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TUESDAY, OCTOBER 31, 1995

SESSION OF 1995

179TH OF THE GENERAL ASSEMBLY

No. 73

HOUSE OF REPRESENTATIVES

The House convened at 10:30 a.m., e.s.t.

THE SPEAKER PRO TEMPORE (JOE CONTI) PRESIDING

PRAYER

REV. FEDERICO A. BRITTO, pastor of St. Ignatius Church, Philadelphia, Pennsylvania, guest Chaplain and guest of the gentleman from Philadelphia, Mr. Horsey, offered the following prayer:

Let us pray:

Blessed are You, Lord, God of all creation, whose goodness fills our hearts with joy. Blessed are You, who has brought us together this day to work in harmony and peace.

Almighty God, these legislators assembled here today are about the business of leading, helping, and guiding the people of this State. Touch their hearts and minds so that the decisions they make will benefit all the people of this State. Give them the courage and strength to speak out for what is just and right.

Father, You guide and govern everything with order and love. Bless the Speaker of the House. Look upon the members of this House of Representatives and fill them with the spirit of Your wisdom. May they always act in accordance with Your will and their decisions be for the peace and well-being of all.

Accept the prayers we offer for our Nation and the State of Pennsylvania. By the wisdom of our leaders and integrity of our citizens, may harmony and justice be secured.

May God strengthen you and bring your work to completion. May hope accompany your journey through the days to come. May God's abiding peace be with you all the days of your life. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Monday, October 30, 1995, will be postponed until printed. The Chair hears no objection.

RECESS

The SPEAKER pro tempore. The regular session will stand in recess until the call of the Chair.

AFTER RECESS

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

LEAVES OF ABSENCE

The SPEAKER pro tempore. The leaves of absence granted in today's special session will also be granted in the regular session.

MASTER ROLL CALL

The SPEAKER pro tempore. The master roll call taken in today's special session will also be the master roll call for the regular session.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

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

In the Senate
October 30, 1995

RESOLVED, (the House of Representatives concurring), That when the Regular Session of the Senate adjourns this week it reconvene on Monday, November 13, 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 Monday, November 13, 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. 2107 By Representatives CLYMER, COY, GEIST, LESCOVITZ, BELARDI, TRELLO, MICOZZIE, PHILLIPS, DiGIROLAMO, ZIMMERMAN, GODSHALL, BAKER, WALKO, KUKOVICH, PETRARCA, HERSHEY, TRAVAGLIO and MERRY

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the issuance of senior lifetime resident hunting and furtaker licenses.

Referred to Committee on GAME AND FISHERIES, October 31, 1995.

No. 2108 By Representatives CORPORA, BELARDI, MELIO, CAPPABIANCA, CORRIGAN, WALKO, BROWNE, LEVDANSKY, FAJT, MILLER, TRELLO, ROONEY, RAMOS and MICHLOVIC

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of sale and possession of telephone pagers, beepers and related electronic devices.

Referred to Committee on JUDICIARY, October 31, 1995.

No. 2171 By Representatives SHANER, SAINATO, McCALL, PETRARCA, MARKOSEK, TRAVAGLIO, GEORGE, LEDERER, WALKO, BAKER, ROONEY, BELFANTI, PESCI, BROWNE, McGEEHAN, BELARDI, WASHINGTON, OLASZ, DeLUCA, YOUNGBLOOD, MERRY, HUTCHINSON, MELIO and DeWEESE

An Act requiring the Department of Public Welfare to provide for the availability of the Low-Income Home Energy Assistance Program to all eligible individuals throughout this Commonwealth.

Referred to Committee on HEALTH AND HUMAN SERVICES, October 31, 1995.

No. 2172 By Representatives CLARK, E. Z. TAYLOR, ITKIN, WOGAN, GODSHALL, SERAFINI, BELARDI, MELIO, DALEY, DeLUCA, LYNCH, HENNESSEY, LEDERER, HALUSKA, RUBLEY, STABACK, SEMMEL, HERSHEY, BATTISTO, BROWNE, STEELMAN, MILLER, WALKO, YOUNGBLOOD, SAYLOR and BELFANTI

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for parental notification of public policy upon award of custody.

Referred to Committee on JUDICIARY, October 31, 1995.

No. 2173 By Representatives ROBERTS, McCALL, M. N. WRIGHT, HERSHEY, WAUGH, VAN HORNE, BAKER, MARKOSEK, BATTISTO, MICOZZIE, MELIO, GODSHALL, HORSEY, TIGUE, ITKIN, MILLER, BISHOP, BELFANTI, JOSEPHS, ROEBUCK, SAYLOR, STABACK, BELARDI, TRELLO, SCHRODER, MERRY, OLASZ, YOUNGBLOOD, BROWNE, SHANER and HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for surrendering registration plates, cards and drivers' licenses.

Referred to Committee on TRANSPORTATION, October 31, 1995.

No. 2174 By Representatives DALEY, WALKO, TRELLO, STABACK, RUDY, MAITLAND, HENNESSEY, BOSCOLA, ITKIN, MERRY, YOUNGBLOOD, BELFANTI, HALUSKA and M. COHEN

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, further providing for Sunday activities; and making a repeal.

Referred to Committee on PROFESSIONAL LICENSURE, October 31, 1995.

No. 2175 By Representatives DALEY, CORRIGAN, THOMAS, COLAIZZO, SHANER, BELARDI, HERMAN, LAUGHLIN, JAROLIN, OLASZ, CURRY, LUCYK and PISTELLA

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, creating the Department of Energy and prescribing its powers and duties; establishing the Energy Research and Development Advisory Board as an advisory board in the Department of Energy; further providing for the powers and duties of the Department of Environmental Resources and the appointment of mine inspectors; further providing for the composition of the Environmental Quality Board; creating a Division of Administrative Hearings in the Office of Attorney General and prescribing its powers and duties; further providing for mine inspectors and certain conflicts of interest; providing for the salary of the Secretary of Energy; further providing for special powers relating to State vehicles; providing for energy or fuel supply emergencies and for coordination of monitoring of supplies of energy resources; further providing for the composition of the Energy Development Authority and for indebtedness of the Energy Development Authority; transferring certain bureaus, personnel, allocations, appropriations, equipment and other materials; and making repeals.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 31, 1995.

