things that deal with those kinds of facilities that are on a daily basis continuously under a lot of scrutiny. These are people who give their money to a facility to be able to house them.

In most instances, loved ones lose all of the earnings of the individual person at 60 years of age and older. A lot of people do not want to take care of those particular individuals that are in these facilities, and now we want to go at the heart of just cutting off our nose to spite our face.

We do not even want to say that it is important enough to go get the owner who has a criminal background history check as well. We just want to just go after little people. Our House is hellbent on just going after little people, and I just think that for the record we should continually make sure that the metroliner train that has got to slow down at some point to let people on and off has got to do it right.

This is wrong, and if you want to correct a wrong, you must do it right. Therefore, if you want to go after little people who work in these facilities, then go after the owners who own them and make sure that they comply with the same rules and regulations. If you do not do that, then you are jiving.

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I hope this is not interpreted as a stalling tactic, because it is not.

I think that the prime sponsors of the bill and people who have contributed to the bill by and through amendments have all acted in good faith. My concern, however, runs to the impact of this bill on a very troubling environment, and when I talk about impact, most of us know that it takes 3 to 6 weeks, sometimes 3 months, to secure background checks. We also know that one of the major deficiencies facing nursing homes, especially nursing homes, is the turnover of employees and not having qualified staff to maintain these nursing homes.

We also know, Mr. Speaker, that in most nursing homes and other facilities included within this measure, we know that there are management people, but the day-to-day care of the residents is left to people who, as the former speaker mentioned, are working for less than minimum wage, people who are not required to come to the table with any competent skills. A high school diploma, in many cases, along with minimum nurse's aide training or minimum nutritional aide training will allow individuals to become employees of these facilities.

Mr. Speaker, the record is replete with instances of nursing homes with major deficiencies, deficiencies more often than not brought on by the quality of staffing as opposed to the quantity of staffing, and to that end, it is my firm belief that this bill needs to be placed on the table until such time that we take a look at, one, how we can expedite background checks so that it does not result in an understaffing problem at these facilities. Secondly, we need to take a look at, how can we increase the level of competency amongst people who work in these facilities, who maintain these facilities on a day-to-day basis. And thirdly, Mr. Speaker, I think that there needs to be real consideration to the overall intent of our public policy message through HB 304.

I agree that we cannot have a situation where people who have committed serious crimes are working in facilities caring for people who are in the twilight of their years. We cannot have that kind of situation by owners, managers, and workers, and so therefore, I think that while the intent of the bill is good, it does not go far enough to carry out the public policy that we are attempting to glean through this legislation.

MOTION TO TABLE

Mr. THOMAS. So for those three reasons, Mr. Speaker, I move that this bill be tabled until such time as we have affirmative answers to those three questions that have been raised. Thank you.

The SPEAKER. On the question of tabling the bill with amendments, those in favor of tabling the bill, as moved by the gentleman, Mr. Thomas, will vote "aye"; those against tabling the bill will vote "no."

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

The following roll call was recorded:

YEAS-77

Bebko-Jones	Donatucci	Lucyk	Rooney
Belardi	Fajt	Manderino	Sainato
Belfanti	Gamble	McCall	Scrimenti
Boscola	Gordner	McGeehan	Shaner
Butkovitz	Gruitza	Melio	Staback
Buxton	Hanna	Michlovic	Sturla
Caltagirone	Itkin	Mihalich	Surra
Cappabianca	James	Mundy	Tangretti
Carn	Jarolin	Oliver	Thomas
Cawley	Josephs	Pesci	Tigue
Cohen, M.	Kaiser	Petrone	Travaglio
Colafella	Kirkland	Pistella	Trich
Colaizzo	Kukovich	Preston	Walko
Corpora	LaGrotta	Readshaw	Washington
Cowell	Laughlin	Richardson	Williams
Coy	Lederer	Rieger	Wozniak
Curry	Lescovitz	Roberts	Wright, D. R.

Daley	Ievdansky	Robinson	Yewcic
Dermody	Lloyd	Rocbuck	Youngblood
DeWeese			

NAYS-122

Adolph	Fairchild	Major	Schuler
Allen	Fargo	Markosek	Semmel
Argall	Farmer	Marsico	Serafini
Armstrong	Feese	Masland	Sheehan
Baker	Fichter	Mayernik	Smith, B.
Bard	Fleagle	McGill	Smith, S. H.
Barley	Flick	Merry	Snyder, D. W.
Battisto	Gannon	Micozzie	Stairs
Birmelin	Geist	Miller	Steelman
Bishop	George	Nailor	Steil
Blaum	Gladeck	Nickol	Stern
Boyes	Godshall	Nyce	Stetler
Brown	Gruppo	O'Brien	Stish
Browne	Habay	Olasz	Strittmatter
Bunt	Haluska	Perzel	Taylor, E. Z.
Carone	Harhart	Pettit	Taylor, J.
Chadwick	Hasay	Phillips	Trello
Civera	Hennessey	Piccola	True
Clark	Herman	Pitts	Tulli
Clymer	Hershey	Platts	Vance
Cohen, L. I.	Hess	Ramos	Van Horne
Conti	Hutchinson	Raymond	Veon
Cornell	Jadlowiec	Reber	Vitali
Corrigan	Keller	Reinard	Waugh
DeLuca	Kenney	Rohrer	Wogan
Dempsey	King	Rublely	Wright, M. N.
Dent	Krebs	Rudy	Zimmerman
DiGirolamo	Lawless	Santoni	Zug
Druce	Leh	Sather	
Durham	Lynch	Saylor	Ryan,
Egolf	Maitland	Schroder	Speaker

NOT VOTING-1

Horsey

EXCUSED-3

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

On the question recurring,
Shall the bill pass finally?

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

YEAS-192

Adolph	Durham	Lynch	Sather
Allen	Egolf	Maitland	Saylor
Argall	Fairchild	Major	Schroder
Armstrong	Fajt	Manderino	Schuler
Baker	Fargo	Markosek	Scrimenti
Bard	Farmer	Marsico	Semmel
Barley	Feese	Masland	Serafini
Battisto	Fichter	Mayernik	Shaner
Bebko-Jones	Fleagle	McCall	Sheehan
Belardi	Flick	McGeehan	Smith, B.
Belfanti	Gamble	McGill	Smith, S. H.
Birmelin	Gannon	Melio	Snyder, D. W.
Bishop	Geist	Merry	Staback

Blaum	George	Michlovic	Stairs
Boscola	Gladeck	Micozzie	Steelman
Boyes	Godshall	Mihalich	Steil
Brown	Gordner	Miller	Stern
Browne	Gruitza	Mundy	Stetler
Bunt	Gruppo	Nailor	Stish
Butkovitz	Habay	Nickol	Strittmatter
Buxton	Haluska	Nyce	Sturla
Caltagirone	Hanna	O'Brien	Surra
Cappabianca	Harhart	Olasz	Tangretti
Carone	Hasay	Oliver	Taylor, E. Z.
Cawley	Hennessey	Perzel	Taylor, J.
Chadwick	Herman	Pesci	Tigue
Civera	Hershey	Petrone	Travaglio
Clark	Hess	Pettit	Trello
Clymer	Horsey	Phillips	Trich
Cohen, L. I.	Hutchinson	Piccola	True
Cohen, M.	Itkin	Pistella	Tulli
Colafella	Jadlowiec	Pitts	Vance
Colaizzo	Jarolin	Platts	Van Horne
Conti	Josephs	Preston	Veon
Cornell	Kaiser	Raymond	Vitali
Corpora	Keller	Readshaw	Walko
Corrigan	Kenney	Reber	Waugh
Cowell	King	Reinard	Williams
Coy	Krebs	Rieger	Wogan
Curry	Kukovich	Roberts	Wozniak
Daley	LaGrotta	Robinson	Wright, D. R.
DeLuca	Laughlin	Roebuck	Wright, M. N.
Dempsey	Lawless	Rohrer	Yewcic
Dent	Lederer	Rooney	Zimmerman
Dermody	Leh	Rublely	Zug
DeWeese	Lescovitz	Rudy	
DiGirolamo	Levdansky	Sainato	Ryan,
Donatucci	Lloyd	Santoni	Speaker
Druce	Lucyk		

NAYS-7

Carn	Ramos	Thomas	Youngblood
James	Richardson	Washington	

NOT VOTING-1

Kirkland

EXCUSED-3

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

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

The House proceeded to third consideration of **HB 305, PN 1296**, entitled:

An Act amending the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, adding definitions of "registry" and "serious bodily injury"; further providing for reporting, for investigations of reports of need for protective services and for confidentiality of records; and providing for a registry of perpetrators of abuse in institutions.

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

Mrs. VANCE offered the following amendment No. A1637:

Amend Sec. 2, page 2, lines 15 and 16, by striking out "A SUBSECTION" and inserting
subsections

Amend Sec. 2 (Sec. 5), page 2, by inserting between lines 24 and 25
(c) Penalties for failure to report.—A person required under this section to report a case of suspected abuse or neglect who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

Amend Sec. 3 (Sec. 6), page 3, line 1, by striking out "indicating homicide," and inserting
of a suspicious death or suspected

Amend Sec. 3 (Sec. 6), page 3, line 5, by inserting after "all"
other

Amend Sec. 3 (Sec. 6), page 3, line 6, by inserting after "to"
local

Amend Sec. 3 (Sec. 6), page 3, line 7, by striking out "of the jurisdiction where the institution is located."

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

The SPEAKER. On the question of the adoption of the amendment, Representative Vance is recognized.

Mrs. VANCE. Thank you, Mr. Speaker.

This amendment further clarifies the intention of the bill. We are inserting "of a suspicious death or suspected sexual abuse."

The only real difference is that we make sure that the penalty is in there for failure to report. These penalties follow the child protective services penalties. They are almost the same. So we are protecting our elderly citizens by adding the penalties.

I ask for an affirmative vote on this amendment.

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

The following roll call was recorded:

YEAS-197

Adolph	Egolf	Lynch	Schroder
Allen	Fairchild	Maitland	Schuler
Argall	Fajt	Major	Scrimenti
Armstrong	Fargo	Manderino	Semmel
Baker	Farmer	Markosek	Serafini
Bard	Feese	Marsico	Shaner
Barley	Fichter	Masland	Sheehan
Battisto	Fleagle	Mayernik	Smith, B.
Bebko-Jones	Flick	McCall	Smith, S. H.
Belardi	Gamble	McGeehan	Snyder, D. W.
Belfanti	Gannon	McGill	Staback
Birmelin	Geist	Melio	Stairs
Bishop	George	Merry	Steelman
Blaum	Gladeck	Michlovic	Steil
Boscola	Godshall	Micozzie	Stern
Boyes	Gordner	Mihalich	Stetler
Brown	Gruitza	Miller	Stish
Browne	Gruppo	Mundy	Strittmatter
Bunt	Habay	Nailor	Sturla
Butkovitz	Haluska	Nickol	Surra
Buxton	Hanna	Nyce	Tangretti
Caltagirone	Harhart	O'Brien	Taylor, E. Z.
Cappabianca	Hasay	Olasz	Taylor, J.

Carn	Hennessey	Oliver	Thomas
Carone	Herman	Perzel	Tigue
Cawley	Hershey	Pesci	Travaglio
Chadwick	Hess	Petrone	Trello
Civera	Horsey	Pettit	Trich
Clark	Hutchinson	Phillips	True
Clymer	Itkin	Piccola	Tulli
Cohen, L. I.	Jadlowiec	Pistella	Vance
Cohen, M.	James	Pitts	Van Horne
Colaella	Jarolin	Platts	Veon
Colaizzo	Josephs	Ramos	Vitali
Conti	Kaiser	Raymond	Walko
Cornell	Keller	Readshaw	Washington
Corpora	Kenney	Reber	Waugh
Corrigan	King	Reinard	Williams
Coy	Kirkland	Rieger	Wogan
Curry	Krebs	Roberts	Wozniak
Daley	Kukovich	Robinson	Wright, D. R.
DeLuca	LaGrotta	Roebuck	Wright, M. N.
Dempsey	Laughlin	Rohrer	Yewcic
Dent	Lawless	Rooney	Youngblood
Dermody	Lederer	Ruble	Zimmerman
DeWeese	Leh	Rudy	Zug
DiGirolamo	Lescovitz	Sainato	
Donatucci	Levdansky	Santoni	Ryan,
Druce	Lloyd	Sather	Speaker
Durham	Lucyk	Saylor	

NAYS-1

Richardson

NOT VOTING-2

Cowell

Preston

EXCUSED-3

Evans

Gigliotti

Petrarca

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally ?

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

YEAS-199

Adolph	Egolf	Lynch	Saylor
Allen	Fairchild	Maitland	Schroder
Argall	Fajt	Major	Schuler
Armstrong	Fargo	Manderino	Scrimenti
Baker	Farmer	Markosek	Semmel
Bard	Feese	Marsico	Serafini
Barley	Fichter	Masland	Shaner
Battisto	Fleagle	Mayernik	Sheehan
Bebko-Jones	Flick	McCall	Smith, B.
Belardi	Gamble	McGeehan	Smith, S. H.
Belfanti	Gannon	McGill	Snyder, D. W.
Birmelin	Geist	Melio	Staback

Bishop	George	Merry	Stairs
Blaum	Gladeck	Michlovic	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Nailor	Stish
Bunt	Habay	Nickol	Strittmatter
Butkovitz	Haluska	Nyce	Sturla
Buxton	Hanna	O'Brien	Surra
Caltagirone	Harhart	Olasz	Tangretti
Cappabianca	Hasay	Oliver	Taylor, E. Z.
Carn	Hennessey	Perzel	Taylor, J.
Carone	Herman	Pesci	Thomas
Cawley	Hershey	Petrone	Tigue
Chadwick	Hess	Pettit	Travaglio
Civera	Horsey	Phillips	Trello
Clark	Hutchinson	Piccola	Trich
Clymer	Itkin	Pistella	True
Cohen, L. I.	Jadlowiec	Pitts	Tulli
Cohen, M.	James	Platts	Vance
Colafiglia	Jarolin	Preston	Van Horne
Colaizzo	Josephs	Ramos	Veon
Conti	Kaiser	Raymond	Vitali
Cornell	Keller	Readshaw	Walko
Corpora	Kenney	Reber	Washington
Corrigan	King	Reinard	Waugh
Cowell	Kirkland	Richardson	Williams
Coy	Krebs	Rieger	Wogan
Curry	Kukovich	Roberts	Wozniak
Daley	LaGrotta	Robinson	Wright, D. R.
DeLuca	Laughlin	Roebuck	Wright, M. N.
Dempsey	Lawless	Rohrer	Yewcic
Dent	Lederer	Rooney	Youngblood
Dermody	Leh	Rubley	Zimmerman
DeWeese	Lescovitz	Rudy	Zug
DiGirolamo	Levdansky	Sainato	
Donatucci	Lloyd	Santoni	Ryan,
Druce	Lucyk	Sather	Speaker
Durham			

NAYS-0

NOT VOTING-1

Micozzie

EXCUSED-3

Evans Gigliotti Petrarca

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

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

* * *

The House proceeded to third consideration of **HB 306, PN 1297**, entitled:

An Act providing for Statewide nurse aide training programs relating to nursing facilities.

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-199

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

NAYS-0

NOT VOTING-1

Dermody

EXCUSED-3

Evans Gigliotti Petrarca

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

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

* * *

The House proceeded to third consideration of **HB 367, PN 370**, entitled:

An Act requiring certain information relating to prospective home care employees.

On the question,

Will the House agree to the bill on third consideration?

Mr. **GRUPPO** offered the following amendment No. **A1638**:

Amend Sec. 2, page 2, lines 13 and 14, by striking out "on an hourly, continual basis"

Amend Sec. 2, page 2, line 16, by striking out " , but is not limited to,"

Amend Sec. 2, page 2, line 17, by striking out "Commonwealth-licensed"

Amend Sec. 2, page 2, line 17, by inserting after "agencies" where it appears the second time

licensed by the Department of Health

Amend Sec. 2, page 2, line 20, by striking out "governmental departments,"

Amend Sec. 3, page 3, line 20, by inserting after "1109)."

The Department of Health, for the applicants to home care agencies, shall be the intermediary for the purposes of this section. The Department of Aging, for the applicants to area agencies on aging, shall be the intermediary for the purposes of this section.

Amend Sec. 4, page 3, line 30, by inserting after "employee" as a direct caregiver to home care recipients

Amend Sec. 4, page 4, line 2, by inserting after "employee" as a direct caregiver to home care recipients

Amend Sec. 4, page 4, by inserting between lines 17 and 18

Section 3125 (relating to aggravated indecent assault).

Amend Sec. 4, page 4, by inserting between lines 19 and 20

Section 3301 (relating to arson and related offenses).

Amend Sec. 4, page 4, by inserting between lines 21 and 22

A felony offense under Chapter 39 (relating to theft and related offenses) or two or more misdemeanors under Chapter 39.

Section 4101 (relating to forgery).

Section 4114 (relating to securing execution of documents by deception).

Amend Sec. 4, page 4, by inserting between lines 27 and 28

Section 4952 (relating to intimidation of witnesses or victims).

Section 4953 (relating to retaliation against witness or victim).

Amend Sec. 4, page 5, line 7, by striking out "criminally or"

Amend Sec. 4, page 5, line 7, by inserting after "for" any civil action directly related to good faith

Amend Sec. 5, page 5, line 9, by inserting before "The"

(a) Required regulations.

Amend Sec. 5, page 5, by inserting between lines 21 and 22

(b) Consistency.—The Department of Health and the Department of Aging shall insure consistency between the regulations promulgated by each department under this section.

Amend Sec. 6, page 5, line 26, by inserting after "Health" , for home care agencies,

Amend Sec. 6, page 5, line 26, by inserting after "Aging" , for area agencies on aging,

Amend Sec. 7, page 6, lines 2 through 5, by striking out all of lines 2 through 4, "continued employment." in line 5 and inserting

No later than one year following the effective date of this act, every person employed by a home care agency or an area agency on aging as a direct caregiver to home care recipients shall submit to the home care agency administrator or the area agency on aging director a report of criminal history record information from the State Police or a statement that their central repository contains no such information relating to that person. The criminal history record information shall be limited to that which is disseminated under 18 Pa.C.S. § 9121(b)(2) (relating to general regulations).

Amend Bill, page 6, lines 10 through 27, by striking out all of said lines

Amend Sec. 9, page 6, line 28, by striking out "9" and inserting 8

Amend Bill, page 7, lines 3 through 13, by striking out all of said lines and inserting

Section 9. Reports to General Assembly.

No later than one year following the effective date of this act, the State Police shall report to the Aging and Youth Committee of the Senate and the Aging and Youth Committee of the House of Representatives with their findings and recommendations regarding the implementation of this act.

Section 10. Effective date.

This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

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

Mr. GRUPPO. Thank you, Mr. Speaker.

The amendment would require the Departments of Health and Aging to insure consistency between their regulations, requires current employees to obtain background checks no later than 1 year following the effective date, removes the provisional employment section, requires the State Police to report to the House and Senate Aging and Youth Committees, and adds to a list of crimes — there is a list which I will not read — but also background checks for these home health care individuals.

I would appreciate support of this amendment. Thank you, Mr. Speaker.

The SPEAKER. On the question of the adoption of the Gruppo amendment, the Chair recognizes the lady from Philadelphia County, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

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

Mr. GRUPPO. Yes.

The SPEAKER. The gentleman, Mr. Gruppo, indicates he will. You may proceed.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I just want to be clear on what one section of the amendment before us is doing.

My understanding when I read the amendments that begin on page 1, line 18, and there through, where after the word "employee" you add the language "as a direct caregiver to home care recipients," is my understanding clear that we have now clarified the language in the definition of who this bill applies to and made it clear that it applies to only people who are direct caregivers and not somebody

who might be coming into the home for one time to provide a piece of medical equipment or to provide some other kind of service but not in a direct caregiver situation?

Mr. GRUPPO. Yes.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. GRUPPO. You are welcome.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-184

Adolph	Durham	Maitland	Sather
Allen	Egolf	Major	Saylor
Argall	Fairchild	Manderino	Schroder
Armstrong	Fajt	Markosek	Schuler
Baker	Fargo	Marsico	Semmel
Bard	Farmer	Masland	Serafini
Barley	Feese	Mayernik	Shaner
Battisto	Fichter	McCall	Sheehan
Bebko-Jones	Fleagle	McGeehan	Smith, B.
Belardi	Flick	McGill	Smith, S. H.
Belfanti	Gamble	Melio	Snyder, D. W.
Birmelin	Gannon	Merry	Staback
Bishop	Geist	Michlovic	Stairs
Blaum	George	Micozzie	Steelman
Boscola	Gladeck	Miller	Steil
Boyes	Godshall	Mundy	Stern
Brown	Gordner	Nailor	Stish
Browne	Gruitza	Nickol	Strittmatter
Bunt	Gruppo	Nyce	Sturla
Butkovitz	Habay	O'Brien	Surra
Buxton	Haluska	Olasz	Tangretti
Caltagirone	Harhart	Oliver	Taylor, E. Z.
Cappabianca	Hasay	Perzel	Taylor, J.
Carone	Hennessey	Pesci	Travaglio
Cawley	Herman	Petrone	Trello
Chadwick	Hershey	Pettit	Trich
Civera	Hess	Phillips	True
Clark	Hutchinson	Piccola	Tulli
Clymer	Itkin	Pistella	Vance
Cohen, L. I.	Jadlowiec	Pitts	Van Home
Colafella	Jarolin	Platts	Veon
Colaizzo	Josephs	Preston	Vitali
Conti	Kaiser	Ramos	Walko
Cornell	Keller	Raymond	Waugh
Corpora	Kenney	Readshaw	Williams
Corrigan	King	Reber	Wogan
Cowell	Krebs	Reinard	Wozniak
Curry	Kukovich	Rieger	Wright, D. R.
Daley	LaGrotta	Robinson	Wright, M. N.
DeLuca	Laughlin	Roebuck	Yewcic
Dempsey	Lawless	Rohrer	Youngblood
Dent	Lederer	Rooney	Zimmerman
Dermody	Leh	Rublely	Zug
DeWeese	Lescovitz	Rudy	
DiGirolamo	Levdansky	Sainato	Ryan,
Donatucci	Lucyk	Santoni	Speaker
Druce	Lynch		

NAYS-16

Carn	Horsey	Mihalich	Stetler
Cohen, M.	James	Richardson	Thomas
Coy	Kirkland	Roberts	Tigue
Hanna	Lloyd	Scrimenti	Washington

NOT VOTING-0

EXCUSED-3

Evans Gigliotti Petrarca

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

On the question,

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

The SPEAKER. The gentleman from Philadelphia, Mr. Cohen, do you withdraw all three amendments? The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Sturla. Does the gentleman, Mr. Sturla, withdraw his four amendments? No? Does the gentleman withdraw three of his amendments?

Mr. STURLA. No, one of them.

The SPEAKER. One of his amendments.

Mr. STURLA. Mr. Speaker, I will withdraw amendment A1662.

The SPEAKER. The Chair thanks the gentleman. Will the gentleman send to the desk his other amendments.

On the question recurring,

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

Mr. STURLA offered the following amendment No. A1653:

Amend Sec. 2, page 2, line 5, by removing the period after "aging" and inserting
or a public agency that provides direct home care services, unless the agency is a child-care service as defined under 23 Pa.C.S. Ch. 63 (relating to child protective services).

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman, Mr. Sturla, on amendment A1653.

Mr. STURLA. Thank you, Mr. Speaker.

This amendment simply includes in the definition of "Director" the individual who oversees the function of a public agency, except for child-care service as defined by the Child Protective Services Law.

The SPEAKER. On the question of the adoption of the Sturla amendment, the Chair recognizes the gentleman from Northampton, Mr. Gruppo.

Mr. GRUPPO. I support the amendment, Mr. Speaker.

The SPEAKER. I am sorry. I was unable to hear the gentleman.

Mr. GRUPPO. I support the amendment. That is what I wanted to say.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-200

Adolph	Egolf	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Farmer	Marsico	Semmel
Bard	Feese	Masland	Serafini
Barley	Fichter	Mayernik	Shaner
Battisto	Fleagle	McCall	Sheehan
Bebko-Jones	Flick	McGeehan	Smith, B.
Belardi	Gamble	McGill	Smith, S. H.
Belfanti	Gannon	Melio	Snyder, D. W.
Birmelin	Geist	Merry	Staback
Bishop	George	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Nailor	Stish
Bunt	Habay	Nickol	Strittmatter
Butkowitz	Haluska	Nyce	Sturla
Buxton	Hanna	O'Brien	Surra
Caltagirone	Harhart	Olasz	Tangretti
Cappabianca	Hasay	Oliver	Taylor, E. Z.
Cam	Hennessey	Perzel	Taylor, J.
Carone	Herman	Pesci	Thomas
Cawley	Hershey	Petrone	Tigue
Chadwick	Hess	Pettit	Travaglio
Civera	Horsey	Phillips	Trello
Clark	Hutchinson	Piccola	Trich
Clymer	Itkin	Pistella	True
Cohen, L. I.	Jadlowiec	Pitts	Tulli
Cohen, M.	James	Platts	Vance
Colafiglia	Jarolin	Preston	Van Horne
Colaizzo	Josephs	Ramos	Veon
Conti	Kaiser	Raymond	Vitali
Cornell	Keller	Readshaw	Walko
Corpora	Kennedy	Reber	Washington
Corrigan	King	Reinard	Waugh
Cowell	Kirkland	Richardson	Williams
Coy	Krebs	Rieger	Wogan
Curry	Kukovich	Roberts	Wozniak
Daley	LaGrotta	Robinson	Wright, D. R.
DeLuca	Laughlin	Roebuck	Wright, M. N.
Dempsey	Lawless	Rohrer	Yewcic
Dent	Lederer	Rooney	Youngblood
Dermody	Leh	Rubley	Zimmerman
DeWeese	Lescovitz	Rudy	Zug
DiGiroilamo	Levdansky	Sainato	
Donatucci	Lloyd	Santoni	Ryan,
Druce	Lucyk	Sather	Speaker
Durham	Lynch		

NAYS-0

NOT VOTING-0

EXCUSED-3

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

On the question recurring,

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

Mr. STURLA offered the following amendment No. A1661:

Amend Sec. 3, page 3, line 20, by inserting after "1109)." The Department of Health, for the applicants to home care agencies, shall be the intermediary for the purposes of this section, unless the home care agency is regulated by the Department of Public Welfare, in which case, the Department of Public Welfare shall be the intermediary for the purposes of this section. The Department of Aging, for the applicants to area agencies on aging, shall be the intermediary for the purposes of this section.

Amend Sec. 5, page 5, line 9, by inserting before "The"

(a) Required regulations.

Amend Sec. 5, page 5, by inserting between lines 21 and 22

(b) Consistency.—The Department of Aging, the Department of Health and the Department of Public Welfare shall insure consistency between the regulations promulgated by each department under this section.

Amend Sec. 10, page 7, line 4, by striking out "Department of Health and the"

Amend Sec. 10, page 7, line 4, by inserting after "Aging"

, the Department of Health and the Department of Public Welfare

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment of the gentleman, Mr. Sturla, A1661, the Chair recognizes the gentleman.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this simply identifies the Departments of Health and Public Welfare as the intermediaries for the purposes of FBI criminal history record information for a home care agency regulated by the respective department. The Department of Aging is the intermediary for the area agency on aging.

The SPEAKER. Will the gentleman, Mr. Sturla, come to the rostrum.

(Conference held at Speaker's podium.)

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House students from Methacton High School and Arcola Middle School. They are in the balcony. They are here as the guests of the gentleman from Montgomery County, Mr. Lawless. Would the students please rise.

CONSIDERATION OF HB 367 CONTINUED

AMENDMENT DIVIDED

The SPEAKER. The gentleman, Mr. Sturla, is recognized, who moves that amendment A1661 be divided. The amendment is divisible. The division will take place between lines 16 and 17. The amendment is divided between lines 16 and 17.

PART 2 OF AMENDMENT WITHDRAWN

The SPEAKER. The second portion of the amendment, between lines 16 and 17, is withdrawn, and the vote will be on the first 16 lines of the amendment.

Is that accurate, Mr. Sturla?

Mr. STURLA. That is correct, Mr. Speaker.

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Sturla. The Chair is recognizing the gentleman on the question of his amendment.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, essentially what we did was, there was a potential conflict or a duplication of language that occurred in the Gruppo amendment; we have taken that portion out. All we are doing is making sure that the Department of Public Welfare, where it is appropriate, can also be involved as the intermediary here, which was not included in the Gruppo amendment.

So I believe it is an agreed-to amendment, and I would appreciate your support.

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

Mr. GRUPPO. I agree with the speaker, and I urge the support of the members. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—199

Adolph	Egolf	Lynch	Saylor
Allen	Fairchild	Maitland	Schroder
Argall	Fajt	Major	Schuler
Armstrong	Fargo	Manderino	Scrimenti
Baker	Farmer	Markosek	Semmel
Bard	Feese	Marsico	Serafini
Barley	Fichter	Masland	Shaner
Battisto	Fleagle	Mayernik	Sheehan
Bebko-Jones	Flick	McCall	Smith, B.
Belardi	Gamble	McGeehan	Smith, S. H.
Belfanti	Gannon	McGill	Snyder, D. W.
Birmelin	Geist	Melio	Staback
Bishop	George	Merry	Stairs
Blaum	Gladeck	Michlovic	Steelman
Boscola	Godshall	Micozzie	Steil
Boyes	Gordner	Mihalich	Stern
Brown	Gruitza	Miller	Stetler
Browne	Gruppo	Mundy	Stish
Bunt	Habay	Nailor	Strittmatter
Butkovitz	Haluska	Nickol	Sturla
Buxton	Hanna	Nyce	Surra
Caltagirone	Harhart	O'Brien	Tangretti
Cappabianca	Hasay	Olasz	Taylor, E. Z.
Carn	Hennessey	Oliver	Taylor, J.
Carone	Herman	Perzel	Thomas
Cawley	Hershey	Pesci	Tigue
Chadwick	Hess	Petrone	Travaglio
Civera	Horsy	Pettit	Trello
Clark	Hutchinson	Phillips	Trich
Clymer	Itkin	Piccola	True
Cohen, L. I.	Jadlowiec	Pistella	Tulli
Cohen, M.	James	Pitts	Vance
Colafiglia	Jarolin	Platts	Van Horne
Colaizzo	Josephs	Preston	Veon
Conti	Kaiser	Ramos	Vitali
Cornell	Keller	Raymond	Walko
Corpora	Kenney	Readshaw	Washington
Corrigan	King	Reber	Waugh

Cowell	Kirkland	Reinard	Williams
Coy	Krebs	Rieger	Wogan
Curry	Kukovich	Roberts	Wozniak
Daley	LaGrotta	Robinson	Wright, D. R.
DeLuca	Laughlin	Roebuck	Wright, M. N.
Dempsey	Lawless	Rohrer	Yewcic
Dent	Lederer	Rooney	Youngblood
Dermody	Leh	Rublely	Zimmerman
DeWeese	Lescovitz	Rudy	Zug
DiGirolamo	Levdansky	Sainato	
Donatucci	Lloyd	Santoni	Ryan,
Druce	Lucyk	Sather	Speaker
Durham			

NAYS—0

NOT VOTING—1

Richardson

EXCUSED—3

Evans Gigliotti Petrarca

The majority having voted in the affirmative, the question was determined in the affirmative and part 1 of the amendment was agreed to.

On the question recurring,

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

Mr. STURLA offered the following amendment No. A1671:

Amend Sec. 2, page 1, lines 13 and 14, by striking out “the authoritative control over” and inserting directing and maintaining the agency’s ongoing functions, including the employment of personnel and the management of the fiscal and

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

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

Mr. STURLA. Thank you, Mr. Speaker.

This amendment simply amends the definition of the word “administrator” to clarify that the administrator directs and maintains the agency’s ongoing functions, including hiring of personnel and managing fiscal and business affairs of the home care agency.

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

Mr. GRUPPO. I would just like to indicate support for the Sturla amendment and urge the members to vote in favor of it. Thank you.

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

The following roll call was recorded:

YEAS—200

Adolph	Egolf	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Farmer	Marsico	Semmel
Bard	Feese	Masland	Serafini
Barley	Fichter	Mayermik	Shaner
Battisto	Fleagle	McCall	Sheehan
Bebko-Jones	Flick	McGeehan	Smith, B.
Belardi	Gamble	McGill	Smith, S. H.
Belfanti	Gannon	Melio	Snyder, D. W.
Birmelin	Geist	Merry	Staback
Bishop	George	Michlovic	Stairs
Blaum	Gladeck	Micoozie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Nailor	Stish
Bunt	Habay	Nickol	Strittmatter
Butkovitz	Haluska	Nyce	Sturla
Buxton	Hanna	O'Brien	Surra
Caltagirone	Harhart	Olasz	Tangretti
Cappabianca	Hasay	Oliver	Taylor, E. Z.
Carn	Hennessey	Perzel	Taylor, J.
Carone	Herman	Pesci	Thomas
Cawley	Hershey	Petrone	Tigue
Chadwick	Hess	Pettit	Travaglio
Civera	Horsey	Phillips	Trello
Clark	Hutchinson	Piccola	Trich
Clymer	Itkin	Pistella	True
Cohen, L. I.	Jadlowiec	Pitts	Tulli
Cohen, M.	James	Platts	Vance
Colafella	Jarolin	Preston	Van Horne
Colaizzo	Josephs	Ramos	Veon
Conti	Kaiser	Raymond	Vitali
Cornell	Keller	Readshaw	Walko
Corpora	Kenney	Reber	Washington
Corrigan	King	Reinard	Waugh
Cowell	Kirkland	Richardson	Williams
Coy	Krebs	Rieger	Wogan
Curry	Kukovich	Roberts	Wozniak
Daley	LaGrotta	Robinson	Wright, D. R.
DeLuca	Laughlin	Roebuck	Wright, M. N.
Dempsey	Lawless	Rohrer	Yewcic
Dent	Lederer	Rooney	Youngblood
Dermody	Leh	Rubley	Zimmerman
DeWeese	Lescovitz	Rudy	Zug
DiGirolamo	Levdansky	Sainato	
Donatucci	Lloyd	Santoni	Ryan,
Druce	Lucyk	Sather	Speaker
Durham	Lynch		

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—200

Adolph	Egolf	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Farmer	Marsico	Semmel
Bard	Feese	Masland	Serafini
Barley	Fichter	Mayermik	Shaner
Battisto	Fleagle	McCall	Sheehan
Bebko-Jones	Flick	McGeehan	Smith, B.
Belardi	Gamble	McGill	Smith, S. H.
Belfanti	Gannon	Melio	Snyder, D. W.
Birmelin	Geist	Merry	Staback
Bishop	George	Michlovic	Stairs
Blaum	Gladeck	Micoozie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Nailor	Stish
Bunt	Habay	Nickol	Strittmatter
Butkovitz	Haluska	Nyce	Sturla
Buxton	Hanna	O'Brien	Surra
Caltagirone	Harhart	Olasz	Tangretti
Cappabianca	Hasay	Oliver	Taylor, E. Z.
Carn	Hennessey	Perzel	Taylor, J.
Carone	Herman	Pesci	Thomas
Cawley	Hershey	Petrone	Tigue
Chadwick	Hess	Pettit	Travaglio
Civera	Horsey	Phillips	Trello
Clark	Hutchinson	Piccola	Trich
Clymer	Itkin	Pistella	True
Cohen, L. I.	Jadlowiec	Pitts	Tulli
Cohen, M.	James	Platts	Vance
Colafella	Jarolin	Preston	Van Horne
Colaizzo	Josephs	Ramos	Veon
Conti	Kaiser	Raymond	Vitali
Cornell	Keller	Readshaw	Walko
Corpora	Kenney	Reber	Washington
Corrigan	King	Reinard	Waugh
Cowell	Kirkland	Richardson	Williams
Coy	Krebs	Rieger	Wogan
Curry	Kukovich	Roberts	Wozniak
Daley	LaGrotta	Robinson	Wright, D. R.
DeLuca	Laughlin	Roebuck	Wright, M. N.
Dempsey	Lawless	Rohrer	Yewcic
Dent	Lederer	Rooney	Youngblood
Dermody	Leh	Rubley	Zimmerman
DeWeese	Lescovitz	Rudy	Zug
DiGirolamo	Levdansky	Sainato	
Donatucci	Lloyd	Santoni	Ryan,
Druce	Lucyk	Sather	Speaker
Durham	Lynch		

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

* * *

The House proceeded to third consideration of **HB 1169, PN 1306**, entitled:

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

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

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

The question is, shall the bill pass finally?

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

YEAS-199

Adolph	Egolf	Lynch	Sather
Allen	Fairchild	Maitland	Saylor
Argall	Fajt	Major	Schroder
Armstrong	Fargo	Manderino	Schuler
Baker	Farmer	Markosek	Scrimenti
Bard	Feese	Marsico	Semmel
Barley	Fichter	Masland	Serafini
Battisto	Fleagle	Mayermik	Shaner
Bebko-Jones	Flick	McCall	Sheehan
Belardi	Gamble	McGeehan	Smith, B.
Belfanti	Gannon	McGill	Smith, S. H.
Birmelin	Geist	Melio	Snyder, D. W.
Bishop	George	Merry	Staback
Blaum	Gladeck	Michlovic	Stairs
Boscola	Godshall	Micozzie	Steelman
Boyes	Gordner	Mihalich	Steil
Brown	Gruitza	Miller	Stern
Browne	Gruppo	Mundy	Stetler
Bunt	Habay	Nailor	Stish
Butkovitz	Haluska	Nickol	Strittmatter
Buxton	Hanna	Nyce	Sturla
Caltagirone	Harhart	O'Brien	Surra
Cappabianca	Hasay	Olasz	Tangretti
Carn	Hennessey	Oliver	Taylor, E. Z.
Carone	Herman	Perzel	Taylor, J.
Cawley	Hershey	Pesci	Thomas
Chadwick	Hess	Petrone	Tigue
Civera	Horsey	Pettit	Travaglio
Clark	Hutchinson	Phillips	Trello
Clymer	Itkin	Piccola	Trich
Cohen, L. I.	Jadlowiec	Pistella	True
Cohen, M.	James	Pitts	Tulli
Colafiglia	Jarolin	Platts	Vance
Colaizzo	Josephs	Preston	Van Horne
Conti	Kaiser	Ramos	Veon
Cornell	Keller	Raymond	Vitali
Corpora	Kenney	Readshaw	Walko
Corrigan	King	Reber	Washington
Cowell	Kirkland	Reinard	Waugh
Coy	Krebs	Richardson	Williams
Curry	Kukovich	Rieger	Wogan
Daley	LaGrotta	Roberts	Wozniak
DeLuca	Laughlin	Robinson	Wright, D. R.

Dempsey	Lawless	Roebuck	Wright, M. N.
Dent	Lederer	Rohrer	Yewcic
Dermody	Leh	Rooney	Youngblood
DeWeese	Lescovitz	Rublely	Zug
DiGirolamo	Levdansky	Rudy	
Donatucci	Lloyd	Sainato	Ryan, Speaker
Druce	Lucyk	Santoni	
Durham			

NAYS-0

NOT VOTING-1

Zimmerman

EXCUSED-3

Evans Gigliotti Petrarca

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

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

* * *

The House proceeded to third consideration of **HB 1170, PN 1302**, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Commerce.

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-200

Adolph	Egolf	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Farmer	Marsico	Semmel
Bard	Feese	Masland	Serafini
Barley	Fichter	Mayermik	Shaner
Battisto	Fleagle	McCall	Sheehan
Bebko-Jones	Flick	McGeehan	Smith, B.
Belardi	Gamble	McGill	Smith, S. H.
Belfanti	Gannon	Melio	Snyder, D. W.
Birmelin	Geist	Merry	Staback
Bishop	George	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Nailor	Stish
Bunt	Habay	Nickol	Strittmatter
Butkovitz	Haluska	Nyce	Sturla

Buxton	Hanna	O'Brien	Surra
Caltagirone	Harhart	Olasz	Tangretti
Cappabianca	Hasay	Oliver	Taylor, E. Z.
Carn	Hennessey	Perzel	Taylor, J.
Carone	Herman	Pesci	Thomas
Cawley	Hershey	Petrone	Tigue
Chadwick	Hess	Pettit	Travaglio
Civera	Horsey	Phillips	Trello
Clark	Hutchinson	Piccola	Trich
Clymer	Itkin	Pistella	True
Cohen, L. I.	Jadlowiec	Pitts	Tulli
Cohen, M.	James	Platts	Vance
Colafiglia	Jarolin	Preston	Van Horne
Colaizzo	Josephs	Ramos	Veon
Conti	Kaiser	Raymond	Vitali
Cornell	Keller	Readshaw	Walko
Corpora	Kenney	Reber	Washington
Corrigan	King	Reinard	Waugh
Cowell	Kirkland	Richardson	Williams
Coy	Krebs	Rieger	Wogan
Curry	Kukovich	Roberts	Wozniak
Daley	LaGrotta	Robinson	Wright, D. R.
DeLuca	Laughlin	Roebuck	Wright, M. N.
Dempsey	Lawless	Rohrer	Yewcic
Dent	Lederer	Rooney	Youngblood
Dermody	Leh	Rubley	Zimmerman
DeWeese	Lescovitz	Rudy	Zug
DiGirolamo	Levdansky	Sainato	
Donatucci	Lloyd	Santoni	Ryan,
Druce	Lucyk	Sather	Speaker
Durham	Lynch		

NAYS-0

NOT VOTING-0

EXCUSED-3

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

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

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the Democratic whip, who asks that the House return to leaves of absence and the gentleman, Mr. LaGROTTA, be placed on leave. Without objection, the gentleman is added to the leave call for the day. The Chair hears no objection.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 1171, PN 1307, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

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-199

Adolph	Egolf	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Farmer	Marsico	Semmel
Bard	Feese	Masland	Serafini
Barley	Fichter	Mayermik	Shaner
Battisto	Fleagle	McCall	Sheehan
Bebko-Jones	Flick	McGeehan	Smith, B.
Belardi	Gamble	McGill	Smith, S. H.
Belfanti	Gannon	Melio	Snyder, D. W.
Birmelin	Geist	Merry	Staback
Bishop	George	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Nailor	Stish
Bunt	Habay	Nickol	Strittmatter
Butkovitz	Haluska	Nyce	Sturla
Buxton	Hanna	O'Brien	Surra
Caltagirone	Harhart	Olasz	Tangretti
Cappabianca	Hasay	Oliver	Taylor, E. Z.
Carn	Hennessey	Perzel	Taylor, J.
Carone	Herman	Pesci	Thomas
Cawley	Hershey	Petrone	Tigue
Chadwick	Hess	Pettit	Travaglio
Civera	Horsey	Phillips	Trello
Clark	Hutchinson	Piccola	Trich
Clymer	Itkin	Pistella	True
Cohen, L. I.	Jadlowiec	Pitts	Tulli
Cohen, M.	James	Platts	Vance
Colafiglia	Jarolin	Preston	Van Horne
Colaizzo	Josephs	Ramos	Veon
Conti	Kaiser	Raymond	Vitali
Cornell	Keller	Readshaw	Walko
Corpora	Kenney	Reber	Washington
Corrigan	King	Reinard	Waugh
Cowell	Kirkland	Richardson	Williams
Coy	Krebs	Rieger	Wogan
Curry	Kukovich	Roberts	Wozniak
Daley	Laughlin	Robinson	Wright, D. R.
DeLuca	Lawless	Roebuck	Wright, M. N.
Dempsey	Lederer	Rohrer	Yewcic
Dent	Leh	Rooney	Youngblood
Dermody	Lescovitz	Rubley	Zimmerman
DeWeese	Levdansky	Rudy	Zug
DiGirolamo	Lloyd	Sainato	
Donatucci	Lucyk	Santoni	Ryan,
Druce	Lynch	Sather	Speaker
Durham			

NAYS-0

NOT VOTING-0

EXCUSED-4

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

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

* * *

The House proceeded to third consideration of **HB 714, PN 786**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for service to fire hydrants.

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

Mr. **TULLI** offered the following amendment No. **A1676**:

Amend Title, page 1, line 2, by inserting after "for"
billing for

Amend Sec. 1 (Sec. 1328), page 1, lines 8 through 18; page 2, lines 1 through 8, by striking out all of said lines on said pages and inserting § 1328. Service to fire hydrants.

In lieu of billing for providing service to fire hydrants, a public utility that furnishes water to the public shall calculate the rate for providing service to all fire hydrants and shall assess all customers a pro rata share of the charge for providing service to the fire hydrants. The pro rata share of the charge shall be included in the public utility's fixed or service charge, or minimum bill.

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

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

Mr. TULLI. Thank you, Mr. Speaker.

Amendment 1676 would take the cost of fire hydrants in a water company's area and have the water company pay 100 percent of the cost of operating those fire hydrants, and then the ratepayers would have the cost of running the fire hydrants in the rate base. It would take the cost of operation of the fire hydrants away from the municipalities and allow the municipalities to either lower taxes or keep taxes from going up in their next budget. This is something that also has the added benefit of having water companies that are acquiring troubled water companies to do them without the problems of dealing with what to do with the fire hydrants.

So enabling the municipalities to cut taxes, lowering the tax rate for your constituents, and allowing the companies to pick up the cost of the fire hydrants in their rate base is the purpose of this amendment, and I ask your support.

The SPEAKER. On the question of the adoption of the Tulli amendment, the Chair recognizes the lady from Delaware, Mrs. Durham.

Mrs. DURHAM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Tulli amendment.

If you are opposed to mandating a tax increase on your citizens, then you want to vote against the Tulli amendment. What the Tulli amendment does is it makes the ratepayer, taxpayer, who is the same person, instead of paying for the fire hydrant once, they pay for

the fire hydrant 1 1/2 times, because the municipalities are not going to reduce the taxes by the cost of the fire hydrant.

The Tulli amendment will have the effect of having the private water company, mandated by statute, go in and ask for a rate increase, and at the same time, the municipality keeps the tax rate at the same amount. So when your constituent calls you and complains to you that their water rate just went up and their taxes did not go down, the Tulli amendment mandated that increase. So instead of paying for the fire hydrant once, you pay for the fire hydrant 1 1/2 times.

I urge a negative vote on the Tulli amendment.

The SPEAKER. The gentleman from Somerset, Mr. Lloyd, is recognized on the Tulli amendment.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I also rise to oppose the Tulli amendment.

As the lady, Mrs. Durham, pointed out, what this does is to guarantee that your water bill will go up without guaranteeing that your taxes will go down.

Number two, what this does is to mark a significant departure from setting utility rates on the basis of cost of service, and we are making an arbitrary determination that we ought to charge for fire hydrants on some basis other than what is actual cost and that we ought to allocate those charges to somebody other than the person who normally would have paid the bill.

Mr. Speaker, you also ought to keep in mind that sometimes the municipalities which are part of a water company do not all have fire hydrants. It is possible in a rural area to have a water company which serves across a municipal boundary. There may be no fire hydrants in the municipality where I live and where five or six other customers live. If this amendment passes, the taxes, theoretically, for the people who live in the borough where there are fire hydrants could go down. I am going to pay more charge because I live in the township, and my taxes are not going to be affected at all because my municipality was not paying anything for fire hydrants in the first place.

This is not the road that we want to go down. We ought to base utility rates on costs, and we ought to reject this amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Clearfield, Mr. George, is recognized on the amendment.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I heard of late a couple of reasons why we should not support this amendment. I would like to give a couple of reasons why we should support this amendment.

I am reminded that when Bell Telephone in Pittsburgh spends a few million dollars, we in Houtzdale must help pay for that improvement, and whenever Bell Telephone or any other utility spends money, the entire system is obligated to help pay, but what better way to help a community than to place fire hydrants in a community that could ill afford them. Placing those fire hydrants not only protects life and person but it also reduces the premium on the fire insurance. I do not know where and what arguments can be provided and for what reason that would insist in any reality that this is not a good amendment.

Mr. Speaker, we should do the best we can to protect our constituents in the areas where there is no fire protection. I think we should support the Tulli amendment.

The SPEAKER. The gentleman, Mr. Tigue, from Luzerne County is recognized.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I stand to support the Tulli amendment.