No. 2176 By Representatives DALEY, HERMAN, PETRARCA, JOSEPHS, CURRY, SHANER, LAUGHLIN, JAROLIN, CORRIGAN, STISH, COLAIZZO, LUCYK and PISTELLA

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, establishing the Department of Energy and providing for its powers and duties; creating the Energy Research and Development Advisory Board and prescribing its functions; further providing for the composition of the Environmental Quality Board and for special powers relating to State vehicles; providing for energy or fuel supply emergencies and for coordination of monitoring of supplies of energy resources; further providing for the composition of the Energy Development Authority and for indebtedness of the Energy Development Authority; and transferring personnel, appropriations and equipment.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 31, 1995.

No. 2177 By Representatives HASAY, LESCOVITZ and PERZEL

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, providing for restrictions on taxes on admissions prices to auto racing facilities.

Referred to Committee on LOCAL GOVERNMENT, October 31, 1995.

No. 2178 By Representatives MANDERINO, TANGRETTI, MUNDY, TRICH, STETLER, WALKO, TRAVAGLIO, SCRIMENTI, WOZNIAK, VEON, MELIO, SURRA, STURLA, M. COHEN, ITKIN, DeWEESE, JOSEPHS, GIGLIOTTI and SAINATO

An Act amending the act of June 30, 1995 (P.L. , No.5A), known as the General Appropriation Act of 1995, providing for unspent funds.

Referred to Committee on APPROPRIATIONS, October 31, 1995.

No. 2179 By Representatives STURLA, DeWEESE, LEDERER, WALKO, COLAIZZO, TRELLO, BELARDI, SHANER, L. I. COHEN, READSHAW, KUKOVICH, VAN HORNE, JAROLIN, LAUGHLIN, ITKIN, DeLUCA, HALUSKA, HENNESSEY, STETLER, BELFANTI, YOUNGBLOOD, TANGRETTI, BEBKO-JONES, CURRY, ROONEY, BOSCOLA, STEELMAN, BROWNE, THOMAS, WOZNIAK, TRAVAGLIO, VEON, M. COHEN, JOSEPHS, GIGLIOTTI and MELIO

An Act amending the act of November 22, 1978 (P.L.1166, No.274), referred to as the Pennsylvania Commission on Crime and Delinquency Law, authorizing a crime prevention and local law enforcement program; providing for financial assistance to law enforcement agencies; and establishing the Crime Prevention and Local Law Enforcement Fund.

Referred to Committee on JUDICIARY, October 31, 1995.

No. 2180 By Representatives WOZNIAK, TANGRETTI, WALKO, TRAVAGLIO, SCRIMENTI, MANDERINO, SURRA, STURLA, MELIO, VEON, STETLER, MUNDY, TRICH, M. COHEN, ITKIN, DeWEESE, JOSEPHS, GIGLIOTTI and SAINATO

An Act amending the act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law, further providing for powers and duties of the Municipal Police Officers' Education and Training Commission.

Referred to Committee on LOCAL GOVERNMENT, October 31, 1995.

No. 2181 By Representatives MELIO, TANGRETTI, WALKO, MANDERINO, SURRA, STURLA, TRAVAGLIO, SCRIMENTI, WOZNIAK, STETLER, MUNDY, TRICH, VEON, M. COHEN, ITKIN, DeWEESE, JOSEPHS, GIGLIOTTI and SAINATO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, establishing the Municipal Police Fund; and further providing for fines.

Referred to Committee on JUDICIARY, October 31, 1995.

No. 2182 By Representatives TRAVAGLIO, TANGRETTI, WALKO, MELIO, MANDERINO, SCRIMENTI, WOZNIAK, STURLA, SURRA, VEON, M. COHEN, ITKIN, DeWEESE, JOSEPHS, GIGLIOTTI and SAINATO

An Act amending the act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law, further providing for reimbursement of police officers' salaries.

Referred to Committee on LOCAL GOVERNMENT, October 31, 1995.

No. 2191 By Representatives GODSHALL, GRUPPO, BARD, DENT, FARMER, PETTIT, J. TAYLOR, O'BRIEN, HARHART, NYCE, KING and TRUE

An Act providing for the inspection of child-care facilities.

Referred to Committee on AGING AND YOUTH, October 31, 1995.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 240 By Representatives THOMAS, ROBINSON, ITKIN, EVANS, ROEBUCK, CARN, STETLER, DONATUCCI, YOUNGBLOOD, OLIVER, WILLIAMS, STABACK, JOSEPHS, PETRONE, MANDERINO, WASHINGTON, PESCI, SAINATO, SHANER, COY, MELIO, KIRKLAND, RAMOS, GRUITZA, GORDNER, LLOYD, SCRIMENTI, RUDY, CAPPABIANCA, BEBKO-JONES, HORSEY, CORPORA, BATTISTO, KUKOVICH, CORRIGAN, STEELMAN, DALEY, HANNA, BELARDI, SURRA, MUNDY, COWELL, D. R. WRIGHT, COLAIZZO, LESCOVITZ, COLAFELLA, McGEEHAN and YEWIC

A Concurrent Resolution directing the Legislative Budget and Finance Committee to make an audit of the affirmative action efforts of the Commonwealth.

Referred to Committee on RULES, October 31, 1995.

No. 243 By Representatives WALKO, TANGRETTI, MELIO, MANDERINO, SURRA, STURLA, TRAVAGLIO, SCRIMENTI, STETLER, MUNDY, TRICH, VEON, WOZNIAK, M. COHEN, ITKIN, DeWEESE, JOSEPHS, GIGLIOTTI and SAINATO

A Resolution directing the Local Government Commission to conduct a study of municipal pooling to purchase certain kinds of insurance.

Referred to Committee on RULES, October 31, 1995.

No. 244 By Representatives SCRIMENTI, TANGRETTI, MELIO, WALKO, MANDERINO, TRICH, TRAVAGLIO, WOZNIAK, STETLER, SURRA, STURLA, VEON, M. COHEN, ITKIN, DeWEESE, JOSEPHS, GIGLIOTTI and SAINATO

A Resolution requesting Governor Thomas J. Ridge to provide funding in future budgets for regional police services.

Referred to Committee on RULES, October 31, 1995.