One of the previous speakers mentioned about there will be an increase in the water rates of customers within that tariff. That is true. But those of us who are concerned about tax reform and who pays the cost of services of government should pay attention to this amendment.

Right now, the way the Public Utility Commission charges rates for hydrants, 50 percent is paid by their customers and 50 percent is paid by the municipality — that is, the taxpayers of the municipalities. That means that those tax-exempt properties, whether they are government agencies, nonprofit agencies, schools, et cetera, they do not pay their fair share of public protection, and that is what this amendment is about. When someone receives a service, they should pay for it. Fire service or fire protection, everyone in the community receives it, and I will make an analogy.

When we passed "911" legislation, the emergency response legislation, everyone's phone bill will receive a surcharge where it will be listed for that particular service. There is no real difference in this other than saying, well, right now they pay 50 percent, but the bottom line is, are your municipalities going to lower taxes? It is entirely up to them. The fact of the matter is that the people who are paying for the rate increases for the fire hydrants are the property-tax payers who get a two-edged whammy. One is they pay 50 percent in a rate already, and the other one is they pay for the charge the municipality receives. Therefore, those non-property-paying entities get off without paying for the service. They pay for water, they pay for sewage, and they pay for "911." Why should they not also pay for fire hydrants and for fire protection?

So I would ask you people who live in municipalities where you provide services to everyone that everyone should pay their fair share. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery County, Mr. Bunt.

Mr. BUNT. Thank you, Mr. Speaker.

Mr. Speaker, Representative George had gotten up to indicate a couple of reasons to support it. Mr. Speaker, I would like to give 10 million reasons why you should not support this amendment.

If you represent Bloomsburg Water Company, the ratepayers are going to pay \$45,280, additional cost to the ratepayers. Dauphin Consolidated Water Company, the ratepayers will pay additional fees of \$406,252. If you are serviced by General Waterworks, you will pay \$7,425 additional. If you are serviced by Mechanicsburg Water Company, \$84,759 additional; PA-American Water Company, \$3,753,053; Pennsylvania Gas and Water, \$1,349,501; Philadelphia Suburban Water Company, \$2,155,234; Roaring Creek Water Company, \$106,184; Shenango Valley Water Company, \$144,166; and in conclusion, Mr. Speaker, York Water Company, \$401,299.

There, Mr. Speaker, represents \$10 million and 10 million reasons not to vote for the Tulli amendment. Thank you, Mr. Speaker.

The SPEAKER. Did the gentleman, Mr. Lloyd, desire recognition for the second time on the question? The gentleman is in order and may proceed.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, we heard some arguments about why everybody ought to pay their fair share, and we heard some arguments about why it is good to create an incentive for municipalities to do things. Those same arguments have been made and rejected on the floor of this House for the last 15 or 20 years, and the argument has always

been that rates should reflect costs, and we should not say, let us just exempt all fire companies from paying utility bills; let us exempt all senior citizens from paying utility bills; let us exempt anybody with an income under \$10,000 from paying utility bills. You can make a good public policy argument for each and every one of those things, but once we start down that road, we are going to have a public utility ratemaking process which resembles the sales tax, and whether you pay or whether you do not is going to depend upon what the whim of the legislature was on some particular day and whether you were in favor or out of favor.

Utility companies have a constitutional right for an opportunity to earn a fair return on their investment. The best way to let them do that is to base rates on cost of service and not start down this slide of social ratemaking. Vote "no" on the amendment.

The SPEAKER. The gentleman, Mr. Tulli.

Mr. TULLI. Thank you, Mr. Speaker.

I am pleased that the gentleman from Montgomery County brought the mathematics of this amendment to us, because in rejecting this amendment, what you are saying is you are rejecting 10 million dollars' worth of tax relief to your citizens in your various municipalities. We are looking at lowering costs to municipalities, so the careful analysis of the reductions that would occur in the various water companies' territories are tax reductions for those municipalities. So when the gentleman from Montgomery County gave us that \$10-million figure on the increase for water hydrant, fire hydrant service, those are reductions in costs to municipalities. So I urge you to support those municipalities, because they will also be relieved of the burden of maintaining, cleaning, and flushing these fire hydrants in the whole system there, as the water companies take over complete control of them.

So I would ask once again that you consider this as a tax relief for the municipalities and let the water companies take over the cost and maintenance of the fire hydrants. Thank you.

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman from Luzerne, Mr. Tigue, for the second time on the question.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, we heard about how the rates may be and we are going down the road to socialist things, et cetera. That is false. The way the current rates are structured — And it is not in law; in fact, this bill would set it in law; HB 714, without amendment, would set in law the ratemaking that has been adopted by the Public Utility Commission, and that is that water customers now pay 50 percent of the cost of the hydrants and municipalities pay the other 50 percent. That is what the current system is. It is not law. The PUC figured out a formula, and they said that is it.

When you sit down as a municipality in our area, in the northeast, as a customer of Pennsylvania Gas and Water, and in the middle of a budget year you receive a 100-percent — that is right, 100 percent; it is not an exaggeration — increase in your fire hydrant cost, you have a problem.

When Mr. Bunt says that there are 10 million reasons, it means that the cost of the fire hydrants in those rate areas, the total is \$10 million, or it could be \$20 million if it is 50-50, but the point is, that \$10 million will be spread in all.

Mr. Lloyd's argument is that we are going to provide exemptions or maybe we are not going to provide exemptions. The point is that right now we charge people for services depending on what we decide. What I am saying is, those of us who talk about fairness in tax reform, one of the issues that always comes to the forefront is

tax-exempt properties. Tax-exempt properties, in essence, do not pay their fair share for the water bill or for the fire hydrants. If we pass this amendment, every customer will pay a percentage, a pro rata as it says, a pro rata share for fire service, fire hydrant service. That is what we are trying to achieve.

You have to answer in your own mind. Are you saying, yes, we should do this, or no? In essence, we have made a decision on these issues. As I said earlier, with "911," everyone pays a surcharge. Everyone pays a surcharge on a number of other things that provide service. Let us have everybody share the cost of fire hydrants. That is all this does. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the amendment, the Chair recognizes the gentleman from Clarion, Mr. Wright.

Mr. D. R. WRIGHT. Mr. Speaker, I had not intended to speak on this amendment until it was referred to as some kind of social engineering or social ratemaking, and despite my respect for the gentleman, Mr. Lloyd, that simply is not a fair characterization of this legislation which Mr. Tulli is proposing.

It simply provides for equal distribution of ratepaying. It is not social ratemaking; it is equal distribution of ratemaking and ratepaying, and I support the Tulli amendment.

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

Mr. KAISER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support amendment 1676.

My mother and father have lived in the same house in the city of Pittsburgh for 55 years. That is 55 years they have paid the water company to use those fire hydrants. My mother and father live on a very small pension and Social Security, yet there are some corporations in the city of Pittsburgh that do not pay for their fire hydrant service, such as Allegheny General Hospital, which is one of the largest nonprofit organizations in Allegheny County. This amendment boils down to an issue of fairness. Do we spread the cost? Yes, we should.

So please support amendment 1676.

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the lady from Delaware, Mrs. Durham.

Mrs. DURHAM. Mr. Speaker, when the amendment was discussed and it was discussed with representatives from local municipalities and it was suggested that we mandate that there be a tax reduction or a rebate, the local municipalities would not support the amendment. If I believed there was going to be a \$10-million tax decrease, I would have supported the Tulli amendment. But there is not going to be a \$10-million decrease; it is going to be an increase. Please do not support the Tulli amendment.

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

The following roll call was recorded:

YEAS-63

Barley	Daley	Michlovic	Shaner
Battisto	Dempsey	Mihalich	Snyder, D. W.
Bebko-Jones	Dermody	Mundy	Steelman
Belardi	Fairchild	Nailor	Steil
Birmelin	Fajt	Nickol	Stetler
Boscola	Farmer	Pesci	Strittmatter

Buxton	Gamble	Petrone	Sturla
Cappabianca	George	Pettit	Surra
Carone	Gruitza	Piccola	Tigue
Cawley	Hanna	Pistella	Trich
Clark	Kaiser	Platts	Tulli
Clymer	Krebs	Readshaw	Van Horne
Cohen, M.	Maitland	Robinson	Waugh
Corpora	Markosek	Rooney	Wright, D. R.
Cowell	Marsico	Saylor	Wright, M. N.
Coy	Merry	Serafini	

NAYS-136

Adolph	Fichter	Lloyd	Sather
Allen	Fleagle	Lucyk	Schroder
Argall	Flick	Lynch	Schuler
Armstrong	Gannon	Major	Scrimenti
Baker	Geist	Manderino	Semmel
Bard	Gladeck	Mastland	Sheehan
Belfanti	Godshall	Mayermik	Smith, B.
Bishop	Gordner	McCall	Smith, S. H.
Blaum	Gruppo	McGeehan	Staback
Boyes	Habay	McGill	Stairs
Brown	Haluska	Melio	Stern
Browne	Harhart	Micozzie	Stish
Bunt	Hasay	Miller	Tangretti
Butkovitz	Hennessey	Nyce	Taylor, E. Z.
Caltagirone	Herman	O'Brien	Taylor, J.
Carn	Hershey	Olasz	Thomas
Chadwick	Hess	Oliver	Travaglio
Civera	Horsey	Perzel	Trello
Cohen, L. I.	Hutchinson	Phillips	True
Colafella	Itkin	Pitts	Vance
Colaizzo	Jadlowiec	Preston	Veon
Conti	James	Ramos	Vitali
Cornell	Jarolin	Raymond	Walko
Corrigan	Josephs	Reber	Washington
Curry	Keller	Reinard	Williams
DeLuca	Kenney	Richardson	Wogan
Dent	King	Rieger	Wozniak
DeWeese	Kirkland	Roberts	Yewcic
DiGirolamo	Kukovich	Roebuck	Youngblood
Donatucci	Laughlin	Rohrer	Zimmerman
Druce	Lawless	Rubley	Zug
Durham	Lederer	Rudy	
Egolf	Leh	Sainato	Ryan, Speaker
Fargo	Lescovitz	Santoni	
Feese	Levdansky		

NOT VOTING-0

EXCUSED-4

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

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

Mr. PRESTON offered the following amendment No. A1612:

Amend Sec. 1 (Sec. 1328), page 1, line 12, by striking out all of said line and inserting

(b) Charge to municipalities;

(1) In determining the rates to

Amend Sec. 1 (Sec. 1328), page 2, line 2, by striking out "Any such costs not recovered from the" and inserting This paragraph shall not apply to a city of the second class.

(2) Costs under paragraph (1) which are not recovered from

the

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

The SPEAKER. On the question of the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

Very quickly, the city of Pittsburgh has a very unique situation where we have a certain segment of our city where the residents are served by an outside water company, which charges a higher rate than what the city charges the rest of the residents.

So that we can keep some form of uniformity, we must directly subsidize those ratepayers, and because we do not charge anybody else, as far as the fire hydrants in the city of Pittsburgh, this amendment will exempt the city of Pittsburgh for such a problem.

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

The following roll call was recorded:

YEAS—195

- | | | | |
|--------------|------------|------------|---------------|
| Adolph | Egolf | Maitland | Sather |
| Allen | Fairchild | Major | Saylor |
| Argall | Fajt | Manderino | Schroder |
| Armstrong | Fargo | Markosek | Schuler |
| Baker | Farmer | Marsico | Scrimenti |
| Bard | Feese | Masland | Semmel |
| Barley | Fichter | Mayernik | Serafini |
| Battisto | Fleagle | McCall | Shaner |
| Bebko-Jones | Flick | McGeehan | Sheehan |
| Belardi | Gamble | McGill | Smith, B. |
| Belfanti | Gannon | Melio | Smith, S. H. |
| Birmelin | Geist | Merry | Snyder, D. W. |
| Blaum | George | Michlovic | Staback |
| Boscola | Gladeck | Micozzie | Stairs |
| Boyes | Godshall | Mihalich | Steelman |
| Brown | Gordner | Miller | Steil |
| Browne | Gruitza | Mundy | Stern |
| Bunt | Gruppo | Nailor | Stetler |
| Butkovitz | Habay | Nickol | Stish |
| Buxton | Haluska | Nyce | Strittmatter |
| Caltagirone | Hanna | O'Brien | Sturla |
| Cappabianca | Harhart | Olasz | Surra |
| Carn | Hasay | Oliver | Tangretti |
| Carone | Hennessey | Perzel | Taylor, E. Z. |
| Cawley | Herman | Pesci | Taylor, J. |
| Chadwick | Hershey | Petrone | Travaglio |
| Civera | Hess | Pettit | Trello |
| Clark | Hutchinson | Phillips | Trich |
| Clymer | Itkin | Piccola | True |
| Cohen, L. I. | Jadlowiec | Pistella | Tulli |
| Cohen, M. | James | Pitts | Vance |
| Colaifella | Jarolin | Platts | Van Horne |
| Colaizzo | Josephs | Preston | Veon |
| Conti | Kaiser | Ramos | Vitali |
| Cornell | Keller | Raymond | Walko |
| Corpora | Kenney | Readshaw | Washington |
| Corrigan | King | Reber | Waugh |
| Cowell | Kirkland | Reinard | Williams |
| Coy | Krebs | Richardson | Wogan |
| Curry | Kukovich | Rieger | Wozniak |
| Daley | Laughlin | Roberts | Wright, D. R. |
| DeLuca | Lawless | Robinson | Wright, M. N. |

- | | | | |
|------------|-----------|---------|------------|
| Dempsey | Lederer | Roebuck | Yewcic |
| Dent | Leh | Rohrer | Youngblood |
| Dermody | Lescovitz | Rooney | Zimmerman |
| DeWeese | Levdansky | Rubley | Zug |
| DiGirolamo | Lloyd | Rudy | |
| Donatucci | Lucyk | Sainato | Ryan, |
| Druce | Lynch | Santoni | Speaker |
| Durham | | | |

NAYS—4

- | | | | |
|--------|--------|--------|-------|
| Bishop | Horsey | Thomas | Tigue |
|--------|--------|--------|-------|

NOT VOTING—0

EXCUSED—4

- | | | | |
|-------|-----------|---------|----------|
| Evans | Gigliotti | LaGrota | Petrarca |
|-------|-----------|---------|----------|

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

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

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

The question is, shall the bill pass finally?

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

YEAS—188

- | | | | |
|--------------|------------|-----------|---------------|
| Allen | Egolf | Maitland | Saylor |
| Argall | Fairchild | Major | Schroder |
| Armstrong | Fajt | Manderino | Schuler |
| Baker | Fargo | Markosek | Semmel |
| Bard | Farmer | Marsico | Serafini |
| Barley | Feese | Masland | Shaner |
| Battisto | Fichter | Mayernik | Sheehan |
| Bebko-Jones | Fleagle | McCall | Smith, B. |
| Belardi | Flick | McGeehan | Smith, S. H. |
| Belfanti | Gamble | McGill | Snyder, D. W. |
| Birmelin | Gannon | Melio | Staback |
| Bishop | Geist | Merry | Stairs |
| Blaum | George | Michlovic | Steelman |
| Boscola | Gladeck | Micozzie | Steil |
| Boyes | Godshall | Mihalich | Stern |
| Brown | Gordner | Miller | Stish |
| Browne | Gruitza | Mundy | Strittmatter |
| Bunt | Gruppo | Nyce | Sturla |
| Butkovitz | Habay | O'Brien | Surra |
| Buxton | Haluska | Olasz | Tangretti |
| Caltagirone | Harhart | Oliver | Taylor, E. Z. |
| Cappabianca | Hasay | Perzel | Taylor, J. |
| Carn | Hennessey | Pesci | Thomas |
| Cawley | Herman | Petrone | Tigue |
| Chadwick | Hershey | Pettit | Travaglio |
| Civera | Hess | Phillips | Trello |
| Clark | Horsey | Piccola | Trich |
| Clymer | Hutchinson | Pistella | True |
| Cohen, L. I. | Itkin | Pitts | Vance |
| Cohen, M. | Jadlowiec | Platts | Van Horne |
| Colaifella | James | Preston | Veon |
| Colaizzo | Jarolin | Ramos | Vitali |
| Conti | Josephs | Raymond | Walko |
| Cornell | Kaiser | Readshaw | Washington |

Corpora	Keller	Reber	Waugh
Corrigan	Kenny	Richardson	Williams
Cowell	King	Rieger	Wogan
Coy	Kirkland	Roberts	Wozniak
Curry	Krebs	Robinson	Wright, D. R.
DeLuca	Kukovich	Roebuck	Wright, M. N.
Dempsey	Laughlin	Rohrer	Yewcic
Dent	Lawless	Rooney	Youngblood
Dermody	Lederer	Rubley	Zimmerman
DeWeese	Leh	Rudy	Zug
DiGirolamo	Lescovitz	Sainato	
Donatucci	Levdansky	Santoni	Ryan,
Druce	Lucyk	Sather	Speaker
Durham	Lynch		

NAYS-9

Carone	Lloyd	Nickol	Stetler
Daley	Nailor	Scrimenti	Tulli
Hanna			

NOT VOTING-2

Adolph	Reinard
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EXCUSED-4

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

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

* * *

The House proceeded to third consideration of **HB 659, PN 967**, entitled:

An Act amending the act of July 3, 1986 (P.L.396, No.86), entitled "An act requiring notice of rate increases, policy cancellations and nonrenewals by property and casualty insurers," further providing for increases in premium rates.

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

The SPEAKER. The Chair recognizes the gentleman from Bucks County, Mr. DiGirolamo. Does the gentleman have amendments for this bill ?

The clerk will read the amendment.

The clerk will suspend.

Is the gentleman withdrawing these amendments ?

Mr. DIGIROLAMO. Mr. Speaker, I would like to withdraw the amendment at this time, Mr. Speaker.

The SPEAKER. The House thanks the gentleman.

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

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

The question is, shall the bill pass finally ?

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

YEAS-199

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

NAYS-0

NOT VOTING-0

EXCUSED-4

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

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

The SPEAKER. The Chair has asked the lady, Mrs. Vance, to temporarily preside.

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

VOTE CORRECTIONS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Tangretti, from Westmoreland County. For what purpose does the gentleman rise?

Mr. TANGRETTI. Thank you, Madam Speaker.

Madam Speaker, if it is appropriate, I would like to correct the record at this time.

On yesterday's vote on amendment 1567 on HB 1073, I was not in my seat, but I would like to be recorded in the positive. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the lady from Philadelphia, Ms. Manderino. For what purpose does the lady rise?

Ms. MANDERINO. Correction of the record in the regular session, Madam Speaker.

The SPEAKER pro tempore. The lady may proceed.

Ms. MANDERINO. On amendment 1597 to HB 1073 yesterday, I was not recorded as having voted. I would wish to be recorded in the affirmative. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 247, PN 1300**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further prohibiting prostitution.

On the question,

Will the House agree to the bill on third consideration?

Mr. **BLAUM** offered the following amendment No. **A1575**:

Amend Title, page 1, line 2, by inserting after "Statutes,"
defining the offense of neglect of a care-dependent person; and

Amend Bill, page 1, lines 5 through 7, by striking out all of said lines and inserting

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

§ 2713. Neglect of a care-dependent person.

(a) Offense defined.—A caretaker is guilty of neglect of a care-dependent person if he:

(1) Intentionally, knowingly or recklessly causes bodily injury or serious bodily injury by failing to provide treatment, care, goods or services necessary to preserve the health, safety or welfare of a care-dependent person for whom he is responsible to provide care.

(2) Intentionally or knowingly uses a physical restraint or chemical restraint or medication on a care-dependent person, or isolates a care-dependent person contrary to law or regulation, such that bodily injury or serious bodily injury results.

(b) Penalty.

(1) A violation of subsection (a)(1) constitutes a misdemeanor of the first degree if the victim suffers bodily injury.

(2) A violation of subsection (a)(1) constitutes a felony of the first degree if the victim suffers serious bodily injury.

(3) A violation of subsection (a)(2) constitutes a misdemeanor of the first degree if the victim suffers bodily injury.

(4) A violation of subsection (a)(2) constitutes a felony of the first degree if the victim suffers serious bodily injury.

(c) Report during investigation.—When in the course of conducting any regulatory or investigative responsibility, the Department of Aging, the Department of Health or the Department of Public Welfare has a reasonable cause to believe that a care-dependent person or care-dependent persons residing in a facility have suffered bodily injury or been unlawfully restrained in violation of subsection (a)(1) or (2), a report shall be made immediately to the local law enforcement agency or to the Office of Attorney General.

(d) Enforcement.

(1) The district attorneys of the several counties shall have authority to investigate and to institute criminal proceedings for any violations of this section.

(2) In addition to the authority conferred upon the Attorney General under the act of October 15, 1980 (P.L. 950, No. 164), known as the Commonwealth Attorneys Act, the Attorney General shall have the authority to investigate and institute criminal proceedings for any violation of this section or any series of such violations involving more than one county of this Commonwealth or involving any county of this Commonwealth and another state. A person charged with a violation of this section by the Attorney General shall not have standing to challenge the authority of the Attorney General to investigate or prosecute the case and, if any such challenge is made, the challenge shall be dismissed and no relief shall be available in the courts of this Commonwealth to the person making the challenge.

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

"Care-dependent person." Any adult who, due to physical or cognitive disability or impairment, requires assistance to meet his needs for food, shelter, clothing, personal care or health care.

"Caretaker." Any person who:

(1) is an owner, operator, manager or employee of a nursing home, personal care home, domiciliary care home, community residential facility, adult daily living center, home health agency or home health service provider whether licensed or unlicensed;

(2) provides care to a care-dependent person in the setting described in paragraph (1); or

(3) has an obligation to care for a care-dependent person for monetary consideration in the settings described in paragraph (1), or in the care-dependent person's home.

"Person." A natural person, corporation, partnership, unincorporated association or other business entity.

Section 2. Section 5902(c) of Title 18 is amended and the section is amended by adding a subsection to read:

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

3

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Blaum, from Luzerne on the amendment.

Mr. BLAUM. Thank you, Madam Speaker.

Madam Speaker, today the members, earlier in the Vance bills, passed some fine legislation in order to better protect the elderly in

care-dependent facilities. What we have before us here is an amendment to this legislation, which we have worked on with the Attorney General's Office and obtained his support so that we are able to not only find out where these cases of abuse are throughout Pennsylvania but also to prosecute them when we find them.

What this amendment does is establish criminal penalties for neglect of care-dependent adults, and neglect is defined as the intentional, knowing, or reckless failure of a caretaker to provide the treatment, care, goods, or services necessary to maintain the health, safety, and welfare of a care-dependent person.

We have seen, in various parts of Pennsylvania, outrageous cases. There are pictures up here of the victims of some of these cases — and believe me, you need a very strong stomach to look at them — where people in some care-dependent facilities were just allowed to rot because they did not have the families who came to visit them; they did not have the friends who came to visit them, and even though there was a contract there to provide for the care of these older persons, what was allowed to happen to them was absolutely disgraceful.

Under current law, the Attorney General prosecuted those cases but is unable to get convictions because we do not have the law to get it done, and the only thing that we are able to do is, through regulatory and civil penalties, impose fines.

This really comes to a matter which the gentleman, Mr. Richardson, raised earlier on the previous bill, is that how do you get at those who have set a policy of reckless neglect of some of our older citizens, and this is the way to do it.

Again, this legislation was worked on last session in the Aging and Youth Committee with the support of the Attorney General's Office, and it is something that we need in Pennsylvania. Many other States have it throughout this country, and I would ask for an affirmative vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lebanon County, Mr. Zug.

Mr. ZUG. Thank you, Madam Speaker.

As prime sponsor of this legislation, I do not oppose the amendment.

The SPEAKER pro tempore. The gentleman, Mr. Richardson, do you wish to be recognized on the amendment?

Mr. RICHARDSON. Yes, I do, Madam Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. RICHARDSON. Madam Speaker, I would like to know whether or not I may be able to interrogate the prime sponsor of this amendment.

The SPEAKER pro tempore. The gentleman indicates that he is agreeable. You may proceed.

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

Madam Speaker, I heard the gentleman indicate that this amendment helps to deal with the issue I raised earlier about owners of those personal care boarding homes and those other individuals who in fact run nursing homes, et cetera. I would like to know now whether or not under this particular bill, HB 247, the actual amendment, A1575, actually deals with that issue.

Mr. BLAUM. Thank you, Madam Speaker.

Yes, Madam Speaker, I think it does, where there would be a policy of neglect on any facility, and I am sure that members of the Health and Welfare Committee, as well as members of the Aging and Youth Committee, have been aware of these issues in only a small number of facilities.

Let me say right here that 99 percent of our facilities throughout Pennsylvania do a fine job, but we do have rogue facilities that just have a pattern of abuse and neglect of citizens who, again, are allowed to lay in their bed, lay in waste, not receive the proper care for which they have contracted and are paying money, where their skin has just rotted away right down to the bone. Again, I described to you and mentioned earlier pictures that I do not like to look at and have not for some time that describe some horrible situations.

Obviously, through an investigation, it would determine who would be responsible, but in many of these cases, the Attorney General has tried to prosecute not only the persons who had hands-on responsibility for those persons who were allowed to rot away and die but also the owners of the facility whose policy of neglect allowed that to happen. Right now all we can get in Pennsylvania are regulatory fines, whereas in other cases they were able to get actual convictions for the neglect, abuse, and, in some cases, deaths of these persons.

So it would go to what the gentleman raised, and the responsibility would be fixed obviously wherever it lies, but in some cases, the Attorney General has believed in the past that it went all the way to the top.

Mr. RICHARDSON. Madam Speaker, then is it your feeling that the definition of a care-dependent person can in fact be an owner?

We are having a very difficult time hearing. I asked a question, and the gentleman cannot hear. Madam Speaker, if we could have some order. It is an important bill.

The SPEAKER pro tempore. They are unable to hear the answers to the questions. Could I please ask the members to quiet down. Thank you.

Mr. RICHARDSON. Thank you, Madam Speaker.

Madam Speaker, the question is whether or not a care-dependent person would, in your definition, also be the owner?

Mr. BLAUM. Well, the care-dependent person would be the victim, the person who is dependent on others with a contractual arrangement. There must be a contractual arrangement, and therefore, they are paying and are totally dependent on the care of other people, so an owner of a facility, if it was indeed just a policy of neglect throughout the entire facility, that administrator could indeed, in that situation, be liable.

Mr. RICHARDSON. All right.

My only concern is that if we do not define specific areas — and that is all I am trying to get at — if we do not define “administrator,” “owners,” “boards” that exist, if they make up the board of those individuals that know that this is going on within a particular facility, would this also make those individuals liable for anything that is going on with respect to the issues that you raised, because when I see those bedsores and I see the neglect of people sitting in wheelchairs inside of a sun deck all day, I do not know if you are talking about the person who took care of the person or the willfulness of the institution itself that allowed that to go on because there is no organizing effort at the top to talk about what the punishment should be at the bottom.

Mr. BLAUM. Again, Madam Speaker, obviously that would be the result of the investigation done by the Attorney General's Office, and if they discovered that that responsibility went all the way to the top, certainly that is where they would follow the evidence and follow the investigation. But you may have an administrator whose policy is not that, but certain staff individuals may be actually perpetrating the crime on their own unbeknownst to the administrator and owners of the facility. Then they would not be liable.

Again, each investigation would be different, but right now in Pennsylvania we have nothing that allows the Attorney General to do his job and pursue a criminal investigation where some of these absolutely deplorable situations exist.

Mr. RICHARDSON. That is why I think, Madam Speaker, that when it came down to talking about criminal background checks, that if we are going to be all over encompassing of making sure that we are talking about everyone, then it seems to me that we start at the wrong place, and my argument was that if you are talking about people at this rung, if they get through whatever cracks that may exist but you have people at the top who you do not do any criminal background check on at all, I am concerned that in this bill we are still not dealing with owners, because the investigation, of course, is dependent on who gives the misguidance or gives the misrepresentation or administers ill-treatment to a number of these individuals, and I just wanted to clarify that this is what the amendment did.

I have no problem supporting the amendment. I just want to make sure that at some point we get to the rest of the area as it deals with statutes as it relates to owners and all administrators that are in these facilities to make sure they have the same background check that is necessary on their criminal behavior past as well as future activities that will require the Attorney General to do his job thoroughly.

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

The following roll call was recorded:

YEAS--195

- | | | | |
|--------------|------------|-----------|---------------|
| dolph | Fajt | Major | Saylor |
| Allen | Fargo | Manderino | Schuler |
| Argall | Farmer | Markosek | Scrimenti |
| Armstrong | Feese | Marsico | Semmel |
| Baker | Fichter | Masland | Serafini |
| Bard | Fleagle | Mayernik | Shaner |
| Barley | Flick | McCall | Sheehan |
| Battisto | Gamble | McGeehan | Smith, B. |
| Bebko-Jones | Gannon | McGill | Smith, S. H. |
| Belardi | Geist | Melio | Snyder, D. W. |
| Belfanti | George | Merry | Staback |
| Birmelin | Gladeck | Michlovic | Stairs |
| Bishop | Godshall | Micozzie | Steelman |
| Blaum | Gordner | Mihalich | Steil |
| Boscola | Gruitza | Miller | Stern |
| Boyes | Gruppo | Mundy | Stetler |
| Brown | Habay | Nailor | Stish |
| Browne | Haluska | Nickol | Strittmatter |
| Bunt | Hanna | Nyce | Sturla |
| Butkovitz | Harhart | O'Brien | Surra |
| Buxton | Hasay | Olasz | Tangretti |
| Caftagirono | Hennessey | Oliver | Taylor, E. Z. |
| Cappabianca | Herman | Perzel | Taylor, J. |
| Cam | Hershey | Pesci | Thomas |
| Carone | Hess | Petrone | Tigue |
| Cawley | Horsey | Pettit | Travaglio |
| Chadwick | Hutchinson | Phillips | Trello |
| Civera | Itkin | Piccola | Trich |
| Clymer | Jadlowiec | Pistella | True |
| Cohen, L. I. | James | Pitts | Tulli |
| Cohen, M. | Jarolin | Platts | Vance |
| Colafella | Josephs | Preston | Van Horne |
| Colaizzo | Kaiser | Ramos | Veon |
| Conti | Keller | Raymond | Vitali |
| Corpora | Kenney | Readshaw | Walko |
| Cowell | King | Reber | Washington |

- | | | | |
|------------|-----------|------------|---------------|
| Coy | Kirkland | Reinard | Waugh |
| Curry | Krebs | Richardson | Williams |
| Daley | Kukovich | Rieger | Wogan |
| DeLuca | Laughlin | Roberts | Wozniak |
| Dempsey | Lawless | Robinson | Wright, D. R. |
| Dent | Lederer | Roebuck | Wright, M. N. |
| Dermody | Leh | Rohrer | Yewcic |
| DeWeese | Lescovitz | Rooney | Youngblood |
| DiGirolamo | Levdansky | Rubley | Zimmerman |
| Donatucci | Lloyd | Rudy | Zug |
| Druce | Lucyk | Sainato | |
| Durham | Lynch | Santoni | Ryan, |
| Egolf | Maitland | Sather | Speaker |
| Fairchild | | | |

NAYS--0

NOT VOTING--3

- | | | |
|-------|---------|----------|
| Clark | Cornell | Schroder |
|-------|---------|----------|

EXCUSED--5

- | | | | |
|----------|-----------|----------|----------|
| Corrigan | Gigliotti | LaGrotta | Petrarca |
| Evans | | | |

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

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

Mr. STURLA offered the following amendment No. A1510:

Amend Sec. 1, page 1, line 7, by striking out "a subsection" and inserting

subsections

Amend Sec. 1 (Sec. 5902), page 2, by inserting between lines 20 and 21

(e.1) Prostitution near schools.—A person who commits an offense under this section within 1,000 feet of the real property on which a public, private or parochial school is located shall, upon conviction, in addition to the minimum sentence imposed, be sentenced to a term of imprisonment of not less than three months nor more than six months' total confinement and to pay a fine of not less than \$2,500 nor more than \$5,000.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Zug, from Lebanon County.

Mr. ZUG. Could we yield for a second? I think there is a problem with the order.

The SPEAKER pro tempore. The gentleman, Mr. Sturla, may proceed.

Mr. STURLA. Thank you, Madam Speaker.

Madam Speaker, this amendment simply says, "Prostitution near schools.—A person who commits an offense under this section within 1,000 feet of the real property on which a public, private or parochial school is located shall, upon conviction, in addition to the minimum sentence imposed, be sentenced to a term of imprisonment of not less

than three months nor more than six months' total confinement and to pay a fine of not less than \$2,500 nor more than \$5,000."

The reason behind this is an incident that occurred in my district, but since, I understand, occurs in many districts, where prostitutes frequent school playgrounds as the place to ply their trade because they are usually off the beaten path a little bit. So what we have experienced in my district is that when the school children come to school in the morning, they get the paraphernalia that is left as a result of the prostitutes plying their trade as well as the paraphernalia that is left as a result of some of these prostitutes being involved in IV (intravenous) drug use, so that when those children arrive in the morning, they are finding used condoms and used drug needles which may be carrying the HIV (human immunodeficiency virus) infection with them. So in an attempt to try and move the prostitution trade away from children, this amendment has been offered.

I noticed that in the bill we have gone to great lengths to make sure that those people who patronize prostitutes have some protection from prostitutes who are spreading AIDS (acquired immune deficiency syndrome), and I would hope that my attempt here to protect children from those same diseases, from those prostitutes, would carry equal weight. If we cannot protect children in our Commonwealth the same way we protect johns, then something is really wrong with the way we do business in the State of Pennsylvania.

Thank you.

The SPEAKER pro tempore. Would the gentleman, Mr. Sturla, please come to the desk.

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

Mr. ZUG. Thank you, Madam Speaker.

I rise to oppose the Sturla amendment, not the concept but the vehicle that Mr. Sturla uses to send his legislation to the Senate. I think his ideas are good. But the bill that I have introduced and am here today to promote is a bill that deals with AIDS and prostitution, and I think that we ought to try to keep the bill specific to those points.

I would support and hope Mr. Sturla pursues a different avenue to take his idea through the committee process. I think leadership on both sides of the aisle has done an outstanding job to try to keep legislation used in the committee system.

I would hope that we will defeat this amendment and come back another day to discuss the issue.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster County, Mr. Armstrong.

Mr. ARMSTRONG. Thank you, Madam Speaker.

I would like to interrogate the prime sponsor of the amendment, please.

The SPEAKER pro tempore. The gentleman agrees to the interrogation. The gentleman may proceed.

Mr. ARMSTRONG. Madam Speaker, sometimes it is very easy to get caught up in the emotions of an issue and pick up a particular facet of it that would sound pretty good, like mom and apple pie, to get behind it. But I would just like to know if you foresee into the future, by creating these prostitution-free zones, that we would also have signs up around saying this is a prostitution-free zone from the school?

Mr. STURLA. No, Madam Speaker.

Mr. ARMSTRONG. Well, okay. Thank you.

That ends my interrogation, but I would like to comment on the amendment.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. ARMSTRONG. I know that question may sound rather strange and farfetched, but we already see those signs up for drug-free zones, and I just tried to use it as an example as to why we can kind of stretch an issue too far.

Prostitution is already illegal. We can already prosecute prostitutes, and what Representative Zug is doing is commendable.

I would echo his concerns that we keep focused to the issue, we defeat the amendment, and possibly in the future deal with this issue another time, but now is not the time to deal with this issue. Thank you.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Itkin, who asks that the gentleman, Mr. CORRIGAN, from Bucks County be placed on leave.

CONSIDERATION OF HB 247 CONTINUED

PARLIAMENTARY INQUIRY

AMENDMENT DIVIDED

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

Mr. STURLA. Thank you, Madam Speaker.

It has been brought to my attention that as a result of the Blaum amendment, I would need to divide this amendment. I would seek to do that at this point in time between lines 3 and 4 and, in turn, disregard lines 1 through 3 and have lines 4 through 14 taken up.

The SPEAKER pro tempore. The amendment can be so divided.

It is the Chair's understanding that lines 1 through 3 will be deleted, and we will be voting on lines 4 through 14.

On the question,

Will the House agree to part 2 of the amendment?

The SPEAKER pro tempore. Does the gentleman, Mr. Zug, wish to be recognized for the second time?

Mr. ZUG. Yes, Madam Speaker.

Again, I would ask the members of the General Assembly to vote "no" on this amendment, and we can hopefully take it up in committee and use the committee system, which we have done so successfully this session. Thank you, Madam Speaker.

On the question recurring,

Will the House agree to part 2 of the amendment?

The following roll call was recorded:

YEAS—99

Battisto	DeWeese	Markosek	Scrimenti
Bebko-Jones	Donatucci	Mayernik	Shaner
Belardi	Fajt	McCall	Staback
Belfanti	Gamble	McCeehan	Steelman
Bishop	George	Melio	Steil
Blaum	Gordner	Michlovic	Stetler
Boscola	Gruitza	Mihalich	Sturla
Butkovitz	Haluska	Mundy	Surra
Buxton	Hanna	Olasz	Tangretti
Caltagirone	Horsey	Oliver	Thomas

Cappabianca	Itkin	Pesci	Tigue
Carn	James	Petrone	Travaglio
Cawley	Jarolin	Pistella	Trello
Cohen, L. I.	Josephs	Preston	Trich
Cohen, M.	Kaiser	Ramos	Van Home
Colafiglia	Keller	Readshaw	Veon
Colaizzo	Kirkland	Richardson	Vitali
Corpora	Kukovich	Rieger	Walko
Cowell	Laughlin	Roberts	Washington
Coy	Lederer	Robinson	Williams
Curry	Lescovitz	Roebuck	Wozniak
Daley	Levdansky	Rooney	Wright, D. R.
DeLuca	Lloyd	Rudy	Yewcic
Dent	Lucyk	Sainato	Youngblood
Dermody	Manderino	Santoni	

NAYS-99

Adolph	Farmer	Maitland	Schroder
Allen	Feese	Major	Schuler
Argall	Fichter	Marsico	Semmel
Armstrong	Fleagle	Masland	Serafini
Baker	Flick	McGill	Sheehan
Bard	Gannon	Merry	Smith, B.
Barley	Geist	Micozzie	Smith, S. H.
Birmelin	Gladeck	Miller	Snyder, D. W.
Boyes	Godshall	Nailor	Stairs
Brown	Gruppo	Nickol	Stern
Browne	Habay	Nyce	Stish
Bunt	Harhart	O'Brien	Strittmatter
Carone	Hasay	Perzel	Taylor, E. Z.
Chadwick	Hennessey	Pettit	Taylor, J.
Civera	Herman	Phillips	True
Clark	Hershey	Piccola	Tulli
Clymer	Hess	Pitts	Vance
Conti	Hutchinson	Platts	Waugh
Cornell	Jadlowiec	Raymond	Wogan
Dempsey	Kenney	Reher	Wright, M. N.
DiGirolamo	King	Reinard	Zimmerman
Druce	Krebs	Rohrer	Zug
Durham	Lawless	Rubley	
Egolf	Leh	Sather	Ryan,
Fairchild	Lynch	Saylor	Speaker
Fargo			

NOT VOTING-0

EXCUSED-5

Corrigan	Gigliotti	LaGrotta	Petrarca
Evans			

Less than the majority having voted in the affirmative, the question was determined in the negative and part 2 of the amendment was not agreed to.

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

Ms. JOSEPHS offered the following amendment No. A1521:

Amend Sec. 1, page 1, line 7, by striking out "a subsection" and inserting

subsections

Amend Sec. 1 (Sec. 5902), page 2, by inserting between lines 20 and 21

(e.1) Grading of offenses under subsection (e).—An offense under subsection (e) constitutes a felony of the third degree if the person who

committed the offense was knowingly human immunodeficiency virus (HIV) positive or infected with acquired immune deficiency syndrome (AIDS) virus.

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

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Josephs.

Ms. JOSEPHS. Thank you, Madam Speaker.

If the Speaker would indulge me, I think I can withdraw at least one amendment if you let me do it in a slightly different order.

The SPEAKER pro tempore. Which amendment would the lady wish to offer?

Ms. JOSEPHS. I would like to interrogate the majority leader, and when I get his answer, I will withdraw amendment 1610, and I would like to get that out of the way first, if I might.

The SPEAKER pro tempore. Under unanimous consent, the majority leader agrees. The lady may proceed.

Ms. JOSEPHS. Thank you, Madam Speaker.

Madam Speaker, the language that I was about to offer is covered in special session SB 2. If you will assure this body and myself that we will take that bill up today, I would be happy to withdraw this amendment.

Mr. PERZEL. There is going to be a Rules Committee in 1 hour to vote it out, and it will be on a supplemental calendar. We are voting it today.

Ms. JOSEPHS. Thank you, Madam Speaker.

Madam Speaker, I therefore ask to withdraw amendment 1610, and I would like, with your indulgence, to offer amendment 1522 next.

AMENDMENT WITHDRAWN TEMPORARILY

The SPEAKER pro tempore. Amendment 1521 will be temporarily withdrawn.

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

Ms. JOSEPHS offered the following amendment No. A1522:

Amend Sec. 1 (Sec. 5902), page 1, line 14, by removing the period after "virus" and inserting

and where that person has engaged in sexual activity that involves the exchange of bodily fluids.

Amend Sec. 1 (Sec. 5902), page 2, line 17, by removing the period after "VIRUS" and inserting

and where that person has engaged in sexual activity that involves the exchange of bodily fluids.

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

The SPEAKER pro tempore. The lady may proceed with amendment 1522.

Ms. JOSEPHS. Thank you, Madam Speaker.

This amendment brings more focus to this crime. The bill as it is proposed would heighten, would increase penalties for a prostitute who engages in acts of prostitution if he or she — most commonly

"she," I believe - knows that she has HIV or AIDS. What I am trying to zero in on is that definition of acts of prostitution. Under our statute, loitering with intent to engage in prostitution is a criminal act of prostitution. That act does not pass HIV; it does not transmit a virus.

There are many other acts of prostitution - and I am going to put them on the record so that people know what I am talking about - which do not have anything at all with transmitting HIV or AIDS. For instance, a client may hire a prostitute to get undressed in front of him, to talk dirty to him, to engage in some masochistic act which involves beating or torture, to engage in an act of oral sex using a condom, or any kind of sex using a condom. None of these acts, including just loitering outside and soliciting a customer, have any possibility of transmitting the HIV virus.

I think that if we do not pass this amendment, if we let the bill go as it is, we will (a) cost the taxpayers a fair amount of money, because the first time or the second time or the third time one of these gets into court, the bill will be struck down by a judge who will say that it is void for vagueness, and (b) I think we are going to look less than educated about this issue, and our editorial boards and our public health activists, our medical establishment people back home will know that. They are going to say, oh, the legislature thinks you can get HIV from standing on a street corner and soliciting sex.

So I ask for a "yes" vote on this amendment. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lebanon County, Mr. Zug.

Mr. ZUG. Thank you, Madam Speaker.

I was hoping that we were going to do amendment 1521. That has been agreed to, and what that would do would be to allow the district attorney, the prosecutor, to charge a client of a prostitute, for lack of a better term, with the same penalty as a prostitute. What amendment 1522 does is weaken an amendment we are going to hopefully adopt later.

We had in Lebanon County a situation where there was a prostitute who knowingly had HIV and AIDS and was conducting prostitution. It became very difficult, Madam Speaker, for the district attorney to prosecute that prostitute, and Representative Josephs' amendment, I believe we need to specifically catch a client and a prostitute in certain specific sexual acts. I believe that that would make it extremely difficult to get witnesses to prosecute, to get the D.A. to feel comfortable with prosecution, and I believe that this amendment will specifically weaken the legislation that we will have when we are finished here today.

I oppose this amendment and ask the chamber to also join me in opposing it. Thank you.

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Josephs, for the second time.

Ms. JOSEPHS. Thank you, Madam Speaker.

I think that what we are doing if we do not pass this bill is we are not helping the district attorney. The prostitute who is working in Lebanon County will be arrested. She will be let go, because the bill is too vague. She will be out on the street again, and it is only an illusion. If we pass my amendment and she really is caught under those circumstances, I think that a conviction will stick, and we will be doing a service.

We will say more about this on final passage, but I would like a "yes" vote. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Zug, from Lebanon County for the second time.

Mr. ZUG. Thank you, Madam Speaker.

What we are doing here is a crime bill and a health bill. What we are trying to do is keep the spread of AIDS down to a minimum, and the only way to do it is to allow our prosecutors, the district attorney in each one of our counties, to have the useful tools that they need to put prostitutes, explicitly those who are carrying a deadly disease, behind bars, and this amendment will defeat that purpose.

I ask you to oppose the amendment. Thank you, Madam Speaker.

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

The following roll call was recorded:

YEAS-58

Bard	Donatucci	McCall	Sainato
Battisto	Gamble	McGeehan	Scrimenti
Bebko-Jones	Haluska	Melio	Staback
Belardi	Horsey	Mihalich	Steelman
Bishop	Itkin	Oliver	Steler
Boscola	James	Pesci	Sturla
Butkowitz	Jarolin	Preston	Tangretti
Cappabianca	Josephs	Ramos	Thomas
Carn	Keller	Richardson	Trello
Cawley	Kirkland	Rieger	Veon
Cohen, L. I.	Kukovich	Roberts	Vitali
Cohen, M.	Laughlin	Robinson	Washington
Colafella	Lederer	Roebuck	Williams
Curry	Lucyk	Rubley	Youngblood
DeWeese	Manderino		

NAYS-139

Adolph	Fajt	Maitland	Schroder
Allen	Fargo	Major	Schuler
Argall	Farmer	Markosek	Semmel
Armstrong	Feese	Marsico	Serafini
Baker	Fichter	Masland	Sheehan
Barley	Fleagle	Mayernik	Smith, B.
Belfanti	Flick	McGill	Smith, S. H.
Birmelin	Gannon	Merry	Snyder, D. W.
Blaum	Geist	Michlovic	Stairs
Boyes	George	Micozzie	Steil
Brown	Gladeck	Miller	Stern
Browne	Godshall	Mundy	Stish
Bunt	Gordner	Nailor	Strittmatter
Buxton	Gruitza	Nickol	Surra
Caltagirone	Gruppo	Nyce	Taylor, E. Z.
Carone	Habay	O'Brien	Taylor, J.
Chadwick	Hanna	Olasz	Tigue
Civera	Harhart	Perzel	Travaglio
Clark	Hasay	Petrone	Trich
Clymer	Hennessey	Pettit	True
Colaizzo	Herman	Phillips	Tulli
Conti	Hershey	Piccola	Vance
Cornell	Hess	Pistella	Van Horne
Corpora	Hutchinson	Pitts	Walko
Cowell	Jadlowiec	Platts	Waugh
Coy	Kaiser	Raymond	Wogan
Daley	Kenney	Readshaw	Wozniak
DeLuca	King	Reber	Wright, D. R.
Dempsey	Krebs	Reinard	Wright, M. N.
Dent	Lawless	Rohrer	Yewcic
Dermody	Leh	Rooney	Zimmerman
DiGirolamo	Lescovitz	Rudy	Zug
Druce	Leydansk	Santoni	
Durham	Lloyd	Sather	Ryan,
Egolf	Lynch	Saylor	Speaker
Fairchild			

NOT VOTING-1

Shaner

EXCUSED-5

Corrigan
Evans

Gigliotti

LaGrotta

Petrarca

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

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

Ms. JOSEPHS reoffered the following amendment No. A1521:

Amend Sec. 1, page 1, line 7, by striking out "a subsection" and inserting

subsections

Amend Sec. 1 (Sec. 5902), page 2, by inserting between lines 20 and 21

(e.1) Grading of offenses under subsection (e).—An offense under subsection (e) constitutes a felony of the third degree if the person who committed the offense was knowingly human immunodeficiency virus (HIV) positive or infected with acquired immune deficiency syndrome (AIDS) virus.

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

The SPEAKER pro tempore. The lady, Ms. Josephs, may proceed.

Ms. JOSEPHS. Thank you, Madam Speaker.

Let me say first that I am withdrawing amendment 1520. Let me say although 1521 has been agreed, let me explain a little bit what it is—

The SPEAKER pro tempore. Will the lady cease a minute.

Could I ask the members to please quiet the roar. We cannot hear what the lady is saying. Thank you.

Ms. JOSEPHS. Thank you, Madam Speaker.