No. 245 By Representatives SURRA, TANGRETTI, WALKO, TRAVAGLIO, SCRIMENTI, WOZNIAK, STETLER, MUNDY, TRICH, MANDERINO, MELIO, VEON, STURLA, M. COHEN, ITKIN, DeWEESE, JOSEPHS, GIGLIOTTI and SAINATO

A Resolution directing the Local Government Commission to determine the feasibility and cost of developing and implementing a police communications system through the county 911 emergency system.

Referred to Committee on RULES, October 31, 1995.

No. 246 By Representatives BOSCOLA, TANGRETTI, MUNDY, TRICH, STETLER, WALKO, MANDERINO, TRAVAGLIO, SCRIMENTI, WOZNIAK, MELIO, VEON, SURRA, STURLA, M. COHEN, ITKIN, DeWEESE, JOSEPHS, GIGLIOTTI and SAINATO

A Resolution requesting the Pennsylvania Public Employee Retirement Commission to provide the General Assembly of the Commonwealth of Pennsylvania with information concerning the current state of police pensions in Pennsylvania and to determine what is necessary for the establishment of a Statewide police pension system.

Referred to Committee on RULES, October 31, 1995.

No. 247 By Representatives YEWIC, TANGRETTI, MUNDY, TRICH, WALKO, MANDERINO, TRAVAGLIO, SCRIMENTI, WOZNIAK, VEON, MELIO, SURRA, STURLA, M. COHEN, ITKIN, DeWEESE, JOSEPHS, GIGLIOTTI and SAINATO

A Resolution directing the Local Government Commission to determine the feasibility of implementing a centralized records system on a county level.

Referred to Committee on RULES, October 31, 1995.

SENATE BILL FOR CONCURRENCE

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

SB 808, PN 1499

Referred to Committee on PROFESSIONAL LICENSURE, October 31, 1995.

CALENDAR

BILL ON SECOND CONSIDERATION

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

HB 1524, PN 2724.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2063, PN 2624**, entitled:

An Act amending the act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act, further providing for smoke detectors in Class VI buildings.

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?

The Chair recognizes the gentleman from Luzerne County, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, what we have before us today in HB 2063 is a repeal of legislation passed by this House in 1992. In 1992 we passed legislation saying that in family and group day-care centers, for the safety of the children, no longer was it sufficient to have the normal, usual smoke alarms that perhaps you and I have in our house, that something more was needed, and in 1992 this House unanimously passed legislation to require interconnected smoke alarms in family and group day-care centers.

In 1992, when that law passed, all of us may have received a half a dozen letters from family and group day-care centers wishing they did not have to do it, but they did. Thousands of them did. Thousands of them applied, went through the Department of Welfare and the Department of Labor and Industry, and installed interconnected smoke alarms for the safety of the kids they care for. The average cost of this was anywhere from \$175 to \$200 and some, but they complied with this. I daresay that nobody in this room or at least most of us, since 1992, have heard a word about the problem of interconnected smoke alarms, that indeed the program has run smoothly, that the family and group day-care centers have installed them and the children of Pennsylvania are safer because of it.

This legislation before us today repeals all that, after thousands of these family and group day-care centers have already complied, things are working well, you and I are not receiving complaints and letters of protest, there is not a problem, and I have no idea why this legislation is here to try and fix something that seems to be working very well.

Originally this legislation covered family and group day-care centers, repealing the requirement for interconnected smoke alarms. So absurd was that that group day-care centers were taken out. Group day-care centers, under this legislation, will not be allowed to go back to battery-operated smoke alarms, and I think we all know why.

The SPEAKER pro tempore. Will the gentleman yield, please.
Mr. BLAUM. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman deserves the attention of the House, please.

The gentleman may continue.

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

I think that this legislation is that important. I thank the Speaker for his help.

So now as this bill stands, with group day-care centers taken out, now as this stands, only family day-care centers will have their requirements relaxed, after thousands have already complied and you are receiving, I daresay, no complaints. Why are we going backward in the protection of kids?

Mr. Speaker, we have introduced many bills, Representatives and members of the House from both sides of the aisle, to toughen the safety requirements in our day-care centers. This summer two kids died. Five others were shut down by the department because of unsafe conditions. On Friday it was announced that several of these bills were going to run. Now none of these bills are running today except one, and that one is the one that reduces the safety requirements for children.

It is said by the proponents of this legislation that there is a problem, that family day-care centers, the people running them are not re-upping, that they are choosing to go out of business rather than spend \$175, \$250, to install interconnected smoke alarms. Mr. Speaker, that simply is not true. Those people who may or may not continue in the business of family day-care centers, they may leave for a variety of reasons, including the fact that they do not want to spend \$200 to install interconnected smoke alarms, but the fact is that we have a responsibility to the children that they care for to require optimal safety regulations that will do the best job for these kids.

In 1992, for everybody who was here, this House voted unanimously to require interconnected smoke alarms. There is absolutely no reason for us to go backward today to relax that requirement when no one is asking us to, when thousands have already complied with it. This legislation, Mr. Speaker, is simply unnecessary, and I think one day it will be dangerous. There is going to be a fire. Interconnected smoke alarms in these day-care centers, we all know, are safer than the battery-operated ones that we have, and in the legislation — it is a riot — in the legislation it says that these will be inspected twice a year, once every 6 months, to make sure that you change the battery. Mr. Speaker, the Department of Welfare does not have the inspectors to do that job. They do not have the inspectors to do the job now.

There are 75 day-care centers in Luzerne County. When we in Luzerne County had the death of a child this summer, we realized there are about 8 to 10 inspectors for 15 counties in northeastern Pennsylvania. In Luzerne County alone, we have 75 day-care centers. Those 8 to 10 inspectors that now have a huge list of things they have to inspect for are not going to be going around starting now to all of a sudden inspect 9-volt batteries.

The SPEAKER pro tempore. The gentleman will yield, please.

Will the House come to order, please. Nothing can be more important before this body than a debate involving the children in the Commonwealth, and the gentleman deserves to be heard.

Mr. BLAUM. Thank you, Mr. Speaker, and I am finishing up now.