Amendment 1521 simply equalizes the penalty. In an act of prostitution, we have two people. Both of them are engaged in criminal activity — the client, the john, and the prostitute. It is equally serious, it seems to me, for the client to expose the prostitute to HIV, and indeed in cases of heterosexual exposure, a Journal of the American Medical Association has said that in heterosexual sexual intercourse, women are 17 times more likely to contract HIV from their male partners than male partners are to contract it from their female partners. In other words, women expose themselves in a much more dangerous situation than men do in heterosexual sexual intercourse where HIV may be present.

I am happy that this is an agreed-on amendment, and I hope I get everybody's vote. Thank you, Madam Speaker.

The SPEAKER pro tempore. Does the gentleman, Mr. Zug, wish to be recognized?

Mr. ZUG. Yes, Madam Speaker.

This is a good amendment, and I think it brings some uniformity to the client-prostitution relationship, and I urge the House to adopt the amendment. Thank you.

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

The following roll call was recorded:

YEAS-196

Adolph	Fairchild	Major	Saylor
Allen	Fajt	Manderino	Schroder
Argall	Fargo	Markosek	Schuler
Armstrong	Farmer	Marsico	Scrimenti
Baker	Feese	Masland	Semmel
Bard	Fichter	Mayernik	Serafini
Barley	Fleagle	McCall	Shaner
Battisto	Flick	McGeehan	Sheehan
Bebko-Jones	Gamble	McGill	Smith, B.
Belardi	Gannon	Melio	Smith, S. H.
Belfanti	Geist	Merry	Snyder, D. W.
Birmelin	George	Michlovic	Staback
Bishop	Gladeck	Micozzie	Stairs
Blaum	Godshall	Mihalich	Steelman
Boscola	Gordner	Miller	Steil
Boyes	Gruitza	Mundy	Stern
Brown	Gruppo	Nailor	Stetler
Browne	Habay	Nickol	Stish
Bunt	Haluska	Nyce	Strittmatter
Butkovitz	Hanna	O'Brien	Surra
Buxton	Harhart	Olasz	Tangretti
Caltagirone	Hasay	Oliver	Taylor, E. Z.
Cappabianca	Hennessey	Perzel	Taylor, J.
Carn	Herman	Pesci	Thomas
Carone	Hershey	Petrone	Tigue
Cawley	Hess	Pettit	Travaglio
Chadwick	Horsey	Phillips	Trello
Civera	Hutchinson	Piccola	Trich
Clark	Itkin	Pistella	True
Clymer	Jadlowiec	Pitts	Tulli
Cohen, L. I.	James	Platts	Vance
Cohen, M.	Jarolin	Preston	Van Horne
Colafiglia	Josephs	Ramos	Veon
Colaizzo	Kaiser	Raymond	Vitali
Conti	Keller	Readshaw	Walko
Cornell	Kenney	Reber	Washington
Corpora	King	Reinard	Waugh
Cowell	Kirkland	Richardson	Williams
Coy	Krebs	Rieger	Wogan
Daley	Kukovich	Roberts	Wozniak
DeLuca	Laughlin	Robinson	Wright, D. R.
Dempsey	Lawless	Roebuck	Wright, M. N.
Dent	Lederer	Rohrer	Yewcic
Dermody	Leh	Rooney	Youngblood
DeWeese	Lescovitz	Rubley	Zimmerman
DiGirolamo	Levdanský	Rudy	Zug
Donatucci	Lloyd	Sainato	
Druce	Lucyk	Santoni	Ryan,
Durham	Lynch	Sather	Speaker
Egolf	Maitland		

NAYS-0

NOT VOTING-2

Curry

Sturla

EXCUSED-5

Corrigan
Evans

Gigliotti

LaGrotta

Petrarca

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

On the question recurring,

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

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Josephs, for amendment 1519.

Ms. JOSEPHS. On final passage when we get to that, please, Madam Speaker.

MOTION TO RECONSIDER AMENDMENT A1510, PART 2

The SPEAKER pro tempore. The Chair is in possession of a reconsideration motion of the vote on amendment A1510, part 2, to HB 247, PN 1300.

On the question,

Will the House agree to the motion?

MOTION WITHDRAWN

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

Mr. STURLA. Madam Speaker, I will withdraw that reconsideration motion. Thank you.

The SPEAKER pro tempore. The reconsideration motion is withdrawn.

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Schroder, from Bucks County.

Mr. SCHRODER. Madam Speaker, I wish to have my vote reflected in the affirmative — that is a “yes” vote — on amendment 1575, the Blaum amendment. My switch failed to depress at the time of voting. Thank you.

The SPEAKER pro tempore. The Chair apologizes to the gentleman, Mr. Schroder, for the wrong identification of his county. He is from Chester County.

CONSIDERATION OF HB 247 CONTINUED

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

Does the lady, Ms. Josephs, wish to be recognized?

Ms. JOSEPHS. Yes, Madam Speaker.

The SPEAKER pro tempore. The lady may proceed.

Ms. JOSEPHS. Thank you, Madam Speaker.

Even though my amendment got in, it cannot save this bill. So I am asking for a “no” vote, and I would like to set forth the reasons for it.

In the first place, I think this bill puts us and the State into the position of certifying prostitutes for health. I think that is the message we are sending out. I think that we are telling the public that if this prostitute is on the street, then she or he is clean. I do not think we want to get into that business, number one.

Number two, I think we are sending the wrong message to the clients of prostitutes. I think we are telling them they are safe from HIV and AIDS if they use somebody who is on the streets because the State has not yet arrested that prostitute.

I think that the way the bill is worded discourages testing for HIV. Put yourself for a moment in the seat of someone who makes his or her living as a prostitute. I would not get tested if I thought it might end up increasing penalties for me when I was arrested. I would rather not know. I would rather not be put in the position where somebody can look up my health records and say, you were tested; you know, and I do not think that it is good public health policy to discourage anybody from being tested for HIV.

This bill does not require that actual harm be shown, that anybody actually contracted HIV, but only that potential harm could happen. It does nothing to halt the spread of HIV, and it sends a message of false security to the public.

I understand what the maker of the bill is trying to do. He has a problem in his own district. I expect that problem is fairly widespread, but I am also told that under the authority of the Communicable Diseases Act, the Department of Health can remove these individuals from the streets, confine them, and get them treatment. I would rather see us go that way than make bad public policy because of a problem which is very real and can be dealt with in another way.

I also think that the fiscal note that was produced for this bill which said that there would be no increased State costs is not realistic, not accurate. I think if we start arresting and imprisoning more people with HIV, eventually who will have AIDS, a very, very expensive disease to treat, an extraordinarily expensive disease to treat in prison, that it will cost the State more money. I can understand why the fiscal analysts did not put down a figure, because we do not know how much, but I think it is important that we should know it will cost the State money.

And finally, I think this bill sends a message to the public, another wrong message, that HIV and AIDS are spread by prostitutes and their clients. HIV and AIDS are spread by everyday, ordinary, one-person-to-another sexual intercourse that is not protected. The vast majority of cases are caused that way. If we as a legislature pass this bill, I think we are telling people you are safe from HIV so long as you do not use prostitutes or you are not a prostitute, and that is not true.

This is very bad public policy, very bad public health policy. I hope that those of you who understand that will vote with me and vote “no.” Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Ms. Bishop.

Ms. BISHOP. Thank you, Madam Speaker.

Madam Speaker, I rise to oppose HB 247, for once again this chamber is placing one of society's burdens on the backs of poor women.

Our young people are not aspiring to be prostitutes. Prostitution is a last-chance hope for money and sometimes food. These prostitutes that we want to brand as felons are usually runaways and poor women doing what they know how to do best to simply survive.

Prostitutes are victims of our society. I want to say that again: Prostitutes are victims of our society. We are pursuing them today as victims with a mean spirit and with determination. Prostitution is illegal, but it is also a crime voluntarily committed by two parties.

Where is the legislation to increase penalties for the johns who know that they could be HIV positive or infected with the AIDS virus but they solicit prostitutes anyway? Why do we not also go after the men who create the demand for prostitution?

I understand why this vast majority of members would approve this bill today. They do not want to face the constituents tomorrow who ask why they did not vote the legislation to stop the whores from spreading AIDS. But we should all consider this bill a serious problem. Not only does the bill reek of discrimination; I doubt it will achieve its goal of stopping the spread of AIDS by prostitutes. If that is a fact, what are we trying to accomplish?

The bill states that prostitution is a third-degree felony if the person committing the offense is "knowingly" HIV positive or infected with AIDS. It does not take a legal genius to figure out how to get around this proposal: Do not get tested. Do not "know" you are HIV positive or that you are infected with AIDS and nothing happens.

Madam Speaker, we could be unintentionally, as Representative Babette Josephs says, we could be unintentionally keeping prostitutes away from early prevention programs and the treatment that is available to them out there, and they continue to increase. We could be preventing them from getting that treatment.

I am not opposed to exploring every avenue available to us to stop the spread of AIDS. There are proposals out there that will help stop and will help stop the spread of that disease. HB 247 is not the avenue, and it is not the one that will do it. HB 247 is an oversimplified answer to an ancient societal ill and a complex disease that has already devastated nations.

We need proposals to prosecute everyone whose irresponsible behavior spreads AIDS and the AIDS virus, not just runaway poor women. We need legislation that could possibly prevent one HIV positive from passing a needle on to another. We do not have that in there.

So I am asking all who have compassion today in this House to look at this bill that is before you and think about it. It is a very serious bill, and it is not going to do a thing except continue to spread at a higher pace, at a higher rate, prostitution, because it will prevent them from getting the kind of treatment they need and identifying themselves as being HIV positive.

Thank you, and I hope that you will vote "no."

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

Mr. DeLUCA. Thank you, Madam Speaker.

Madam Speaker, I rise to support HB 247. I think it is a good piece of legislation, and what I have heard from the previous two speakers, I really am very— I just cannot understand it myself.

We are talking about a deadly disease out there. We talk about treatment. I personally, unless somebody can inform me, I personally do not know of any treatment that has helped anybody not be able to get AIDS or the HIV virus. It might defer it for a while, it might put it in a stage where it is not going to infect anybody, but there is no treatment where somebody else cannot catch it.

Secondly, we talk about low-income women who become prostitutes. It is not only low-income women who become prostitutes and sell their bodies. A majority, a majority of the prostitutes out there are drug users, and one of the biggest ways of getting the HIV virus is through using drugs and the needles and dirty needles and that there.

We talk about compassion. Well, let us talk about compassion when somebody knowingly has the virus and transmits it to somebody else and gives them a death sentence. What kind of compassion are we talking about? We must address this problem.

We talk about bad public health and bad public policy. I think this is a good public health policy. I think it protects the spread of individuals from spreading it to other people. Are we going to stop prostitution out there? No. Well, let me say this. You say about the johns. Well, you know, I would hate to see the johns out there unknowingly go back home and infect their wives and continue to spread it, and I am sure they are not going home and telling their wives that they had been with a prostitute.

So in conclusion let me say that this is a good bill, and I would hope that everyone in this House would support it. Thank you very much.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lebanon County, Mr. Zug.

Mr. ZUG. Thank you, Madam Speaker.

First, I think we need to clear up some misinformation. There is a penalty now that pertains to Representative Josephs where we address the john and apply the same penalties to that individual that we do to the prostitute. So I think that we need to clear that up.

On the bill, Madam Speaker, this is not something that I woke up one night and dreamt about and said this is a good idea. There was a problem in Lebanon County where we had a prostitute who allegedly slept with over 500 men, and that was a health problem, because she knowingly had HIV.

In talking to the district attorney in Lebanon County, he said we need to do something. Additionally, I spoke to the district attorney in Dauphin County, John Cherry, who wrote me a letter that says that there was a particular individual who was sentenced to the maximum sentence under current law of 6 to 12 months of incarceration. Within a year, that same individual was arrested in the city of Harrisburg for engaging in prostitution. Even as a repeat offender, that person could not be sentenced to more than 6 to 12 months.

You know, we have a problem. It is time to deal with the problem. My legislation does that, and I think we need to pass that, send it to the Senate, and get on with the business of the chamber.

I urge you to support this legislation. Thank you, Madam Speaker.

On the question recurring,
Shall the bill pass finally?

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

YEAS-184

Adolph	Druce	Maitland	Schroder
Allen	Durham	Major	Schuler
Argall	F.golf	Markosek	Scrimenti
Armstrong	Fairchild	Marsico	Semmel
Baker	Faji	Masland	Serafini
Bard	Fargo	Mayernik	Shaner
Barley	Farmer	McCall	Sheehan
Battisto	Feese	McGeehan	Smith, B.
Bebko-Jones	Fichter	McGill	Smith, S. H.
Belardi	Fleagle	Melio	Snyder, D. W.
Belfanti	Flick	Merry	Staback
Birmelin	Gamble	Michlovic	Stairs
Blaum	Gannon	Micozzie	Steelman
Boscola	Geist	Mihalich	Steil
Boyes	George	Miller	Stern
Brown	Gladeck	Mundy	Stetler
Browne	Godshall	Nailor	Stish
Bunt	Gordner	Nickol	Strittmatter
Butkovitz	Gruitza	Nyce	Sturla
Buxton	Gruppo	O'Brien	Surra
Caltagirone	Habay	Olasz	Tangretti
Cappabianca	Haluska	Perzel	Taylor, E. Z.
Carn	Hanna	Pesci	Taylor, J.
Carone	Harhart	Petrone	Tigue
Cawley	Hasay	Pettit	Travaglio
Chadwick	Hennessey	Phillips	Trello
Civera	Herman	Piccola	Trich
Clark	Hershey	Pistella	True
Clymer	Hess	Pitts	Tulli
Cohen, I. J.	Hutchinson	Platts	Vance
Cohen, M.	Itkin	Preston	Van Horne
Colaella	Jadlowiec	Raymond	Veon
Colaizzo	Jarolin	Readshaw	Vitali
Conti	Kaiser	Reber	Walko
Cornell	Kennedy	Reinard	Waugh
Corpora	King	Rieger	Wogan
Cowell	Krebs	Roberts	Wozniak
Coy	Kukovich	Roebuck	Wright, D. R.
Curry	Laughlin	Rohrer	Wright, M. N.
Daley	Lawless	Rooney	Yeweic
DeLuca	Lederer	Rubley	Youngblood
Dempsey	Leh	Rudy	Zimmerman
Dent	Lescovitz	Sainato	Zug
Dermoddy	Levdansky	Santoni	
DeWeese	Lloyd	Sather	Ryan,
DiGirolamo	Lucyk	Saylor	Speaker
Donatucci	Lynch		

NAYS-12

Bishop	Josephs	Oliver	Robinson
Horsey	Keller	Ramos	Thomas
James	Manderino	Richardson	Williams

NOT VOTING-2

Kirkland	Washington
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EXCUSED-5

Corrigan	Gigliotti	LaGrotta	Petrarca
Evans			

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.

VOTE CORRECTION

The SPEAKER *pro tempore*. The Chair recognizes the gentleman, Mr. Sturla. For what purpose does the gentleman rise?

Mr. STURLA. To correct a vote.

The SPEAKER *pro tempore*. The gentleman may proceed.

Mr. STURLA. Thank you, Madam Speaker.

On amendment A1521 to HB 247, my vote was not recorded. I wish to be recorded in the affirmative.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 814, PN 899**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Mr. **BLAUM** offered the following amendment No. **A1590**:

Amend Title, page 1, line 3, by striking out "procedure for murder of the first degree"

Amend Bill, page 2, by inserting between lines 2 and 3

Section 2. Sections 9712(a), 9713(a) and 9714 of Title 42 are amended to read:

§ 9712. Sentences for offenses committed with firearms.

(a) Mandatory sentence. [Any] Except as provided under section 9716 (relating to two or more mandatory minimum sentences applicable), any person who is convicted in any court of this Commonwealth of murder of the third degree, voluntary manslaughter, rape, involuntary deviate sexual intercourse, robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery), robbery of a motor vehicle, aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) (relating to aggravated assault) or kidnapping, or who is convicted of criminal attempt, criminal solicitation or criminal conspiracy [to commit any of these crimes] to commit murder, voluntary manslaughter, rape, involuntary deviate sexual intercourse, robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii), robbery of a motor vehicle, aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or kidnapping, shall, if the person visibly possessed a firearm during the commission of the offense, be sentenced to a minimum sentence of at least five years of total confinement notwithstanding any other provision of this title or other statute to the contrary.

§ 9713. Sentences for offenses committed on public transportation.

(a) Mandatory sentence. [Any] Except as provided under section 9716 (relating to two or more mandatory minimum sentences applicable), any person who is convicted in any court of this Commonwealth of murder of the third degree, voluntary manslaughter, rape, involuntary deviate sexual intercourse, robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery), robbery of a motor vehicle, arson as defined in 18 Pa.C.S. § 3301(a) (relating to arson and related offenses), kidnapping or aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) (relating to aggravated assault), or who is convicted of criminal attempt, criminal solicitation or criminal conspiracy [to commit any of these crimes] to commit murder, voluntary manslaughter, rape, involuntary deviate sexual intercourse, robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii), robbery of a motor vehicle, arson as defined in 18 Pa.C.S. § 3301(a), kidnapping or aggravated assault, shall be sentenced to a minimum sentence of at least five years of total confinement if the crime occurs in or near public transportation

as defined in subsection (b), notwithstanding any other provision of this title or other statute to the contrary.

§ 9714. Sentences for second and subsequent offenses.

(a) Mandatory sentence.—Any person who is convicted in any court of this Commonwealth of murder of the third degree, voluntary manslaughter, aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault), rape, involuntary deviate sexual intercourse, arson as defined in 18 Pa.C.S. § 3301(a) (relating to arson and related offenses), kidnapping [or] burglary of an occupied dwelling, robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery), [or] robbery of a motor vehicle or who is convicted of criminal attempt, criminal conspiracy or criminal solicitation to commit [any of these crimes, or who is convicted of aggravated assault in which the offender intentionally, knowingly or recklessly causes serious bodily injury to another under circumstances manifesting extreme indifference to the value of human life,] murder, voluntary manslaughter, aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2), rape, involuntary deviate sexual intercourse, arson as defined in 18 Pa.C.S. § 3301(a), kidnapping, burglary of an occupied dwelling, robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) or robbery of a motor vehicle shall, if [they have previously been convicted of] at the time of the commission of the current offense the person had previously been convicted of a crime of violence as specified in subsection (b), be sentenced to a minimum sentence of at least [five] 15 years of total confinement notwithstanding any other provision of this title or other statute to the contrary. Upon conviction for a third or subsequent crime of violence as specified in subsection (b), the court shall, sentence the offender to life imprisonment without parole.

(b) Prior convictions for crimes of violence.—

(1) For the purposes of subsection (a), an offender shall be deemed to have prior convictions for crimes of violence if [both of the following conditions hold:

(1) The] the offender was previously convicted in this Commonwealth or any other state or the District of Columbia or in any Federal court of murder, voluntary manslaughter, aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2), rape, involuntary deviate sexual intercourse, robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii), robbery of a motor vehicle, arson as defined in 18 Pa.C.S. § 3301(a), kidnapping [or aggravated assault in which the offender intentionally, knowingly or recklessly causes serious bodily injury to another under circumstances manifesting extreme indifference to the value of human life], burglary of an occupied dwelling, or criminal attempt, criminal conspiracy or criminal solicitation to commit any of these crimes, an equivalent crime under the laws of the Commonwealth in effect prior to the effective date of Title 18 (relating to crimes and offenses) or an equivalent crime in another jurisdiction.

(2) The previous conviction need not be for the same crime as the instant offense for this section to be applicable.

[(2) The previous conviction occurred within seven years of the date of the commission of the instant offense, except that any time during which the offender was incarcerated in any penitentiary, prison or other place of detention shall not be considered in computing the relevant seven-year period.]

(3) Convictions for other offenses arising from the same criminal episode as the instant offense shall not be considered previous convictions for the purpose of this section.

(4) For purposes of this section previous conviction shall include any conviction, whether or not judgment of sentence has been imposed or litigation is pending concerning that conviction.

(c) Proof at sentencing.—Provisions of this section shall not be an element of the crime and notice thereof to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing. The sentencing court, prior to imposing sentence on an offender under subsection (a), shall have a complete record of the previous convictions of the offender, copies of which shall be furnished to the

offender. If the offender or the attorney for the Commonwealth contests the accuracy of the record, the court shall schedule a hearing and direct the offender and the attorney for the Commonwealth to submit evidence regarding the previous convictions of the offender. The court shall then determine, by a preponderance of the evidence, the previous convictions of the offender and, if this section is applicable, shall impose sentence in accordance with this section. Should a previous conviction be vacated and an acquittal or final discharge entered subsequent to imposition of sentence under this section, the offender shall have the right to petition the sentencing court for reconsideration of sentence if this section would not have been applicable except for the conviction which was vacated.

(d) Authority of court in sentencing.—There shall be no authority in any court to impose on an offender to which this section is applicable any lesser sentence than provided for in subsection (a) or to place such offender on probation or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than that provided in this section. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

(e) Appeal by Commonwealth.—If a sentencing court shall refuse to apply this section where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for the imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this section.

(f) Applicability.—The provisions of 18 Pa.C.S. § 1103 (relating to sentence of imprisonment for felony) shall not apply in cases where this section is applicable.

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

3

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

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

Mr. BLAUM. Thank you, Madam Speaker.

This amendment provides for a "three strikes and you're out" provision for Pennsylvania.

Obviously, we do not have it here in Pennsylvania. We are now, I guess, some 60 days into this session as well as the special session, and I think it is time that we send a message in Pennsylvania that if you commit three outrageous crimes listed in this amendment, and copied virtually out of HB 9 in the special session, that you would spend the rest of your natural life behind bars. This provides for obviously the usual penalty on a first offense, a mandatory 15-year penalty on the second offense, and the third offense, no ifs, ands, or buts, it would be life imprisonment.

This has been enacted in many other States across the country. Georgia, obviously, has "two strikes and you're out." This provision is three strikes. I think it sends the appropriate message to violent repeat offenders in Pennsylvania that we will have none of it, that we will have zero tolerance for this kind of behavior, and I ask for the members' support of the amendment.

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

The following roll call was recorded:

YEAS-180

Adolph	Durham	Major	Schroder
Allen	Egolf	Markosek	Schuler
Argall	Fairchild	Marsico	Scrimenti
Armstrong	Fajt	Masland	Semmel
Baker	Fargo	Mayernik	Serafini
Bard	Farmer	McCall	Shaner
Barley	Feese	McGeehan	Sheehan
Battisto	Fichter	McGill	Smith, B.
Bebko-Jones	Fleagle	Melio	Smith, S. H.
Belardi	Flick	Merry	Snyder, D. W.
Belfanti	Gamble	Michlovic	Staback
Birmelin	Gannon	Micozzie	Stairs
Blaum	Geist	Mihalich	Steil
Boscola	George	Miller	Stern
Boyes	Gladeck	Mundy	Stetler
Brown	Godshall	Nailor	Stish
Browne	Gordner	Nickol	Strittmatter
Bunt	Gruitza	Nyce	Sturla
Butkovitz	Gruppo	O'Brien	Surra
Buxton	Habay	Olasz	Tangretti
Caltagirone	Haluska	Perzel	Taylor, E. Z.
Cappabianca	Ilanna	Pesci	Taylor, J.
Carone	Harhart	Petrone	Tigue
Cawley	Hasay	Pettit	Travaglio
Chadwick	Hennessey	Phillips	Trello
Civera	Herman	Piccola	Trich
Clark	Hershey	Pistella	True
Clymer	Hess	Pitts	Tulli
Cohen, L. I.	Hutchinson	Platts	Vance
Cohen, M.	Itkin	Preston	Van Horne
Colaella	Jadlowiec	Raymond	Veon
Colaizzo	Jarolin	Readshaw	Vitali
Conti	Kaiser	Reber	Walko
Cornell	Kenney	Reinard	Waugh
Cowell	King	Rieger	Wogan
Coy	Krebs	Roberts	Wozniak
Curry	Laughlin	Robinson	Wright, D. R.
Daley	Lawless	Rohrer	Wright, M. N.
DeLuca	Lederer	Rooney	Yewcic
Dempsey	Leh	Rubley	Youngblood
Dent	Lescovitz	Rudy	Zimmerman
Dermody	Levdansky	Sainato	Zug
DeWeese	Lloyd	Santoni	
DiGirolo	Lucyk	Sather	Ryan,
Donatucci	Lynch	Saylor	Speaker
Druce	Maitland		

NAYS-18

Bishop	Josephs	Oliver	Steelman
Carn	Keller	Ramos	Thomas
Corpora	Kirkland	Richardson	Washington
Horsey	Kukovich	Roebuck	Williams
James	Manderino		

NOT VOTING-0

EXCUSED-5

Corrigan	Gigliotti	LaGrotta	Petrarca
Evans			

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

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

Mr. BLAUM offered the following amendment No. A1580:

Amend Title, page 1, line 3, by striking out "procedure for murder of the first degree"

Amend Bill, page 2, by inserting between lines 2 and 3

Section 2. Sections 9712(a), 9713(a) and 9714 of Title 42 are amended to read:

§ 9712. Sentences for offenses committed with firearms.

(a) Mandatory sentence.—[Any] Except as provided under section 9716 (relating to two or more mandatory minimum sentences applicable), any person who is convicted in any court of this Commonwealth of murder of the third degree, voluntary manslaughter, rape, involuntary deviate sexual intercourse, robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery), robbery of a motor vehicle, aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) (relating to aggravated assault) or kidnapping, or who is convicted of criminal attempt, criminal solicitation or criminal conspiracy [to commit any of these crimes] to commit murder, voluntary manslaughter, rape, involuntary deviate sexual intercourse, robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii), robbery of a motor vehicle, aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or kidnapping, shall, if the person visibly possessed a firearm during the commission of the offense, be sentenced to a minimum sentence of at least five years of total confinement notwithstanding any other provision of this title or other statute to the contrary.

§ 9713. Sentences for offenses committed on public transportation.

(a) Mandatory sentence.—[Any] Except as provided under section 9716 (relating to two or more mandatory minimum sentences applicable), any person who is convicted in any court of this Commonwealth of murder of the third degree, voluntary manslaughter, rape, involuntary deviate sexual intercourse, robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery), robbery of a motor vehicle, arson as defined in 18 Pa.C.S. § 3301(a) (relating to arson and related offenses), kidnapping or aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) (relating to aggravated assault), or who is convicted of criminal attempt, criminal solicitation or criminal conspiracy [to commit any of these crimes] to commit murder, voluntary manslaughter, rape, involuntary deviate sexual intercourse, robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii), robbery of a motor vehicle, arson as defined in 18 Pa.C.S. § 3301(a), kidnapping or aggravated assault, shall be sentenced to a minimum sentence of at least five years of total confinement if the crime occurs in or near public transportation as defined in subsection (b), notwithstanding any other provision of this title or other statute to the contrary.

§ 9714. Sentences for second and subsequent offenses.

(a) Mandatory sentence.—Any person who is convicted in any court of this Commonwealth of murder of the third degree, voluntary manslaughter, aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault), rape, involuntary deviate sexual intercourse, arson as defined in 18 Pa.C.S. § 3301(a) (relating to arson and related offenses), kidnapping [or], burglary of an occupied dwelling, robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery), [or] robbery of a motor vehicle or who is convicted of criminal attempt, criminal conspiracy or criminal solicitation to commit [any of these crimes, or who is convicted of aggravated assault in which the offender intentionally, knowingly or recklessly causes serious bodily injury to another under circumstances manifesting extreme indifference to the value of human life,] murder, voluntary manslaughter, aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2), rape, involuntary deviate sexual intercourse, arson as defined in 18 Pa.C.S. § 3301(a), kidnapping, burglary of an occupied dwelling, robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) or robbery of a motor vehicle shall, if [they have previously been convicted of] at the time of the commission of the current offense the person had previously been convicted of or adjudicated delinquent for a crime of violence as specified in subsection (b), be sentenced to a minimum sentence of at least [five] 15 years of total confinement notwithstanding any other

provision of this title or other statute to the contrary. Upon conviction for a third or subsequent crime of violence as specified in subsection (b), the court shall sentence the offender to life imprisonment without parole.

(b) Prior convictions or adjudications of delinquency for crimes of violence.—

(1) For the purposes of subsection (a), an offender shall be deemed to have prior convictions or adjudications of delinquency for crimes of violence if [both of the following conditions hold:

(1) The the offender was previously convicted or adjudicated delinquent in this Commonwealth or any other state or the District of Columbia or in any Federal court of murder, voluntary manslaughter, aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2), rape, involuntary deviate sexual intercourse, robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii), robbery of a motor vehicle, arson as defined in 18 Pa.C.S. § 3301(a), kidnapping [or aggravated assault in which the offender intentionally, knowingly or recklessly causes serious bodily injury to another under circumstances manifesting extreme indifference to the value of human life], burglary of an occupied dwelling, or criminal attempt, criminal conspiracy or criminal solicitation to commit any of these crimes, an equivalent crime under the laws of the Commonwealth in effect prior to the effective date of Title 18 (relating to crimes and offenses) or an equivalent crime in another jurisdiction.

(2) The previous conviction or adjudication of delinquency need not be for the same crime as the instant offense for this section to be applicable.

(2) The previous conviction occurred within seven years of the date of the commission of the instant offense, except that any time during which the offender was incarcerated in any penitentiary, prison or other place of detention shall not be considered in computing the relevant seven-year period.]

(3) Convictions for other offenses arising from the same criminal episode as the instant offense shall not be considered previous convictions for the purpose of this section.

(4) For purposes of this section [previous conviction], the term "previous conviction or adjudication of delinquency" shall include any conviction, whether or not judgment of sentence has been imposed or litigation is pending concerning that conviction[.] or any adjudication of delinquency, whether or not a final disposition order has been entered or litigation is pending concerning that adjudication.

(5) For purposes of this section, adjudications of delinquency for offenses committed before the offender's 15th birthday shall not qualify as a prior adjudication of delinquency.

(c) Proof at sentencing.—Provisions of this section shall not be an element of the crime and notice thereof to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing. The sentencing court, prior to imposing sentence on an offender under subsection (a), shall have a complete record of the previous convictions and adjudications of delinquency of the offender, copies of which shall be furnished to the offender. If the offender or the attorney for the Commonwealth contests the accuracy of the record, the court shall schedule a hearing and direct the offender and the attorney for the Commonwealth to submit evidence regarding the previous convictions and adjudications of delinquency of the offender. The court shall then determine, by a preponderance of the evidence, the previous convictions and adjudications of delinquency of the offender and, if this section is applicable, shall impose sentence in accordance with this section. Should a previous conviction or adjudication of delinquency be vacated and an acquittal or final discharge entered subsequent to imposition of sentence under this section, the offender shall have the right to petition the sentencing court for reconsideration of sentence if this section would not have been applicable except for the conviction or adjudication which was vacated.

(d) Authority of court in sentencing.—There shall be no authority in any court to impose on an offender to which this section is applicable any lesser sentence than provided for in subsection (a) or to place such offender

on probation or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than that provided in this section. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

(e) Appeal by Commonwealth.—If a sentencing court shall refuse to apply this section where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for the imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this section.

(f) Applicability.—The provisions of 18 Pa.C.S. § 1103 (relating to sentence of imprisonment for felony) shall not apply in cases where this section is applicable.

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

3

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

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. The Chair recognizes Mr. Blaum. Mr. BLAUM. Thank you, Madam Speaker.

Madam Speaker, I will withdraw that amendment because of the passage of the previous one. I think it is important to Pennsylvania, obviously, that we have the three strikes mandatory life. Doing it in bill form is obviously preferable, but I am very concerned that any bill that comes back to us from the Senate without a mandatory-life provision is something that we must not support.

So I think the House has spoken here today, and I will withdraw this second amendment, and I thank the members for their support.

The SPEAKER pro tempore. The gentleman has withdrawn amendment 1580.

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

Mr. DeLUCA offered the following amendment No. A1679:

Amend Title, page 1, line 2, by inserting after "Statutes,"
prohibiting negotiated pleas and postconviction agreements in certain cases; and

Amend Bill, page 1, lines 6 and 7, by striking out all of said lines and inserting

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

§ 9303. Negotiated pleas and postconviction agreements prohibited in certain cases.

(a) General rule.—If a defendant charged with a violent crime has been previously convicted on two or more separate occasions of violent crimes, no negotiated plea or postconviction agreement may be accepted or considered by the court to resolve the charge.

(b) Violent crimes.—The following are violent crimes within the meaning of this section:

18 Pa.C.S. § 2502 (relating to murder).

18 Pa.C.S. § 2503 (relating to voluntary manslaughter).

18 Pa.C.S. § 2702 (relating to aggravated assault).

18 Pa.C.S. § 2703 (relating to assault by prisoner).

18 Pa.C.S. § 2704 (relating to assault by life prisoner).

18 Pa.C.S. § 2901 (relating to kidnapping).

18 Pa.C.S. § 3121 (relating to rape).

18 Pa.C.S. § 3122 (relating to statutory rape).

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

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

18 Pa.C.S. § 3301 (relating to arson and related offenses).

18 Pa.C.S. § 3701 (relating to robbery).

Section 2. Section 9711(d) of Title 42 is amended by adding a paragraph to read:

Amend Sec. 2, page 2, line 3, by striking out all of said line and inserting

Section 3. This act shall take effect as follows:

(1) The addition of 42 Pa.C.S. § 9303 shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the House agree to the amendment?

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

Mr. DeLUCA. Thank you, Madam Speaker.

Madam Speaker, what this amendment does is it prohibits plea bargaining after the second violent offense, and we enumerate what the violent offenses are.

I think too many times we have passed laws in this chamber and in the other chamber where we have district attorneys who continue to use the plea-bargaining mechanism to circumvent the laws that we are trying to pass. Now, I understand that we cannot do away with plea bargaining, but certainly, when somebody is convicted of a violent crime twice, he should not be permitted to plea-bargain his case down to a lesser charge, and let me also state that we have a lot of these people who are being convicted two or three times who are implicating anybody so that they can get a lesser charge and a lesser sentence.

I think this makes sense, and I think we should vote this amendment up. Thank you.

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

Mr. PICCOLA. Thank you, Madam Speaker.

I would urge that the House defeat the DeLuca amendment. This amendment will really undercut and tie the hands of your district attorneys. In fact, it could very well result in losing convictions and therefore losing that third strike opportunity that locks certain people away.

What happens when a district attorney agrees to a plea bargain is that he or she legitimately feels that for whatever reason it is better to accept a plea and a certain conviction in a case than it is to run the risk of trying the case before a jury and running the risk that the defendant would be acquitted. If the defendant is acquitted, obviously, there is not going to be the third strike. If the district attorney is able to get a plea bargain and the agreement that the offender will plead guilty to a particular offense, that conviction will take place, it will have occurred, but by putting this into the law, you are telling the district attorney that he cannot negotiate that plea, he has to go to a jury trial, in a case that he may not be particularly comfortable with, and run the risk of losing the case entirely and having that particular defendant walk free.

I do not think you really want to do that. I do not think we should tie the hands of our district attorneys, and I think we should defeat the DeLuca amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Columbia County, Mr. Gordner.

Mr. GORDNER. Thank you, Madam Speaker.

I must also respectfully disagree with my colleague, Representative DeLuca. I understand his frustration and the frustration of many people when they constantly read about plea bargains in the newspaper, but I wholeheartedly agree with the comments made by Representative Piccola. Those of us who have been as attorneys involved in the criminal system know that there are cases that are airtight and there are cases where you do not have a lot of firsthand evidence, you have circumstantial type of evidence, and for various reasons, witnesses may or may not be willing to testify. You need to plea-bargain in order so that you get some sort of conviction on a charge. This amendment that would tie the hands of district attorneys could create some very serious problems where people who are guilty of charges could go free because of the lack of direct evidence that would be necessary to be provided at a trial with the set of standards and the set of evidence required for a conviction.

So again, although I understand Representative DeLuca's concerns, I must respectfully disagree with him and ask my colleagues to vote against this amendment.

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

Mr. DeLUCA. Thank you, Madam Speaker.

Madam Speaker, I would agree with my two colleagues who have previously just spoken if it was the first time, but we are talking about plea bargaining after the second time, and if we do not have district attorneys who are able to prosecute these cases, especially if we are talking about somebody who is convicted once of rape, once of aggravated assault, and then we still want to plea-bargain his case, so he does come out. That does not keep him in prison because we do not permit the D.A.'s to plea-bargain their case. They will plead it down to a lesser charge. He might get a lesser charge and get out sooner than he should if he went to a jury trial. Why do we not make the juries decide when that fellow has committed two violent crimes instead of having the D.A. continue to plea-bargain their cases.

You know, in 1986 in this House we passed a bill pertaining to the health-care profession. Anyone convicted of selling narcotics lost their license, it was a felony for 10 years. And guess what, Mr. Speaker? The district attorneys were plea-bargaining those cases down to misdemeanors. And you know what? We changed that in this House 3 years ago. We prohibit that from being a plea bargaining. What they are doing is circumventing what we intend is law.

If we are talking about being tough on crime, then you should adopt the DeLuca amendment. Thank you very much, Madam Speaker.

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

Mr. BLAUM. Madam Speaker, would the gentleman, Mr. DeLuca, stand for interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will. You may proceed.

Mr. BLAUM. If we might, just a hypothetical situation where someone commits a felony and that is their first offense, and their second offense is an offense against a child, a 5-year-old child, and there is no way that those parents will allow that 5-year-old to testify, and therefore, without that 5-year-old testifying, our local district attorneys are unable to bring charges, yet it is not well known that the 5-year-old would be unwilling to testify, and therefore, the district attorney is able to negotiate and dicker with the defense attorney so that this person who otherwise— The D.A. knows he has no case

without this child's testimony. The horror that the child may have gone through, now the parents do not want to put this child through additional testimony on the stand and what is very uncomfortable cross-examination. This happens, and district attorneys then are unable to bring a case because they do not have the star witness who will do the testifying, but district attorneys are able, because the defense is not always aware of the reluctance of the child witness, they are able to negotiate an agreement whereby this person is going to spend time behind bars, maybe not 15 years, maybe not 10 years, but perhaps 5 years under some agreement, and therefore, the D.A. is able to hold out the threat that the child will testify and thereby reach an agreement where some jail time is had. Let us say 5 years.

I am just wondering how this amendment would affect that case, because if no arrangements are able to be made — and we have some district attorneys here who are members, and they know how many times the parents of children are reluctant to have them testify and therefore unable to bring a case — would that—

Mr. DeLUCA. Madam Speaker, are you making a statement or are you asking me something?

Mr. BLAUM. I am asking a question.

Mr. DeLUCA. Okay. I thought you were making a statement. I am sorry.

Mr. BLAUM. In a hypothetical case, especially where children are concerned, if we tie the hands of the district attorney in especially these cases where they will not be able to do any negotiating, where the prosecution knows they do not have the star witness, they are unable to negotiate an agreement and thereby get some jail time, and if this amendment in cases involving child victims, if no negotiations are permissible, then the D.A. would have to drop the case. I like the idea of your amendment, but in cases where children are witnesses, this is a valuable tool. Where children are reluctant witnesses and will not testify, this is a weapon which district attorneys—

The SPEAKER pro tempore. Will the gentleman cease.

The Chair would ask the gentleman to ask the question, please.

Mr. BLAUM. I am not doing a very good job of it, I know, but would this amendment also pertain to those cases that I have just tried to explain?

Mr. DeLUCA. Madam Speaker, the case you just laid out, this amendment would not affect it because you are saying the second time. This amendment only affects the third time for plea bargaining.

Secondly, you mentioned the fact about having a child testify. If I remember, we passed a bill not too long ago to permit videotaping of a child's testimony in the courts in those situations, so this does not affect the scenario you laid out, Madam Speaker, because that would be the second offense and we are only addressing third and fourth offenses. Thank you, Madam Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-57

Allen	Dent	McGeehan	Steelman
Argall	Gamble	Melio	Stish
Baker	George	Mundy	Strittmatter
Belardi	Hanna	Olasz	Surra
Belfanti	Jarolin	Pesci	Tangretti
Birmelin	Keller	Petrone	Tigue
Blaum	Kenney	Pitts	Travaglio
Browne	Laughlin	Robinson	Trello

Butkovitz	Lederer	Rooney	Trich
Caltagirone	Lescovitz	Sainato	True
Cawley	Lucyk	Schroder	Veon
Cohen, M.	Markosek	Semmel	Wogan
Colaizzo	Mayernik	Snyder, D. W.	Wright, D. R.
Coy	McCall	Staback	Yewcic
DeLuca			

NAYS-138

Adolph	Fajt	Lloyd	Rudy
Armstrong	Fargo	Lynch	Santoni
Bard	Farmer	Maitland	Sather
Barley	Feese	Major	Saylor
Battisto	Fichter	Manderino	Schuler
Bebko-Jones	Fleagle	Marsico	Scrimanti
Bishop	Flick	Masland	Serafini
Boscola	Gannon	McGill	Shaner
Boyes	Geist	Merry	Sheehan
Brown	Gladeck	Michlovic	Smith, B.
Bunt	Godshall	Micozzie	Smith, S. H.
Buxton	Gordner	Mihalich	Stairs
Cappabianca	Gruitza	Miller	Steil
Carn	Gruppo	Nailor	Stern
Carone	Habay	Nickol	Stetler
Chadwick	Haluska	Nyce	Sturla
Civera	Harhart	O'Brien	Taylor, E. Z.
Clark	Hasay	Oliver	Taylor, J.
Clymer	Hennessey	Perzel	Thomas
Cohen, L. I.	Herman	Pettit	Tulli
Colafella	Hershey	Phillips	Vance
Conti	Hess	Piccola	Van Horne
Cornell	Horsey	Pistella	Vitali
Corpora	Hutchinson	Platts	Walko
Cowell	Itkin	Preston	Washington
Curry	Jadlowiec	Ramos	Waugh
Daley	James	Raymond	Williams
Dempsey	Josephs	Readshaw	Wozniak
DeWeese	Kaiser	Reber	Wright, M. N.
DiGirolamo	King	Reinard	Youngblood
Donatucci	Krebs	Rieger	Zimmerman
Druce	Kukovich	Roberts	Zug
Durham	Lawless	Roebuck	
Egolf	Leh	Rohrer	Ryan,
Fairchild	Levdansky	Rubley	Speaker

NOT VOTING-3

Dermody	Kirkland	Richardson
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EXCUSED-5

Corrigan	Gigliotti	LaGrotta	Petrarca
Evans			

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

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

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

YEAS-180

Adolph	Fargo	Markosek	Schroder
Allen	Farmer	Marsico	Schuler
Argall	Feese	Masland	Scrimenti
Armstrong	Fichter	Mayernik	Semmel
Baker	Fleagle	McCall	Serafini
Barley	Flick	McGeehan	Shaner
Battisto	Gamble	McGill	Sheehan
Bebko-Jones	Gannon	Melio	Smith, B.
Belardi	Geist	Merry	Smith, S. H.
Belfanti	George	Michlovic	Snyder, D. W.
Birmelin	Gladeck	Micozzie	Staback
Blaum	Godshall	Mihalich	Stairs
Boscola	Gordner	Miller	Steil
Boyes	Gruitza	Mundy	Stern
Brown	Gruppo	Nailor	Stetler
Browne	Habay	Nickol	Stish
Bunt	Haluska	Nyce	Strittmatter
Butkovitz	Hanna	O'Brien	Sturla
Buxton	Harhart	Olasz	Surra
Caltagirone	Hasay	Perzel	Tangretti
Carone	Hennessey	Pesci	Taylor, E. Z.
Cawley	Herman	Petrone	Taylor, J.
Chadwick	Hershey	Pettit	Tigue
Civera	Hess	Phillips	Travaglio
Clymer	Horsey	Piccola	Trello
Cohen, M.	Hutchinson	Pistella	Trich
Colaifella	Itkin	Pitts	True
Colaizzo	Jadlowiec	Platts	Tulli
Conti	Jarolin	Preston	Vance
Cornell	Kaiser	Ramos	Van Horne
Corpora	Keller	Raymond	Veon
Cowell	Kenney	Readshaw	Vitali
Coy	King	Reber	Walko
Daley	Krebs	Reinard	Waugh
DeLuca	Kukovich	Rieger	Wogan
Dempsey	Laughlin	Roberts	Wozniak
Dent	Lawless	Robinson	Wright, D. R.
Dermody	Lederer	Rohrer	Wright, M. N.
DeWeese	Leh	Rooney	Yewcic
DiGirolamo	Lescovitz	Rubley	Youngblood
Donatucci	Levdansky	Rudy	Zimmerman
Druce	Lloyd	Sainato	Zug
Durham	Lucyk	Santoni	
Egolf	Lynch	Sather	Ryan,
Fairchild	Maitland	Saylor	Speaker
Fajt	Major		

NAYS-14

Bard	Cohen, L. I.	Oliver	Thomas
Bishop	Curry	Roebuck	Washington
Cappabianca	Josephs	Steelman	Williams
Carn	Manderino		

NOT VOTING-4

Clark	James	Kirkland	Richardson
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EXCUSED-5

Corrigan	Gigliotti	LaGrotta	Petrarca
Evans			

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

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

The House proceeded to third consideration of **HB 845, PN 1162**, entitled:

An Act providing for the administration of examinations; and making a repeal.

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

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

The question is, shall the bill pass finally?

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

YEAS-187

Adolph	Egolf	Lynch	Saylor
Allen	Fairchild	Maitland	Schroder
Argall	Fajt	Major	Schuler
Armstrong	Fargo	Manderino	Scrimenti
Baker	Farmer	Markosek	Semmel
Bard	Feese	Marsico	Serafini
Barley	Fichter	Masland	Shaner
Battisto	Fleagle	Mayernik	Sheehan
Bebko-Jones	Flick	McCall	Smith, B.
Belardi	Gamble	McGeehan	Smith, S. H.
Belfanti	Gannon	McGill	Snyder, D. W.
Birmelin	Geist	Melio	Stairs
Blaum	George	Merry	Steelman
Boscola	Gladeck	Michlovic	Steil
Boyes	Godshall	Micozzie	Stern
Brown	Gordner	Mihalich	Stetler
Browne	Gruitza	Miller	Stish
Bunt	Gruppo	Mundy	Strittmatter
Butkovitz	Habay	Nailor	Sturla
Buxton	Haluska	Nickol	Surra
Caltagirone	Hanna	Nyce	Tangretti
Cappabianca	Harhart	O'Brien	Taylor, E. Z.
Carone	Hasay	Olasz	Taylor, J.
Cawley	Hennessey	Oliver	Thomas
Chadwick	Herman	Perzel	Tigue
Civera	Hershey	Pesci	Travaglio
Clark	Hess	Petrone	Trello
Clymer	Horsey	Pettit	Trich
Cohen, L. I.	Hutchinson	Phillips	True
Cohen, M.	Itkin	Piccola	Tulli
Colaifella	Jadlowiec	Pistella	Vance
Colaizzo	Jarolin	Pitts	Van Horne
Conti	Josephs	Platts	Veon
Cornell	Kaiser	Preston	Vitali
Corpora	Keller	Ramos	Walko
Cowell	Kenney	Raymond	Waugh
Coy	King	Readshaw	Wogan
Curry	Krebs	Reber	Wozniak
Daley	Kukovich	Reinard	Wright, D. R.
DeLuca	Laughlin	Roberts	Wright, M. N.
Dempsey	Lawless	Robinson	Yewcic
Dent	Lederer	Rohrer	Youngblood
Dermody	Leh	Rubley	Zimmerman
DeWeese	Lescovitz	Rudy	Zug
DiGirolamo	Levdansky	Sainato	
Donatucci	Lloyd	Santoni	Ryan,
Druce	Lucyk	Sather	Speaker
Durham			

NAYS-6

James Kirkland	Richardson Rooney	Staback	Washington
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NOT VOTING-5

Bishop Cam	Rieger	Roebuck	Williams
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EXCUSED-5

Corrigan Evans	Gigliotti	LaGrotta	Petrarca
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

The House proceeded to third consideration of **HB 846, PN 934**, entitled:

An Act amending the act of May 11, 1889 (P.L.188, No.210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for pilotage rates.

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

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

The question is, shall the bill pass finally?