All I would ask the ladies and gentlemen of the House is to please not go backwards with this regulation. There is no reason to do it, and I think if we do, we will regret it one day. We passed it unanimously. We thought it was important in 1992 to say that family day-care centers and group day-care centers should have stronger smoke detector systems than we have in the average residential property. That was true in 1992 by a unanimous vote. I think it is just as true today, and I ask the members not to go backwards, to vote down this legislation. It is not needed. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Lehigh, Mr. Dent.

Mr. DENT. Thank you, Mr. Speaker.

I would like to clarify what was just stated by the previous speaker. First, in 1992 I was instrumental in drafting the amendments that took a very bad situation where the Department of Public Welfare and the Department of Labor and Industry were demanding that people who took care of children inside their homes would have to have panic bar doors, lighted exit signs, ridiculous regulations, and the previous administration reluctantly agreed to some changes. Again, we took a terrible situation and we made it better. The previous administration would not budge on interconnected smoke detectors in in-home day-care settings. I felt at that time we reluctantly agreed to that provision, but we warned at that time that we would be back because we knew what the effect of interconnected smoke detectors would be in in-home settings — a loss of day-care providers.

In Pennsylvania we used to have 5,500 family day-care providers. They are people who provide day-care services in their home to four to six children unrelated to the provider. Well, thanks to this regulation, we have 1,300 fewer providers that are officially registered. Many of them have gone out of business, and I hate to say this, but I suspect some are operating illegally, underground, because they did not want to have to come into compliance with these regulations, and true, it may only cost \$300 for an interconnected smoke detector system, but what about rewiring the house? I would invite anybody to come to Allentown tomorrow to visit the woman who has to replace the whole ceiling because of these regulations. It is going to cost more than \$300.

This legislation simply says that battery-operated smoke detectors will be sufficient for family day-care providers. It is that simple. We have had calls and complaints from numerous providers in Northampton County, Lehigh County, York County, Lancaster County — just to name a few — Bucks County, another one where several calls were made, and for those of you who may live in Philadelphia, Pittsburgh, or Scranton, you do not have to abide by the Fire and Panic Act of the Commonwealth of Pennsylvania. You have your own standards, and I might add, they are not as rigorous. Would anybody in this chamber want to have to put in an interconnected smoke detector system in their homes, but we mandate that on all the people of the Commonwealth? Well, that is what has been done to people who operate family day care.

We are not repealing the 1992 act. The 1992 act essentially set up a separate class of buildings for in-home day-care providers, and it also extended time in which those providers had to comply with the law. That is all we really did. We are simply saying that interconnected or electronically connected smoke detectors are no longer required in family day-care homes. Simply, battery-operated will be sufficient. We are also making sure that their batteries be replaced at least every 6 months and they maintain this in their fire drill logs. This is a very simple bill. It is only about eight lines long, and it is really not that controversial.

There is a need, and I would urge my colleagues to support this measure, because the issue here, yes, it is safety, but we are going to have more and more unregulated providers. They are going underground, or they may be going out of business. There are fewer options for our parents. There is a day-care crisis in Pennsylvania. People need affordable, accessible, and safe day care, and I think this bill goes a long way to making sure they are safe and affordable.

Pennsylvania's problem in day care is not that our regulations are too weak. We have some of the strongest regulations in the Nation. Our problem is in enforcement. This bill simply provides for reasonable regulations, and the providers are asking that they be inspected, that they have to comply. It is very simple legislation.

I would simply ask my colleagues to support this, and I know there are others in here who can tell you about the experiences and calls that they have received from their constituents throughout the Commonwealth. Thank you, Mr. Speaker.

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

The SPEAKER. The Chair has invited the gentleman from Dauphin County, Mr. Piccola, to preside temporarily.
Mr. Piccola.

THE SPEAKER PRO TEMPORE (JEFFREY E. PICCOLA) PRESIDING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton, Mr. Gruppo.

Mr. GRUPPO. Thank you, Mr. Speaker.

As chairman of the Aging and Youth Committee, I have had the opportunity to hear many day-care providers come before me, Mr. Dent, the committee. We have had public hearings in which this issue has been brought up.

This is a good bill. It does not compromise safety. I would make a bet that most of us in this chamber have battery-operated fire detectors in our homes. I know I do. I am not compromising my family's safety. The day-care providers who are providing family day care are not compromising safety. It is simply making day care more affordable, more available, and still providing the fire alarms in the family day-care setting.

If it were up to the department, and they made a comment at one of our hearings, they would regulate these day-care providers out of business. They would regulate them until they could not breathe, until their children would be waiting in line for day care, and this is not what we want in Pennsylvania. We want to be able to allow safe, affordable day care. This is the way to do it.

I recommend that we support this bill and defeat any opposition. Thank you.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair takes pleasure in welcoming to the hall of the House senior students from the advanced placement government politics class from Schuylkill Valley High School, who are visiting as the guests of Representatives David Argall, Dante Santoni, and Representative Sheila Miller. Will the guests please rise.

In addition, the Chair takes pleasure in welcoming to the hall of the House Kristi Gilbert, who is a student intern and is the guest of Representative Pat Vance. Will Ms. Gilbert please rise.

The Chair also takes pleasure in welcoming to the hall of the House Emiline Weiss, president of the Pennsylvania Tax Collectors Association, and Max Solomon, treasurer of Abington Township, who are the guests of Representative Ellen Bard. Will the guests please rise.

CONSIDERATION OF HB 2063 CONTINUED

The SPEAKER pro tempore. On the question, the Chair recognizes the lady from Philadelphia, Representative Manderino.
Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 2063.

The notion behind HB 2063 is one that perhaps if we had done things in a different order might be acceptable in the total package of how we deal with day care and day-care regulations in our community. Unfortunately, I think we are doing it backwards, and I think that it is wrong to do it backwards because it compromises the very safety of the children in our districts.

Mr. Speaker, one of the prior speakers and the prime sponsor of this bill said the problem is not with the regulations and whether we have enough, but the problem is with the enforcement of the regulations, and he is absolutely right, and had the other bills that were on today's calendar dealing with day care been kept on today's calendar, we would have had a chance to address that.

For example, we learned during the hearings on family and other day care that the Commonwealth of Pennsylvania has 49 inspectors for the whole State, and family day care, which is the group that we are talking about deregulating with regard to the fire safety hazards, gets no regular inspections. The only way that smallest group gets an inspection in your district is if somebody calls your office or calls the department and complains that there is a problem, and then they will send out a spot-and-check inspector, but there are no regular inspections happening at that level. There is not the manpower for those inspections to happen. There is not the manpower to enforce the regulations that are on the books.

We could have fixed that, and we can fix that, because there are bills in the committee and there were amendments on the calendar today to increase the number of inspectors, and maybe if we did our job first the right way, we could come back at some future date and say, now we do not need this protection for children. But today, without those inspections, without those regular inspections happening, it is bogus to suggest to you that this bill has some 6-month clause in here that means this is going to get checked on and our children are going to be safe. It is not going to happen, there is not the manpower for it to happen, the bill does not provide additional manpower for it to happen, and we should not do this to the children of Pennsylvania, not today and not until we are ready to deal reasonably and responsibly with the issue of inspection of family and other day-care sites in our community. The safety of the children, with the incidents that happened in Pittsburgh, in Luzerne County, and in other counties across the Commonwealth this summer highlighting that problem so vividly, it would be irresponsible for us to act in any less manner today.

Please vote "no" on HB 2063. This is not the time to deregulate until we take care of other business. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair takes pleasure in welcoming to the hall of the House Mr. Ike Starkes from the fourth ward of Swatara Township, Dauphin County, who is here as the guest of the Dauphin County delegation. Will the gentleman please rise.

CONSIDERATION OF HB 2063 CONTINUED

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will Representative Blaum stand for brief interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will stand for interrogation. The gentleman, Mr. Vitali, may proceed.

Mr. VITALI. Thank you, Mr. Speaker.

No one wants to vote against the safety of children, yet in voting for issues like this, we ought to be basing our opinions on sound statistical evidence.

Now, when I think of day-care centers, it is something obviously where people are awake when the activity is going on; there have to be adults awake supervising, and when I think of smoke detectors, I think of things that are most effective when people are asleep to wake them up. Certainly, they have a function even when people are awake to give them a little early warning, but it seems like the need for smoke detectors is probably a bit less during daytime activities.

My question is this: Is there any statistical evidence available that compares day-care fires, deaths due to day-care fires with interconnected smoke detectors versus battery-operated? Is there any statistical evidence to show that there is in fact an increased danger if you just have battery-connected systems, battery systems?

Mr. BLAUM. Yes, Mr. Speaker. I believe that if you talk to any fire department in the country — for that matter, Pennsylvania or Delaware County — they are going to talk to you about the benefits of interconnected smoke alarms.

And you are right; you are right. Smoke alarms are terrific at night when people are sleeping—

Mr. VITALI. If I may interrupt; Mr. Speaker, if I may interrupt.

Mr. BLAUM. Well, excuse me—

Mr. VITALI. My question is, is there any statistical evidence, not anecdotal evidence, but statistical evidence that you are aware of that compares the two different systems and the relative fire death from each?

Mr. BLAUM. Mr. Speaker, in answer to your question, the best thing that I can offer you is that the National Fire Protection Association standards now call for all new homes, all new homes, not day-care facilities but all new homes, to be built with interconnected smoke detectors, and many of the municipalities in our State have also actually adopted this standard. Beyond that, I do not have statistics, Mr. Speaker, except to tell you that not only do the experts, but I think everyone's common sense can dictate the value of interconnected smoke alarms versus the battery-operated ones.

And let me get back to my point that I tried to make earlier, and that is that, yes, during the evening hours when people are asleep, smoke alarms provide a great benefit, but also that is true also during the day. What we need to understand is— Mr. Speaker, could I have quiet?

The SPEAKER pro tempore. There is entirely too much noise. The gentleman is entitled to be heard.

Mr. BLAUM. What we need to understand, Mr. Speaker, is family day care. What it is, is six kids, up to six children, and that does not count the children of the provider, so you could have in that home in excess of six kids. You could have 8, 9, 10 in a home all taking naps at a certain period of time, that indeed the provider

could be resting, not sleeping but resting, and any additional warning, any additional warning is of benefit.

What we did in 1992 I think was prudent and responsible in following national safety standards in requiring family day care to have interconnected smoke alarms, and contrary to what the previous speakers have said, going backwards, adopting this legislation and removing this requirement, does compromise the safety of children in these facilities. That is why group day-care centers were taken out of this bill. That was so absurd. Now it is only family day care that this requirement is going to be lifted on, and I hope that the members of the House do not vote that way, Mr. Speaker.

Mr. VITALI. Mr. Speaker, I am not hearing any statistical evidence of the difference between the two systems with regard to the relative safety. I note the endorsement of the group you mentioned, but I think the home situation is somewhat different in that that deals with an overnight situation and right now we are dealing with a daytime awake situation.

Beyond statistical evidence, can you point to incidents where a day-care center with functioning battery-operated smoke detectors resulted in fire deaths that would have been due to, you know— Well, let me just stop at that. Can you point to evidence where you feel that the difference between smoke detectors, battery-operated versus interconnected, can you point to specific instances where you can show it would have made a difference?

Mr. BLAUM. No, I cannot, Mr. Speaker, nor could I do so in 1992. But in addition, what I need to point out is that interconnected smoke alarms exist in virtually all facilities outside our home. Many of your homes may have interconnected smoke alarms; mine does not, but what we do in our own homes is different than the responsibility I think we have to provide in facilities which take care of people, regardless of age. The responsibility that we have, we met it in 1992, and there is simply no reason to go backward today with the adoption of this legislation.

Mr. VITALI. I am not sure, Mr. Speaker, how the interconnected system works. Does that work on the house current or also batteries?

Mr. BLAUM. Current, Mr. Speaker.

Mr. VITALI. And is there any danger there that fires might knock out house current thus rendering that system inoperable?

FILMING PERMISSION

The SPEAKER pro tempore. While the gentleman, Mr. Blaum, is preparing his response, the Chair wishes to advise the members that he has given permission to Tim McCauley of WGAL-TV to videotape on the floor of the House.

CONSIDERATION OF HB 2063 CONTINUED

Mr. BLAUM. Mr. Speaker, am I recognized?

Thank you, Mr. Speaker.

Mr. Speaker, in response to the gentleman's question, from what I understand, the warning would sound before the electrical system would totally go down with the house, so that the warning would occur.