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

YEAS-196

Adolph Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Farmer	Marsico	Semmel
Bard	Feese	Masland	Serafini
Barley	Fichter	Mayernik	Shaner
Battisto	Fleagle	McCall	Sheehan
Bebko-Jones	Flick	McGeehan	Smith, B.
Belardi	Gamble	McGill	Smith, S. H.
Belfanti	Gannon	Melio	Snyder, D. W.
Birmelin	Geist	Merry	Staback
Bishop	George	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Nailor	Stish
Bunt	Habay	Nickol	Strittmatter
Butkovitz	Haluska	Nyce	Sturla
	Hanna	O'Brien	Surra

Buxton	Harhart	Olasz	Tangretti
Caltagirone	Hasay	Oliver	Taylor, E. Z.
Cappabianca	Hennessey	Perzel	Taylor, J.
Carone	Herman	Pesci	Thomas
Cawley	Hershey	Petrone	Tigue
Chadwick	Hess	Pettit	Travaglio
Civera	Horsey	Phillips	Trello
Clark	Hutchinson	Piccola	Trich
Clymer	Itkin	Pistella	True
Cohen, L. I.	Jadlowiec	Pitts	Tulli
Cohen, M.	James	Platts	Vance
Colafella	Jarolin	Preston	Van Horne
Colaizzo	Josephs	Ramos	Veon
Conti	Kaiser	Raymond	Vitali
Cornell	Keller	Readshaw	Walko
Corpora	Kenney	Reber	Washington
Cowell	King	Reinard	Waugh
Coy	Kirkland	Rieger	Williams
Curry	Krebs	Roberts	Wogan
Daley	Kukovich	Robinson	Wozniak
DeLuca	Laughlin	Roebuck	Wright, D. R.
Dempsey	Lawless	Rohrer	Wright, M. N.
Dent	Lederer	Rooney	Yewcic
Dermody	Leh	Rublely	Youngblood
DeWeese	Lescovitz	Rudy	Zimmerman
DiGirolamo	Levdansky	Sainato	Zug
Donatucci	Lloyd	Santoni	
Druce	Lucyk	Sather	Ryan,
Durham	Lynch	Saylor	Speaker
Egolf	Maitland		

NAYS-1

Richardson

NOT VOTING-1

Cam

EXCUSED-5

Corrigan Evans	Gigliotti	LaGrotta	Petrarca
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

The House proceeded to third consideration of **HB 76, PN 49**, entitled:

An Act authorizing the Department of Environmental Resources to grant a restricted right-of-way allowing cable television transmission lines to cross Ohiopyle State Park property.

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

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

The question is, shall the bill pass finally?

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. The Chair asks that the vote be stricken.

The Chair recognizes the gentleman, Mr. Roberts.

Mr. ROBERTS. Thank you, Madam Speaker.

Madam Speaker, Ohiopyle Borough is surrounded by Ohiopyle State Park, and current law does not allow cable to cross the State park. This bill authorizes the Department of Environmental Resources to grant a restricted right-of-way allowing cable TV transmission lines to cross the State park to get to Ohiopyle Borough. Because of the current restriction, the people in the borough of Ohiopyle cannot enjoy cable TV, as most of us do and many take for granted.

This bill is site-specific, and it applies only to Ohiopyle State Park, and I would like to say that the bill passed in the last session with a unanimous vote, and I would like to see the same today. Thank you.

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-197

Adolph	Fairchild	Major	Schroder
Allen	Fajt	Manderino	Schuler
Argall	Fargo	Markosek	Scrimenti
Armstrong	Farmer	Marsico	Semmel
Baker	Feese	Masland	Serafini
Bard	Fichter	Mayernik	Shaner
Barley	Fleagle	McCall	Sheehan
Battisto	Flick	McGeehan	Smith, B.
Bebko-Jones	Gamble	McGill	Smith, S. H.
Belardi	Gannon	Melio	Snyder, D. W.
Belfanti	Geist	Merry	Staback
Birmelin	George	Michlovic	Stairs
Bishop	Gladeck	Micozzie	Steeffman
Blaum	Godshall	Mihalich	Steil
Boscola	Gordner	Miller	Stern
Boyes	Gruitza	Mundy	Stetler
Brown	Gruppo	Nailor	Stish
Browne	Habay	Nickol	Strittmatter
Bunt	Haluska	Nyce	Sturla
Butkovitz	Hanna	O'Brien	Surra
Buxton	Harhart	Olasz	Tangretti
Caltagirone	Hasay	Oliver	Taylor, E. Z.
Cappabianca	Hennessey	Perzel	Taylor, J.
Carone	Herman	Pesci	Thomas
Cawley	Hershey	Petrone	Tigue
Chadwick	Hess	Pettit	Travaglio
Civera	Horsey	Phillips	Trello
Clark	Hutchinson	Piccola	Trich
Clymer	Iftkin	Pistella	True
Cohen, L. I.	Jadlowiec	Pitts	Tulli
Cohen, M.	James	Platts	Vance
Colaifella	Jarolin	Preston	Van Horne
Colaizzo	Josephs	Ramos	Veon
Conti	Kaiser	Raymond	Vitali
Cornell	Keller	Readshaw	Walko
Corpora	Kenney	Reber	Washington

Cowell	King	Reinard	Waugh
Coy	Kirkland	Richardson	Williams
Curry	Krebs	Rieger	Wogan
Daley	Kukovich	Roberts	Wozniak
DeLuca	Laughlin	Robinson	Wright, D. R.
Dempsey	Lawless	Roebuck	Wright, M. N.
Dent	Lederer	Rohrer	Yewcic
Dermody	Leh	Rooney	Youngblood
DeWeese	Lescovitz	Rublely	Zimmerman
DiGirolamo	Levdansky	Rudy	Zug
Donatucci	Lloyd	Sainato	
Druce	Lucyk	Santoni	Ryan,
Durham	Lynch	Sather	Speaker
Egolf	Maitland	Saylor	

NAYS-0

NOT VOTING-1

Carr

EXCUSED-5

Corrigan	Gigliotti	LaGrotta	Petrarca
Evans			

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

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

BILL PASSED OVER

The SPEAKER pro tempore. HB 843 is over presently.

The House proceeded to third consideration of **HB 409, PN 429**, entitled:

An Act amending the act of November 24, 1992 (P.L.730, No.110), entitled "An act providing cemetery companies or associations with the right to inter a dead human body in a ground space, a mausoleum, a columbarium or a niche to which interment rights have been abandoned; and encouraging caretaker organizations to assume responsibility for restoration and maintenance of historic burial places by limiting liability in connection therewith," extending liability limitations to landowners of historic burial places.

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

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

The question is, shall the bill pass finally?

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

YEAS--196

Adolph	Egolf	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Farmer	Marsico	Semmel
Bard	Feese	Masland	Serafini
Barley	Fichter	Mayernik	Shaner
Battisto	Fleagle	McCall	Sheehan
Bebko-Jones	Flick	McGeehan	Smith, B.
Belardi	Gamble	McGill	Smith, S. H.
Belfanti	Gannon	Melio	Snyder, D. W.
Birmelin	Geist	Merry	Staback
Bishop	George	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Nailor	Stish
Bunt	Habay	Nickol	Strittmatter
Butkovitz	Haluska	Nyce	Sturla
Buxton	Hanna	O'Brien	Surra
Caltagirone	Harhart	Olasz	Tangretti
Cappabianca	Hasay	Oliver	Taylor, E. Z.
Carn	Hennessey	Perzel	Taylor, J.
Carone	Herman	Pesci	Thomas
Cawley	Hershey	Petrone	Tigue
Chadwick	Hess	Pettit	Travaglio
Civera	Horsey	Phillips	Trello
Clark	Hutchinson	Piccola	Trich
Clymer	Itkin	Pistella	True
Cohen, L. I.	Jadlowiec	Pitts	Tulli
Cohen, M.	James	Platts	Vance
Colafiglia	Jarolin	Preston	Van Horne
Colaizzo	Josephs	Ramos	Veon
Conti	Kaiser	Raymond	Walko
Cornell	Keller	Readshaw	Washington
Corpora	Kenney	Reber	Waugh
Cowell	King	Reinard	Williams
Coy	Kirkland	Richardson	Wogan
Curry	Krebs	Roberts	Wozniak
Daley	Kukovich	Robinson	Wright, D. R.
DeLuca	Laughlin	Roebuck	Wright, M. N.
Dempsey	Lawless	Rohrer	Yewcic
Dent	Lederer	Rooney	Youngblood
Dermody	Leh	Rubley	Zimmerman
DeWeese	Lescovitz	Rudy	Zug
DiGirolo	Levdansky	Sainato	
Donatucci	Lloyd	Santoni	Ryan,
Druce	Lucyk	Sather	Speaker
Durham	Lynch		

NAYS-0

NOT VOTING-2

Rieger	Vitali
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EXCUSED-5

Corrigan	Gigliotti	LaGrotta	Petrarca
Evans			

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

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

The House proceeded to third consideration of **HB 575, PN 793**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for accidents involving damage to an attended and an unattended vehicle or property.

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

Mr. **GORDNER** offered the following amendment No. **A1651**:

Amend Title, page 1, line 2, by inserting after "Statutes," providing for increased penalties for multiple convictions for driving under influence of alcohol or controlled substance; and

Amend Sec. 1, page 1, line 6, by inserting after "SECTIONS" 3731(e)(1),

Amend Sec. 1, page 1, by inserting between lines 8 and 9

§ 3731. Driving under influence of alcohol or controlled substance.

(e) Penalty.—

(1) Any person violating any of the provisions of this section is guilty of a misdemeanor of the second degree, except that a person convicted of a fourth or subsequent offense is guilty of a misdemeanor of the first degree, and the sentencing court shall order the person to pay a fine of not less than \$300 and serve a minimum term of imprisonment of:

(i) Not less than 48 consecutive hours.

(ii) Not less than 30 days if the person has previously accepted Accelerated Rehabilitative Disposition or any other form of preliminary disposition, been convicted of, adjudicated delinquent or granted a consent decree under the Juvenile Act (42 Pa.C.S. § 6301 et seq.) based on an offense under this section or of an equivalent offense in this or other jurisdictions within the previous seven years.

(iii) Not less than 90 days if the person has twice previously been convicted of, adjudicated delinquent or granted a consent decree under the Juvenile Act based on an offense under this section or of an equivalent offense in this or other jurisdictions within the previous seven years.

(iv) Not less than one year if the person has three times previously been convicted of, adjudicated delinquent or granted a consent decree under the Juvenile Act based on an offense under this section or of an equivalent offense in this or other jurisdictions within the previous seven years.

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

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

Mr. **GORDNER**. Thank you, Madam Speaker.

This amendment is a necessary amendment. Currently, now, a DUI (driving under the influence) charge is a misdemeanor-2, and the maximum penalty for a misdemeanor-2 is a 2-year sentence. DUI also has various mandatory minimum sentences for a first, second, third, and then a fourth or subsequent offense.

What happens with the fourth or subsequent offense is that the minimum sentence is 1 to 2 years and the maximum sentence is 1 to 2 years. Therefore, those defendants charged with a fourth or subsequent offense will almost always go ahead and take the case to trial because they have nothing to lose. The minimum sentence is

1 to 2; the maximum sentence is 1 to 2. Those defendants end up looking for a technicality, et cetera. They waste the time of the court, the D.A.'s office, and the public defender's office, if that is who is representing them.

What my amendment would do would be to increase the penalty for fourth or subsequent offenses from a misdemeanor-2 to a misdemeanor-1 so that there would be room there for negotiation, or hopefully, the defendant will just enter a guilty plea.

I would ask for your encouragement and favorable vote on this amendment, and I would thank the prime sponsor of the bill, Representative Boyes, for his work and his agreeing to this amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie County, Mr. Boyes.

Mr. BOYES. Madam Speaker, this is an agreed-to amendment, and I would urge the members to support the amendment.

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

Mr. MASLAND. Thank you, Madam Speaker.

I know the vote is going to be overwhelming. It should be overwhelming. For those of you who were here last session, Representative Gordner and I got up — I guess this was the first time that we combined forces as former public defender, former assistant D.A. — and said, this makes sense. This amendment does make sense, and for those of you who might be concerned, it does not have any mandatory sentences in it. It gives the court the discretion, when in an appropriate case the sentence should be greater than 1 year, to make it greater than 1 year.

Again, it makes sense. This is something you passed last year. Let us do it again now and have it become law. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-197

Adolph	Egolf	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Farmer	Marsico	Semmel
Bard	Feese	Masland	Serafini
Barley	Fichter	Mayernik	Shaner
Battisto	Fleagle	McCall	Sheehan
Bebko-Jones	Flick	McGeehan	Smith, B.
Belardi	Gamble	McGill	Smith, S. H.
Belfanti	Gannon	Melio	Snyder, D. W.
Birmelin	Geist	Merry	Staback
Bishop	George	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Nailor	Stish
Bunt	Habay	Nickol	Strittmatter
Butkovitz	Haluska	Nyce	Sturla
Buxton	Hanna	O'Brien	Surra
Caltagirone	Harhart	Olasz	Tangretti
Cappabianca	Hasay	Oliver	Taylor, E. Z.
Carn	Hennessey	Perzel	Taylor, J.
Carone	Herman	Pesci	Thomas
Cawley	Hershey	Petrone	Tigue
Chadwick	Hess	Pettit	Travaglio
Civera	Horsey	Phillips	Trello

Clark	Hutchinson	Piccola	Trich
Clymer	Itkin	Pistella	True
Cohen, L. I.	Jadlowiec	Pitts	Tulli
Cohen, M.	James	Platts	Vance
Colafella	Jarolin	Preston	Van Horne
Colaizzo	Josephs	Ramos	Veon
Conti	Kaiser	Raymond	Vitali
Cornell	Keller	Readshaw	Walko
Corpora	Kenney	Reber	Washington
Cowell	King	Reinard	Waugh
Coy	Kirkland	Richardson	Williams
Curry	Krebs	Rieger	Wogan
Daley	Kukovich	Roberts	Wright, D. R.
DeLuca	Laughlin	Robinson	Wright, M. N.
Dempsey	Lawless	Roebuck	Yewcic
Dent	Lederer	Rohrer	Youngblood
Dermody	Leh	Rooney	Zimmerman
DeWeese	Lescovitz	Rublely	Zug
DiGirolamo	Levdansky	Rudy	
Donatucci	Lloyd	Sainato	Ryan,
Druce	Lucyk	Santoni	Speaker
Durham	Lynch	Sather	

NAYS-0

NOT VOTING-1

Wozniak

EXCUSED-5

Corrigan	Gigliotti	LaGrotta	Petrarca
Evans			

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS-198

Adolph	Egolf	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Farmer	Marsico	Semmel
Bard	Feese	Masland	Serafini
Barley	Fichter	Mayernik	Shaner
Battisto	Fleagle	McCall	Sheehan
Bebko-Jones	Flick	McGeehan	Smith, B.
Belardi	Gamble	McGill	Smith, S. H.
Belfanti	Gannon	Melio	Snyder, D. W.
Birmelin	Geist	Merry	Staback
Bishop	George	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Nailor	Stish
Bunt	Habay	Nickol	Strittmatter

Butkovitz	Haluska	Nyce	Sturla
Buxton	Hanna	O'Brien	Surra
Caltagirone	Harhart	Olasz	Tangretti
Cappabianca	Hasay	Oliver	Taylor, E. Z.
Carn	Hennessey	Perzel	Taylor, J.
Carone	Herman	Pesci	Thomas
Cawley	Hershey	Petrone	Tigue
Chadwick	Hess	Pettit	Travaglio
Civera	Horsey	Phillips	Trello
Clark	Hutchinson	Piccola	Trich
Clymer	Itkin	Pistella	True
Cohen, L. I.	Jadlowiec	Pitts	Tulli
Cohen, M.	James	Platts	Vance
Colafella	Jarolin	Preston	Van Horne
Colaizzo	Josephs	Ramos	Veon
Conti	Kaiser	Raymond	Vitali
Cornell	Keller	Readshaw	Walko
Corpora	Kenney	Reber	Washington
Cowell	King	Reinard	Waugh
Coy	Kirkland	Richardson	Williams
Curry	Krebs	Rieger	Wogan
Daley	Kukovich	Roberts	Wozniak
DeLuca	Laughlin	Robinson	Wright, D. R.
Dempsey	Lawless	Roebuck	Wright, M. N.
Dent	Lederer	Rohrer	Yewcic
Dermody	Leh	Rooney	Youngblood
DeWeese	Lescovitz	Rubley	Zimmerman
DiGirolamo	Levdansky	Rudy	Zug
Donatucci	Lloyd	Sainato	
Druce	Lucyk	Santoni	Ryan,
Durham	Lynch	Sather	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Corrigan	Gigliotti	LaGrotta	Petrarca
Evans			

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.

TRANSPORTATION COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Altoona, Mr. Geist.

Mr. GEIST. Thank you, Madam Speaker.

I would like to call a meeting of the Transportation Committee at the rear of the House. We have a brief bit of business to do, and we can do it while you are doing the debate on the next bill if it suits the Speaker.

The SPEAKER pro tempore. The Chair would like to inform the gentleman, Mr. Geist, we will be taking a break shortly for committee meetings if you would like to hold off just a short time.

Mr. GEIST. At the break, Madam Speaker, we will convene at the back of the House for a brief meeting of the Transportation Committee. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

RESOLUTIONS PURSUANT TO RULE 35

Mr. COY called up **HR 93, PN 1386**, entitled:

A Concurrent Resolution recognizing the efforts and achievements of The Harrisburg Internship Semester also known as the "THIS" program.

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-197

Adolph	Egolf	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Farmer	Marsico	Semmel
Bard	Feese	Masland	Serafini
Barley	Fichter	Mayernik	Shaner
Battisto	Fleagle	McCall	Sheehan
Bebko-Jones	Flick	McGeehan	Smith, S. H.
Belardi	Gamble	McGill	Snyder, D. W.
Belfanti	Gannon	Melio	Staback
Birmelin	Geist	Merry	Stairs
Bishop	George	Michlovic	Steelman
Blaum	Gladeck	Micozzie	Steil
Boscola	Godshall	Mihalich	Stern
Boyes	Gordner	Miller	Stetler
Brown	Gruitza	Mundy	Stish
Browne	Gruppo	Nailor	Stritmatter
Bunt	Habay	Nickol	Sturla
Butkovitz	Haluska	Nyce	Surra
Buxton	Hanna	O'Brien	Tangretti
Caltagirone	Harhart	Olasz	Taylor, E. Z.
Cappabianca	Hasay	Oliver	Taylor, J.
Carn	Hennessey	Perzel	Thomas
Carone	Herman	Pesci	Tigue
Cawley	Hershey	Petrone	Travaglio
Chadwick	Hess	Pettit	Trello
Civera	Horsey	Phillips	Trich
Clark	Hutchinson	Piccola	True
Clymer	Itkin	Pistella	Tulli
Cohen, L. I.	Jadlowiec	Pitts	Vance
Cohen, M.	James	Platts	Van Horne
Colafella	Jarolin	Preston	Veon
Colaizzo	Josephs	Ramos	Vitali
Conti	Kaiser	Raymond	Walko
Cornell	Keller	Readshaw	Washington
Corpora	Kenney	Reber	Waugh
Cowell	King	Reinard	Williams
Coy	Kirkland	Richardson	Wogan
Curry	Krebs	Rieger	Wozniak
Daley	Kukovich	Roberts	Wright, D. R.
DeLuca	Laughlin	Robinson	Wright, M. N.
Dempsey	Lawless	Roebuck	Yewcic
Dent	Lederer	Rohrer	Youngblood
Dermody	Leh	Rooney	Zimmerman
DeWeese	Lescovitz	Rubley	Zug
DiGirolamo	Levdansky	Rudy	
Donatucci	Lloyd	Sainato	Ryan,
Druce	Lucyk	Santoni	Speaker
Durham	Lynch	Sather	

NAYS-0

NOT VOTING-1

Smith, B.

EXCUSED-5

Corrigan	Gigliotti	LaGrotta	Petrarca
Evans			

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

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

* * *

Ms. BOSCOLA called up **HR 95, PN 1388**, entitled:

A Resolution declaring the week of May 14 through 20, 1995, as "Emergency Medical Services Week" in Pennsylvania to recognize those professionals who provide these services and to proclaim this year's theme of "E.M.S., We're There For Life."

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-198

Adolph	Egolf	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Farmer	Marsico	Semmel
Bard	Feese	Masland	Serafini
Barley	Fichter	Mayernik	Shaner
Battisto	Fleagle	McCall	Sheehan
Bebko-Jones	Flick	McGeehan	Smith, B.
Belardi	Gamble	McGill	Smith, S. H.
Belfanti	Gannon	Melio	Snyder, D. W.
Birmelin	Geist	Merry	Staback
Bishop	George	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Nailor	Stish
Bunt	Habay	Nickol	Strittmatter
Butkovitz	Haluska	Nyce	Sturla
Buxton	Hanna	O'Brien	Surra
Caltagirone	Harhart	Olasz	Tangretti
Cappabianca	Hasay	Oliver	Taylor, E. Z.
Carn	Hennessey	Perzel	Taylor, J.
Carone	Herman	Pesci	Thomas
Cawley	Hershey	Petrone	Tigue
Chadwick	Hess	Pettit	Travaglio
Civera	Horsey	Phillips	Trello
Clark	Hutchinson	Piccola	Trich
Clymer	Itkin	Pistella	True
Cohen, L. I.	Jadlowiec	Pitts	Tulli
Cohen, M.	James	Platts	Vance
Colafrilla	Jarolin	Preston	Van Horne
Colaizzo	Josephs	Ramos	Veon
Conti	Kaiser	Raymond	Vitali
Cornell	Keller	Readshaw	Walko
Corpora	Kenney	Reber	Washington
Cowell	King	Reinard	Waugh
Coy	Kirkland	Richardson	Williams

Curry	Krebs	Rieger	Wogan
Daley	Kukovich	Roberts	Wozniak
DeLuca	Laughlin	Robinson	Wright, D. R.
Dempsey	Lawless	Roebuck	Wright, M. N.
Dent	Lederer	Rohrer	Yewcic
Dermody	Leh	Rooney	Youngblood
DeWeese	Lescovitz	Rubley	Zimmerman
DiGirolamo	Levdansky	Rudy	Zug
Donatucci	Lloyd	Sainato	
Druce	Lucyk	Santoni	Ryan, Speaker
Durham	Lynch	Sather	

NAYS-0

NOT VOTING-0

EXCUSED-5

Corrigan	Gigliotti	LaGrotta	Petrarca
Evans			

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

* * *

Mrs. RUDY called up **HR 98, PN 1389**, entitled:

A Resolution congratulating the Borough of Lewistown on its 200th Anniversary.

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-198

Adolph	Egolf	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Farmer	Marsico	Semmel
Bard	Feese	Masland	Serafini
Barley	Fichter	Mayernik	Shaner
Battisto	Fleagle	McCall	Sheehan
Bebko-Jones	Flick	McGeehan	Smith, B.
Belardi	Gamble	McGill	Smith, S. H.
Belfanti	Gannon	Melio	Snyder, D. W.
Birmelin	Geist	Merry	Staback
Bishop	George	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Nailor	Stish
Bunt	Habay	Nickol	Strittmatter
Butkovitz	Haluska	Nyce	Sturla
Buxton	Hanna	O'Brien	Surra
Caltagirone	Harhart	Olasz	Tangretti
Cappabianca	Hasay	Oliver	Taylor, E. Z.
Carn	Hennessey	Perzel	Taylor, J.
Carone	Herman	Pesci	Thomas
Cawley	Hershey	Petrone	Tigue
Chadwick	Hess	Pettit	Travaglio
Civera	Horsey	Phillips	Trello
Clark	Hutchinson	Piccola	Trich
Clymer	Itkin	Pistella	True
Cohen, L. I.	Jadlowiec	Pitts	Tulli

Cohen, M.	James	Platts	Vance
Colaifella	Jarolin	Preston	Van Horne
Colaizzo	Josephs	Ramos	Veon
Conti	Kaiser	Raymond	Vitali
Cornell	Keller	Readshaw	Walko
Corpora	Kenney	Reber	Washington
Cowell	King	Reinard	Waugh
Coy	Kirkland	Richardson	Williams
Curry	Krebs	Rieger	Wogan
Daley	Kukovich	Roberts	Wozniak
DeLuca	Laughlin	Robinson	Wright, D. R.
Dempsey	Lawless	Roebuck	Wright, M. N.
Dent	Lederer	Rohrer	Yewcic
Dermody	Leh	Rooney	Youngblood
DeWeese	Lescovitz	Rublely	Zimmerman
DiGirolamo	Levdansky	Rudy	Zug
Donatucci	Lloyd	Sainato	
Druce	Lucyk	Santoni	Ryan,
Durham	Lynch	Sather	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Corrigan	Gigliotti	LaGrotta	Petrarca
Evans			

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

RESOLUTION

Mr. FICHTER called up HR 91, PN 1332, entitled:

A Resolution establishing a task force to review issues concerning abandoned and blighted property and the economic revitalization of this Commonwealth's boroughs, cities and urban areas.