Mr. VITALI. Thank you, Mr. Speaker.

That concludes my questioning.

The SPEAKER pro tempore. The Chair thanks the gentleman. The Chair recognizes the gentleman from York, Mr. Nickol.

Mr. NICKOL. Thank you, Mr. Speaker.

The current Fire and Panic Act requirements on smoke detectors are a case of good intentions gone awry. In my central Pennsylvania district, many family day-care providers have closed or gone underground; that is, dropped their licenses and now are going unregulated. Day care availability has suffered, and I hear from many parents. Ironically, our current law has produced less protection for more kids. It is clearly a case of good intentions gone awry.

I urge support for HB 2063. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Franklin, Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, I want to talk today a bit about priorities and statistics. First of all, I want to say at the outset that I am sympathetic with the proposal offered by Mr. Dent. I think that the prospect of folks who are trying to operate small businesses is a very important prospect that we ought to pay attention to. But I also hear Mr. Blaum's pleas, and I want to say for the record that many of us are very appreciative of the fact that Kevin Blaum continues to stand, I think, as a watchdog for many of these types of arguments that we approach.

Now, there are a couple other bills on the calendar that I think probably need to be discussed and are not going to be discussed, and so some of the arguments that we have about inspectors would relate definitely to those bills also. But in terms of priorities, Mr. Speaker, if we are going to lessen, as this bill does, if we are going to lessen the requirements, then I think we ought to have more inspectors paying attention.

Let me talk to you about two statistics that I think are important. Number one, we are not, by this legislation, we would not require an interconnected system in day-care centers, yet by the law that we have passed—

POINT OF ORDER

Mr. DENT. Mr. Speaker, point of order.

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

Mr. DENT. The gentleman is talking about a legitimate issue. However, he is not addressing this particular bill that deals with smoke detectors inside in-home day-care providers. He is talking about inspectors, and that is not the subject of this particular legislation. I would simply ask that the gentleman confine his remarks to the bill at hand. Thank you.

The SPEAKER pro tempore. The question before the House is whether or not HB 2063 will pass finally. The gentleman will restrict his remarks to that question.

The gentleman may proceed.

Mr. COY. There is no doubt, Mr. Speaker — and I appreciate Mr. Dent's enthusiasm — but let me tell you, there is no doubt that we are talking about inspectors in this bill also, but I will get to the point.

The point is that we, by our law that we have passed, we require an interconnected system for work centers for migrant workers in our Commonwealth. If one or more adults live in a migrant work camp in Pennsylvania, there needs to be an interconnected smoke alarm system, and yet we are not going to require it for children of Pennsylvanians? Mr. Speaker, there are 47 Dog Law inspectors for less than 2,000 dog kennels in

Pennsylvania, and yet only 7 of the 49 total day-care inspectors are assigned to look at 4,300 day-care home facilities in Pennsylvania.

Mr. GRUPPO. Mr. Speaker?

Mr. COY. I am talking about priorities.

Mr. GRUPPO. Mr. Speaker?

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

Mr. GRUPPO. I regret that I have to rise and object to the gentleman saying exactly what the previous speaker asked him not to do. We are talking about interconnected fire alarms and battery-operated fire alarms, not inspectors. That is the subject of another bill. I wish the Speaker would ask the gentleman to confine his remarks to the bill.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. Coy, will restrict his remarks to the content of HB 2063.

Mr. COY. I appreciate the admonition, and I suspect that it is an admonition which is more related to my analogy of the interconnected system for the workplaces, for the folks who work in migrant camps.

All I wanted to point out, Mr. Speaker, is that there are statistical problems here, and I think we need to address these problems in terms of priorities. And if we are not going to require an interconnected system for family day-care centers, then maybe the next bill should be not requiring them for the migrant work camps and making other arguments which necessarily follow from this one.

I think we need to have a little bit of sense to our priorities in this argument, and if we are not going to inspect them and provide enough inspectors for them, then let us at least make sure they are safe with systems which are in place, which can provide safety when inspectors are not visiting.

Mr. Speaker, I am going to vote against the bill, and I urge my colleagues to think about this issue as they vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks, Mr. Reinard.

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Dent legislation for one really specific reason.

I do not think there is anyone out there more conscious about safety and the benefits that safety gives than an insurance company, and if you are an insurer and you have your house to be insured, they do not care if your alarms, your smoke detector is interconnected or whether it is battery, because both systems have been proven to be very safe and effective. You will get a credit on your homeowner's insurance for either of the two systems.

There are examples in either system, if you really want to break it down, where one will function better than the other. The interconnected system will not function well if there is a lightning strike that hits the system and knocks it out. A battery system will wail away completely until it finally melts in the fire, and there are other examples vice versa. But the key to the whole crux of the Dent legislation is, both systems are safe and effective. And the big reason for why the battery systems often are not effective is because there are not the replacement mechanisms in our homes. We do not replace them as effectively and as often as we should. The Dent legislation goes to the far extent of actually detailing when and where and how long and keeping a log of that.

Both systems are safe, both systems are effective, and I would ask the House to support the legislation.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks, Mr. Wright. Mr. M. N. WRIGHT. Thank you, Mr. Speaker.

I think it is time to sort of get a little reality check here. The majority of these family day-care centers that we are talking about are not centers. They are average family homes. Typically, in most everybody's community here, this is one of your neighbors. A particular family has young kids, and what they do is, they are staying at home instead of sending their own kids off while working. What they are typically doing is, while they are raising their own kids, they are taking in all the community kids around them — two, three, four, five extra kids — and in their own home, they are watching them while their kids grow up.

Now, these are regular houses. This is not a big center. This is not a day-care facility. This is a home which is just like yours and mine, and what is happening is a catch-22. They want to do what is right, but every year we require more and more and more, and this is just one particular straw that is causing them to spend a lot of money. They cannot collect the money from their neighbors through the kids that they are watching, so what they are doing is, they are not registering anymore; they are dropping out, and they are still watching the kids.

We heard about inspectors. Well, if they are not registered, we are not going to inspect them anyway. So at least if we have the minimum requirements, at least they stay registered and at least occasionally we come in and we inspect them. If these kinds of things keep on happening by requiring more and more requirements, then what is going to happen is, they are just not going to register with the State and then we are never going to go in and check on any of these things.

So I ask you, I ask all the members to help support this particular proposal. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lancaster, Mr. Sturla. Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I just wanted to clarify one point. It was stated before that a lightning strike on an interconnected system puts the system out. Most interconnected smoke alarm systems have a battery backup so that it is a fail-safe mechanism in the event that the electricity does go out.

So despite the fact that the insurance companies may give the same rating, I think we have to understand that insurance companies also discriminate against women who are victims of domestic violence, and if we are going to let insurance companies set policy in the State of Pennsylvania, then I think it is a sad day here in this State.

Short of us providing inspections of these homes, I think it is appropriate that we put a fail-safe system in there, which is an interconnected system, and hopefully, we can get bills passed that will allow for loans to those homes that cannot afford this system, although we are not talking about a whole lot; we are talking about several hundred dollars here, and I would hope that we would take that approach rather than giving up on the safety aspect for children in the State of Pennsylvania. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair takes pleasure in welcoming to the hall of the House Mrs. Elinor Peterson and Mr. Gillmur Tyson. Mr. Tyson is a Republican committeeman from Ambler Borough in Montgomery County, and they are the

guests of Representative Gene McGill of Montgomery County. Will the guests please rise.

CONSIDERATION OF HB 2063 CONTINUED

The SPEAKER pro tempore. The Chair recognizes, for the second time, the gentleman from Northampton, Mr. Gruppo.

Mr. GRUPPO. Thank you, Mr. Speaker.

We have heard here today lots of reasons why we need interconnected fire alarms, none of which made sense, because simply, we are taking a battery-operated fire alarm and putting it in the ceiling of an older home, not a new construction where it is much easier. Anybody that knows anything about building a home can tell you that it is much easier to build a new home and have interconnected fire alarms. In fact, if I build a new home, that is exactly what I am going to do, but if you in your neighborhoods look around the streets, look up and down and across the street, you are not going to find those kinds of homes. These are, in most cases, older homes, established neighborhoods where someone is establishing a family in-home day provider, not a migrant work camp, not a day-care center. This is a family environment.

And someone who spoke wanted you to believe that there could be a whole gang of people in this house and they are all going to be asleep, even the person who is taking care of them. This is ridiculous. What we are talking about is allowing the person in your neighborhoods, in your districts, to be able to provide affordable day care to the children and families in your districts without compromising safety.

Please do not be confused, because if there were fire alarms in here, they would have gone off a long time ago with all the smoke that has been blown around.

Now, let us get down to business and pass the bill. It is a good bill. It will help the providers, and it will help day care in Pennsylvania. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes, for the second time on the question, the gentleman from Luzerne, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

It is an honor to be recognized by Speaker Pro Tempore Piccola, who may not be with us much longer.

In conclusion, Mr. Speaker, I really do not want to belabor the point. I ask the members to vote "no" on this legislation. It is important for the safety of children in these facilities.

It was important in 1992 when we enacted it. None of you or the overwhelming majority of you are not receiving complaints from providers to please get rid of this. This is happening because somebody gets a couple letters in their district, introduces a bill, and it has made it this far, and now the House has to stand up and say, no, that this cannot really become law, that the interconnected smoke alarms must remain effective and a requirement in the Commonwealth of Pennsylvania.

And if you want to talk about complaints, I mean, the truth is that these family day-care centers have taken this requirement, have lived up to it, thousands have complied with it, and now you are going to turn around after they have already done this and tell them, no, you really do not have to. Then you might begin to hear the complaints from these centers that have already tried to follow the letter of the law.

There is no reason to reduce and to lessen the safety requirements for children in Pennsylvania in these family day-care

homes. The gentleman, Mr. Coy, pointed out several other instances where interconnected smoke alarms are required. The kids of Pennsylvania are just as important, Mr. Speaker.

I ask that you vote a strong "no" on this legislation and we get on to the other business. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes, for the first time on the question, the gentleman from Philadelphia, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

Mr. Speaker, speaking as a Philadelphian, our most pressing problem in the area of child care is accessibility and the availability of a lot of these homes, and what the attempt is in this legislation is to make sure we do not drive even more people underground. They will still care for children. We will not have any regulatory powers over them if they go underground, and as it has already been expressed, there is no enforcement as it is.

As a practical matter, however, I cannot imagine anybody caring more for a child than parents. These are not the kinds of alarm systems that we have in our homes. The battery-operated will suffice for a majority of these homes. We really need to pass this legislation to make more availability and more homes come forward and be out in the open and be regulated, and I think this legislation will help that happen.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Before the Chair recognizes the prime sponsor of the bill to close out debate, do any other members wish to address the question?

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

Mr. DENT. Thank you, Mr. Speaker.

My remarks will be very short. I do not want to belabor the debate either, but in answer to the question of the gentleman from Delaware County, Mr. Vitali, he asked about statistical evidence. I just want to go on the record to state that the National Fire Protection Association and the State Police fire marshall's office have no evidence that one system is better than the other. In the event of an electrical fire, the electrical system, the interconnected system, can be disarmed, and the current law does not require a battery backup. So I want to be clear about that: It does not require a battery backup.

On the issue of safety, again, we are guaranteeing safety. As a parent, as a father of a 16-month-old, I have battery-operated smoke detectors in my home, and I would never do anything to put my child at risk, nor would anybody in this chamber or any right-thinking parent.

Again, in conclusion, we are talking about safety, affordability, and access. We want safe, affordable day care. This bill goes a long way to insuring parental choice in the realm of day care in Pennsylvania.