On the question,
Will the House adopt the resolution?

Mr. PERZEL offered the following amendment No. A1659:

Amend Title, page 1, line 1, by striking out "Establishing a task force" and inserting

Directing the Urban Affairs Committee

Amend First Resolve Clause, page 2, lines 13 and 14, by striking out "a task force on blighted and abandoned real estate be appointed to" and inserting

the Urban Affairs Committee

Amend Second Resolve Clause, page 2, lines 19 through 30; page 3, lines 1 through 14, by striking out all of said lines on said pages

Amend Third Resolve Clause, page 3, line 15, by striking out "task force" and inserting

Urban Affairs Committee

Amend Fourth Resolve Clause, page 3, line 19, by striking out "task force" and inserting

Urban Affairs Committee

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

The SPEAKER pro tempore. The gentleman may proceed.
Mr. PERZEL. Thank you, Madam Speaker.
At the request of the minority leader, we have changed the task force to be the Urban Affairs Committee that will review the urban blight, well, actually, blight all over Pennsylvania.

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

The following roll call was recorded:

YEAS-195

Adolph	Egolf	Major	Schroder
Allen	Fairchild	Manderino	Schuler
Argall	Fajt	Markosek	Scrimenti
Armstrong	Fargo	Marsico	Semmel
Baker	Farmer	Masland	Serafini
Bard	Feece	Mayernik	Shaner
Barley	Fleagle	McCall	Sheehan
Battisto	Flick	McGeehan	Smith, B.
Bebko-Jones	Gamble	McGill	Smith, S. H.
Belardi	Gannon	Melio	Snyder, D. W.
Belfanti	Geist	Merry	Staback
Birmelin	George	Michlovic	Stairs
Bishop	Gladeck	Micozzie	Steelman
Blaum	Godshall	Mihalich	Steil
Boscola	Gordner	Miller	Stern
Boyes	Gruitza	Mundy	Stetler
Brown	Gruppo	Nailor	Stish
Browne	Habay	Nickol	Strittmatter
Bunt	Haluska	Nyce	Sturla
Butkovitz	Hanna	O'Brien	Surra
Buxton	Harhart	Olasz	Tangretti
Caltagirone	Hasay	Oliver	Taylor, E. Z.
Cappabianca	Hennessey	Perzel	Taylor, J.
Carn	Herman	Pesci	Thomas
Carone	Hershey	Petrone	Tigue
Cawley	Hess	Pettit	Travaglio
Chadwick	Horsey	Phillips	Trello
Civera	Hutchinson	Piccola	Trich
Clark	Itkin	Pistella	True
Clymer	Jadlowiec	Pitts	Tulli
Cohen, L. I.	James	Platts	Vance
Cohen, M.	Jarolin	Preston	Van Horne
Colaifella	Josephs	Ramos	Veon
Colaizzo	Kaiser	Raymond	Vitali
Conti	Keller	Readshaw	Walko
Cornell	King	Reinard	Washington
Corpora	Kirkland	Richardson	Waugh
Cowell	Krebs	Rieger	Williams
Coy	Kukovich	Roberts	Wogan
Curry	Laughlin	Robinson	Wozniak
Daley	Lawless	Roebuck	Wright, D. R.
DeLuca	Lederer	Rohrer	Wright, M. N.
Dempsey	Leh	Rooney	Yewcic
Dent	Lescovitz	Rublely	Youngblood
Dermody	Levdansky	Rudy	Zimmerman
DeWeese	Lloyd	Sainato	Zug
DiGirolamo	Lucyk	Santoni	
Donatucci	Lynch	Sather	Ryan,
Druce	Maitland	Saylor	Speaker
Durham			

NAYS-2

Fichter	Reber
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NOT VOTING-1

Kenney

EXCUSED-5

Corrigan Gigliotti LaGrotta Petrarca
Evans

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

On the question,
Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS-196

Adolph	Egolf	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Farmer	Marsico	Semmel
Bard	Feese	Masland	Shaner
Barley	Fichter	Mayernik	Sheehan
Battisto	Fleagle	McCall	Smith, B.
Bebko-Jones	Flick	McGeehan	Smith, S. H.
Belardi	Gamble	McGill	Snyder, D. W.
Belfanti	Gannon	Melio	Staback
Birmelin	Geist	Merry	Stairs
Bishop	George	Michlovic	Steelman
Blaum	Gladeck	Micozzie	Steil
Boscola	Godshall	Mihalich	Stern
Boyes	Gordner	Miller	Stetler
Brown	Gruitza	Mundy	Stish
Browne	Gruppo	Nailor	Strittmatter
Bunt	Habay	Nickol	Sturla
Butkovitz	Haluska	Nyce	Surra
Buxton	Hanna	O'Brien	Tangretti
Caltagirone	Harhart	Olasz	Taylor, E. Z.
Cappabianca	Hasay	Oliver	Taylor, J.
Carn	Hennessey	Perzel	Thomas
Carone	Herman	Pesci	Tigue
Cawley	Hershey	Petrone	Travaglio
Chadwick	Hess	Pettit	Trello
Civera	Horshey	Phillips	Trich
Clark	Hutchinson	Piccola	True
Clymer	Itkin	Pistella	Tulli
Cohen, L. I.	Jadlowiec	Pitts	Vance
Cohen, M.	James	Platts	Van Horne
Colafella	Jarolin	Preston	Veon
Colaizzo	Josephs	Ramos	Vitali
Conti	Kaiser	Raymond	Walko
Cornell	Keller	Readshaw	Washington
Corpora	Kenney	Reber	Waugh
Cowell	King	Reinard	Williams
Coy	Kirkland	Rieger	Wogan
Curry	Krebs	Roberts	Wozniak
Daley	Kukovich	Robinson	Wright, D. R.
DeLuca	Laughlin	Roebuck	Wright, M. N.
Dempsey	Lawless	Rohrer	Yewcic
Dent	Lederer	Rooney	Youngblood
Dermody	Leh	Rubley	Zimmerman
DeWeese	Lescovitz	Rudy	Zug
DiGirolamo	Levdansky	Sainato	
Donatucci	Lloyd	Santoni	Ryan,
Druce	Lucyk	Sather	Speaker
Durham	Lynch		

NAYS-0

NOT VOTING-2

Richardson Serafini

EXCUSED-5

Corrigan Gigliotti LaGrotta Petrarca
Evans

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

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mrs. RUBLEY called up **HR 102, PN 1442**, entitled:

A Resolution declaring the week of April 2 through 8, 1995, as "Public Health Awareness Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-198

Adolph	Egolf	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Farmer	Marsico	Semmel
Bard	Feese	Masland	Serafini
Barley	Fichter	Mayernik	Shaner
Battisto	Fleagle	McCall	Sheehan
Bebko-Jones	Flick	McGeehan	Smith, B.
Belardi	Gamble	McGill	Smith, S. H.
Belfanti	Gannon	Melio	Snyder, D. W.
Birmelin	Geist	Merry	Staback
Bishop	George	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Nailor	Stish
Bunt	Habay	Nickol	Strittmatter
Butkovitz	Haluska	Nyce	Sturla
Buxton	Hanna	O'Brien	Surra
Caltagirone	Harhart	Olasz	Tangretti
Cappabianca	Hasay	Oliver	Taylor, E. Z.
Carn	Hennessey	Perzel	Taylor, J.
Carone	Herman	Pesci	Thomas
Cawley	Hershey	Petrone	Tigue
Chadwick	Hess	Pettit	Travaglio
Civera	Horshey	Phillips	Trello
Clark	Hutchinson	Piccola	Trich
Clymer	Itkin	Pistella	True
Cohen, L. I.	Jadlowiec	Pitts	Tulli
Cohen, M.	James	Platts	Vance
Colafella	Jarolin	Preston	Van Horne
Colaizzo	Josephs	Ramos	Veon
Conti	Kaiser	Raymond	Vitali
Cornell	Keller	Readshaw	Walko
Corpora	Kenney	Reber	Washington
Cowell	King	Reinard	Waugh
Coy	Kirkland	Richardson	Williams

Curry	Krebs	Rieger	Wogan
Daley	Kukovich	Roberts	Wozniak
DeLuca	Laughlin	Robinson	Wright, D. R.
Dempsey	Lawless	Roebuck	Wright, M. N.
Dent	Lederer	Rohrer	Yewcic
Dermody	Leh	Rooney	Youngblood
DeWeese	Lescovitz	Rublely	Zimmerman
DiGirolamo	Levdansky	Rudy	Zug
Donatucci	Lloyd	Sainato	
Druce	Lucyk	Santoni	Ryan,
Durham	Lynch	Sather	Speaker

Colafella	Jarolin	Preston	Vance
Colaizzo	Josephs	Ramos	Van Horne
Conti	Kaiser	Raymond	Veon
Cornell	Keller	Readshaw	Vitali
Corpora	Kenney	Reber	Walko
Cowell	King	Reinard	Washington
Coy	Kirkland	Richardson	Waugh
Curry	Krebs	Rieger	Williams
Daley	Kukovich	Roberts	Wogan
DeLuca	Laughlin	Robinson	Wozniak
Dempsey	Lawless	Roebuck	Wright, D. R.
Dent	Lederer	Rohrer	Wright, M. N.
Dermody	Leh	Rooney	Yewcic
DeWeese	Lescovitz	Rublely	Youngblood
DiGirolamo	Levdansky	Rudy	Zimmerman
Donatucci	Lloyd	Sainato	Zug
Druce	Lucyk	Santoni	
Durham	Lynch	Sather	Ryan,
Egolf	Major	Saylor	Speaker
Fairchild			

NAYS-0

NOT VOTING-0

EXCUSED-5

Corrigan	Gigliotti	LaGrotta	Petrarca
Evans			

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

CALENDAR CONTINUED

HB 659 RECONSIDERED

The SPEAKER pro tempore. The Chair is in receipt of a reconsideration motion of the vote on HB 659, PN 967, on March 21.

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

The following roll call was recorded:

YEAS-195

Adolph	Fajt	Manderino	Schroder
Allen	Fargo	Markosek	Schuler
Argall	Farmer	Marsico	Scrimenti
Armstrong	Feese	Masland	Semmel
Baker	Fichter	Mayernik	Serafini
Bard	Fleagle	McCall	Shaner
Barley	Flick	McGeehan	Sheehan
Battisto	Gamble	McGill	Smith, B.
Bebko-Jones	Gannon	Melio	Smith, S. H.
Belardi	Geist	Merry	Snyder, D. W.
Belfanti	George	Michlovic	Staback
Birmelin	Gladeck	Micozzie	Stairs
Bishop	Godshall	Mihalich	Steelman
Blaum	Gordner	Miller	Steil
Boscola	Gruitza	Mundy	Stern
Boyes	Gruppo	Nailor	Stetler
Brown	Habay	Nickol	Stish
Browne	Haluska	Nyce	Strittmatter
Bunt	Hanna	O'Brien	Sturla
Buxton	Harhart	Olasz	Surra
Caltagirone	Hasay	Oliver	Tangretti
Cappabianca	Hennessey	Perzel	Taylor, E. Z.
Carn	Herman	Pesci	Taylor, J.
Carone	Hershey	Petrone	Thomas
Cawley	Hess	Pettit	Tigue
Chadwick	Horsley	Phillips	Travaglio
Civera	Hutchinson	Piccola	Trello
Clark	Itkin	Pistella	Trich
Cohen, L. I.	Jadlowiec	Pitts	True
Cohen, M.	James	Platts	Tulli

NAYS-1

Maitland

NOT VOTING-2

Butkovitz	Clymer
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EXCUSED-5

Corrigan	Gigliotti	LaGrotta	Petrarca
Evans			

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

On the question recurring,
Shall the bill pass finally?

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

YEAS-186

Adolph	Fajt	Maitland	Saylor
Allen	Fargo	Major	Schroder
Argall	Farmer	Manderino	Schuler
Armstrong	Feese	Markosek	Scrimenti
Baker	Fichter	Marsico	Semmel
Bard	Fleagle	Masland	Serafini
Barley	Flick	Mayernik	Shaner
Battisto	Gamble	McCall	Sheehan
Bebko-Jones	Gannon	McGeehan	Smith, B.
Belardi	Geist	McGill	Smith, S. H.
Belfanti	George	Melio	Snyder, D. W.
Birmelin	Gladeck	Merry	Staback
Bishop	Godshall	Michlovic	Stairs
Blaum	Gordner	Micozzie	Steelman
Boscola	Gruitza	Miller	Steil
Boyes	Gruppo	Mundy	Stern
Brown	Habay	Nailor	Stetler
Browne	Haluska	Nickol	Stish
Bunt	Hanna	Nyce	Strittmatter
Buxton	Harhart	O'Brien	Sturla
Caltagirone	Hasay	Oliver	Surra
Cappabianca	Hennessey	Perzel	Tangretti
Carn	Herman	Pesci	Taylor, E. Z.
Carone	Hershey	Petrone	Taylor, J.
Cawley	Hess	Pettit	Thomas
Chadwick	Horsley		Tigue

Civera	Hutchinson	Phillips	Travaglio
Clark	Itkin	Piccola	Trello
Clymer	Jadlowiec	Pitts	Trich
Cohen, L. I.	James	Platts	True
Colaella	Jarolin	Ramos	Tulli
Colaizzo	Josephs	Raymond	Vance
Conti	Kaiser	Readshaw	Veon
Cornell	Keller	Reber	Walko
Corpora	Kenney	Reinard	Washington
Coy	King	Richardson	Waugh
Curry	Kirkland	Rieger	Williams
Daley	Krebs	Roberts	Wogan
Dempsey	Laughlin	Robinson	Wozniak
Dent	Lawless	Roebuck	Wright, D. R.
DeWeese	Lederer	Rohrer	Wright, M. N.
DiGirolamo	Leh	Rooney	Yewcic
Donatucci	Lescovitz	Ruble	Zimmerman
Druce	Levdansky	Rudy	Zug
Durham	Lloyd	Sainato	
Egolf	Lucyk	Santoni	Ryan,
Fairchild	Lynch	Sather	Speaker

NAYS-11

Cohen, M.	Dermody	Pistella	Vitali
Cowell	Kukovich	Preston	Youngblood
DeLuca	Mihalich	Van Horne	

NOT VOTING-1

Butkovitz

EXCUSED-5

Corrigan	Gigliotti	LaGrotta	Petrarca
Evans			

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

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

The SPEAKER pro tempore. The Chair would like to announce that we will be shortly taking a 10-minute break. There will be committee announcements. We would ask that you stay in the hall of the House, because we will be voting on special session bills very shortly, after 10 minutes.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Pitts, for an announcement.

Mr. PITTS. Thank you, Madam Speaker.

I would like to call a meeting of the House Appropriations Committee immediately at the break in room 245, the conference room, the majority Appropriations suite. Thank you, Madam Speaker.

ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Reber, for an announcement.

Mr. REBER. Thank you, Madam Speaker.

For the information of the members of the Environmental Resources Committee, on Monday next, March 27, at 11:30 a.m., in room 39 of the East Wing, we will be considering HB 344, Representative George's bill; HB 272, Representative Lynch's bill; HB 490, Representative Baker's bill; and HB 243, Representative Blaum's bill. Also to be considered at that time is HB 873, introduced by Representative Hershey, with the intent to rerefer the aforementioned bill to the Agricultural Committee.

Again, that meeting will be on Monday next. You will be getting notice or you may have already gotten the same. That is for the Environmental Resources Committee. Thank you.

The SPEAKER pro tempore. The Chair recognizes the majority leader, Mr. Perzel.

Mr. PERZEL. Thank you, Madam Speaker.

Madam Speaker, when we come back from the break, we will be running HB 5, HB 6, HB 10, and SB 2 in special session.

ANNOUNCEMENT BY MR. SNYDER

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

Mr. SNYDER. Thank you, Madam Speaker.

Madam Speaker, just a reminder to the members that the Republican and Democratic Policy Committees will be sponsoring a program tomorrow on rural issues, and we invite all members to attend between the hours of 11 and 3 in room 60. Thank you.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND Tabled

HB 416, PN 1433 (Amended) By Rep. CIVERA

An Act amending the act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law, further providing for the supervision of shops.

PROFESSIONAL LICENSURE.

HB 569, PN 1435 (Amended) By Rep. PICCOLA

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for aggravated assault.

JUDICIARY.

HB 599, PN 1436 (Amended) By Rep. PICCOLA

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

JUDICIARY.

HB 841, PN 1439 (Amended) By Rep. DURHAM

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting pornographic computer communications to minors and making an exception.

CONSUMER AFFAIRS.

HB 961, PN 1078

By Rep. DURHAM

An Act providing for dual party relay services and for telecommunication device distribution.

CONSUMER AFFAIRS.

HB 1032, PN 1434 (Amended)

By Rep. WOGAN

An Act providing for the preemption of ordinances and other regulations of cities of the first class for capital projects and improvements of State-related universities principally located within cities of the first class.

URBAN AFFAIRS.

**BILLS REPORTED AND REREFERRED TO
COMMITTEE ON CONSUMER AFFAIRS**

HB 908, PN 1010

By Rep. PICCOLA

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for exceptions relating to attachment of personal earnings.

JUDICIARY.

HB 1154, PN 1288

By Rep. PICCOLA

An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, further providing for the definition of "justice of the peace" and for notice to quit; providing for summons and service, for hearing, judgment, writ of possession and payment of rent by tenant, for return of writ and for appeal and certiorari.

JUDICIARY.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON LABOR RELATIONS**

HB 1127, PN 1256

By Rep. PICCOLA

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for prohibition of the delegation of certain powers.

JUDICIARY.

VOTE CORRECTION

Ms. YOUNGBLOOD. Madam Speaker?

The SPEAKER pro tempore. For what reason does the gentlelady rise?

Ms. YOUNGBLOOD. On HB 659, my button malfunctioned, and I would like to be recorded in the affirmative, please.

The SPEAKER pro tempore. The Chair thanks the lady.

Ms. YOUNGBLOOD. Thank you.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the majority leader, Mr. Perzel, who calls an immediate meeting of the Rules Committee at his desk.

VOTE CORRECTIONS

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

Mr. CLARK. To correct the record, Madam Speaker.

On amendment 1575 on HB 247, my switch failed to engage, and had it engaged, I wish to be recorded as voting in the affirmative. Thank you.

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

Mr. JAMES. Thank you, Madam Speaker.

I would like to correct the record.

On HB 814 my switch malfunctioned, and I am shown as not voting. I would like to be voted in the affirmative.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Ramos.

Mr. RAMOS. Thank you, Madam Speaker.

I would like to correct the record.

On HB 1073, amendment 1530, I would like to state a "no" vote on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman. His remarks will be spread upon the record. Thank you.

SENATE MESSAGE

HOUSE RESOLUTION
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in **HR 52, PN 951**.

**HOUSE BILL
INTRODUCED AND REFERRED**

No. 1295 By Representatives KENNEY, J. TAYLOR, O'BRIEN, WOGAN and PERZEL

An Act amending the act of June 5, 1947 (P.L.458, No.208), known as the Parking Authority Law, further providing for the appointment of the governing body and official action in cities of the first class; and prohibiting Commonwealth tax revenues from funding the authority.

Referred to Committee on FINANCE, March 21, 1995.

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

BILLS REREPORTED FROM COMMITTEE**HB 14, PN 12**

By Rep. PITTS

An Act providing for a loan program for local police agencies funded by a bond issuance; establishing the Police Agency Loan Division in the Pennsylvania Emergency Management Agency; and conferring powers and duties on the Secretary of the Commonwealth and the Legislative Reference Bureau.

APPROPRIATIONS.

HB 741, PN 1240

By Rep. PITTS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for the operation of the State System of Higher Education; and making a repeal.

APPROPRIATIONS.

HB 1174, PN 1322

By Rep. PITTS

An Act amending the act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945, further providing for investment of authority funds.

APPROPRIATIONS.

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****HB 431, PN 451**

By Rep. GEIST

An Act designating a section of Route 19, Erie County, as the General Strong Vincent Memorial Highway.

TRANSPORTATION.

HB 537, PN 565

By Rep. GEIST

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

TRANSPORTATION.

HB 640, PN 1448 (Amended)

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for special registration plates; and providing for special registration plates for Vietnam veterans.

TRANSPORTATION.

VOTE CORRECTION

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

Mr. SERAFINI. Thank you, Mr. Speaker.

I would like to vote "yes" on HR 91. I was not voted for that resolution. Thank you, Mr. Speaker.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that the following bills be removed from the table:

HB 1177;
HB 537;
HB 640;
HB 431;
HB 599; and
HB 1032.

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

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that the following bills be recommitted to the Committee on Appropriations:

HB 1177;
HB 537;
HB 640;
HB 431;
HB 599; and
HB 1032.

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

The SPEAKER. The Chair is about to recess the regular session.
Does the gentleman, Mr. Perzel, have any further business in regular session? Are there any announcements or reports of committee in regular session? Does the Democratic leader, Mr. DeWeese, have any reports in regular session? Any further business in regular session?

VOTE CORRECTIONS

The SPEAKER. The lady, Ms. Bishop, desires to be recognized in regular session.

Ms. BISHOP. Thank you, Mr. Speaker.

I rise to correct the record for regular session yesterday, March 20.

On HB 1073, amendments 1556, 1557, and 1567, I was not voted. I wish to be voted in the affirmative. Thank you.

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

Are there other adjustments or changes to the record in regular session?

Does the gentleman, Mr. Battisto, seek recognition?

Mr. BATTISTO. To correct the record, Mr. Speaker. Yes; to correct the record.

The SPEAKER. The gentleman is recognized.

Mr. BATTISTO. On yesterday's vote on amendment 1554 to HB 1073, I was not recorded. I would like to be recorded in the affirmative. Thank you.

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

The Chair recognizes the gentleman from Philadelphia County, Mr. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I wish to correct the record.

Yesterday on HB 1073, amendment No. 1542, I was recorded as not voting. I wish to be recorded in the affirmative. Thank you, Mr. Speaker.

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

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

Mr. GANNON. Mr. Speaker, earlier today on a motion to suspend the rules on HB 304, my switch did not operate. I would like to be recorded in the negative.

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

RECESS

The SPEAKER. If there is no further business in regular session, the regular session is hereby declared in recess to the call of the Chair.

AFTER RECESS

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

SUPPLEMENTAL CALENDAR B

BILLS ON SECOND CONSIDERATION

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

HB 741, PN 1240; HB 1174, PN 1322; and HB 14, PN 12.

SUNSHINE NOTICE

The SPEAKER. The clerk will read the sunshine notice for tomorrow's session.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

NOTICE
SESSION TIME
HOUSE OF REPRESENTATIVES

Notice is hereby given, in accordance with the Act of July 3, 1986, P.L. 388, No. 84, that the House of Representatives will convene in open session in the Hall of the House on the following date and time:

WEDNESDAY, MARCH 22, 1995 AT 11:00 A.M.

Ted Mazia
Chief Clerk
House of Representatives

March 21, 1995

ADJOURNMENT

The SPEAKER. Does the gentleman, Mr. Perzel, or the gentleman, Mr. DeWeese, have any further business in regular session? Any further reports of committee, announcements, corrections of the record?

Hearing none, the Chair recognizes the gentleman, Mr. Corpora.

Mr. CORPORA. Mr. Speaker, I move that this House do now adjourn until Wednesday, March 22, 1995, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:18 p.m., e.s.t., the House adjourned.