I would appreciate your consideration and an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

YEAS-153

Adolph	Egolf	Maitland	Sather
Allen	Fairchild	Major	Saylor
Argall	Fajt	Markosek	Schroder
Armstrong	Fargo	Marsico	Schuler
Baker	Farmer	Masland	Scrimenti
Bard	Feece	Mayernik	Semmel
Barley	Fichter	McCall	Serafini
Battisto	Fleagle	McGeehan	Sheehan
Bebko-Jones	Flick	McGill	Smith, B.
Belfanti	Gamble	Melio	Smith, S. H.
Birmelin	Gannon	Merry	Snyder, D. W.
Boscola	Geist	Micozzie	Stairs
Boyes	George	Miller	Steelman
Brown	Gladeck	Mundy	Steil
Browne	Godshall	Nailor	Stern
Bunt	Gordner	Nickol	Stish
Butkovitz	Gruppo	Nyce	Strittmatter
Buxton	Habay	O'Brien	Surra
Caltagirone	Haluska	Perzel	Taylor, E. Z.
Cappabianca	Hanna	Pesci	Taylor, J.
Carone	Harhart	Pettit	Trello
Chadwick	Hasay	Phillips	Trich
Clark	Hennessey	Piccola	True
Clymer	Herman	Pitts	Tulli
Cohen, L. I.	Hershey	Platts	Vance
Colafella	Hess	Preston	Van Horne
Colaizzo	Hutchinson	Ramos	Vitali
Conti	Jadlowiec	Raymond	Waugh
Cornell	Keller	Readshaw	Wogan
Corpora	Kenney	Reber	Wozniak
Corrigan	King	Reinard	Wright, D. R.
Daley	Krebs	Rieger	Wright, M. N.
Dempsey	LaGrotta	Roberts	Yeweic
Dent	Laughlin	Roebuck	Zimmerman
Dermody	Lawless	Rohrer	Zug
DiGirolamo	Lederer	Rooney	
Donatucci	Leh	Rublely	Ryan,
Druce	Lescovitz	Sainato	Speaker
Durham	Lynch	Santoni	

NAYS-43

Belardi	DeWeese	Levdansky	Staback
Bishop	Evans	Lloyd	Stetler
Blaum	Gigliotti	Lucyk	Sturla
Carr	Horsey	Manderino	Tangretti
Cawley	Itkin	Olasz	Thomas
Civera	James	Oliver	Tigue
Cohen, M.	Jarolin	Petrarca	Veon
Cowell	Josephs	Petrone	Walko
Coy	Kaiser	Robinson	Washington
Curry	Kirkland	Rudy	Youngblood
DeLuca	Kukovich	Shaner	

NOT VOTING-0

EXCUSED-6

Gruitza	Mihalich	Travaglio	Williams
Michlovic	Pistella		

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

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

* * *

The House proceeded to third consideration of **HB 2082, PN 2597**, entitled:

An Act providing for an income tax refund checkoff for breast and cervical cancer research; and making a repeal.

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

Mr. **CURRY** offered the following amendment No. **A5683**:

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

Amending the act of March 4, 1971 (P.L.6, No.2), entitled "An act relating to tax reform and State taxation by codifying and enumerating certain subjects of taxation and imposing taxes thereon; providing procedures for the payment, collection, administration and enforcement thereof; providing for tax credits in certain cases; conferring powers and imposing duties upon the Department of Revenue, certain employers, fiduciaries, individuals, persons, corporations and other entities; prescribing crimes, offenses and penalties," repealing certain provisions imposing sales and use tax on lawn care services; providing

Amend Bill, page 1, lines 5 through 14; page 2, lines 1 through 30; page 3, lines 1 through 16, by striking out all of said lines on said pages and inserting

Section 1. Section 201(b)(2) and (3), (f), (g), (k), (o) and (j) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, amended or added August 4, 1991 (P.L.97, No.22) and December 13, 1991 (P.L.373, No.40), are amended to read:

Section 201. Definitions.—The following words, terms and phrases when used in this Article II shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

(b) "Maintaining a place of business in this Commonwealth."

* * *

(2) The engaging in any activity as a business within this Commonwealth by any person, directly or by a subsidiary, in connection with the lease, sale or delivery of tangible personal property or the performance of services thereon for use, storage or consumption or in connection with the sale or delivery for use of the services described in subclauses (11) through (16) and (18) of clause (k) of this section, including, but not limited to, having, maintaining or using any office, distribution house, sales house, warehouse or other place of business, any stock of goods or any solicitor, salesman, agent or representative under its authority, at its direction or with its permission, regardless of whether the person or subsidiary is authorized to do business in this Commonwealth.

(3) Regularly or substantially soliciting orders within this Commonwealth in connection with the lease, sale or delivery of tangible personal property to or the performance thereon of services or in connection with the sale or delivery of the services described in subclauses (11) through (16) and (18) of clause (k) of this section for residents of this Commonwealth by means of catalogues or other advertising, whether such orders are accepted within or without this Commonwealth.

* * *

(f) "Purchase at retail."

(1) The acquisition for a consideration of the ownership, custody or possession of tangible personal property other than for resale by the person acquiring the same when such acquisition is made for the purpose of consumption or use, whether such acquisition shall be absolute or conditional, and by whatsoever means the same shall have been effected.

(2) The acquisition of a license to use or consume, and the rental or lease of tangible personal property, other than for resale regardless of the period of time the lessee has possession or custody of the property.

(3) The obtaining for a consideration of those services described in subclauses (2), (3) and (4) of clause (k) of this section other than for resale.

(4) A retention after March 7, 1956, of possession, custody or a license to use or consume pursuant to a rental contract or other lease arrangement (other than as security), other than for resale.

(5) The obtaining for a consideration of those services described in subclauses (11) through (16) and (18) of clause (k) of this section.

The term "purchase at retail" with respect to "liquor" and "malt or brewed beverages" shall include the purchase of "liquor" from any "Pennsylvania Liquor Store" by any person for any purpose, and the purchase of "malt or brewed beverages" from a "manufacturer of malt or brewed beverages," "distributor" or "importing distributor" by any person for any purpose, except purchases from a "manufacturer of malt or brewed beverages" by a "distributor" or "importing distributor" or purchases from an "importing distributor" by a "distributor" within the meaning of the "Liquor Code." The term "purchase at retail" shall not include any purchase of "malt or brewed beverages" from a "retail dispenser" or any purchase of "liquor" or "malt or brewed beverages" from a person holding a "retail liquor license" within the meaning of and pursuant to the provisions of the "Liquor Code," but shall include any purchase or acquisition of "liquor" or "malt or brewed beverages" other than pursuant to the provisions of the "Liquor Code."

(g) "Purchase price."

(1) The total value of anything paid or delivered, or promised to be paid or delivered, whether it be money or otherwise, in complete performance of a sale at retail or purchase at retail, as herein defined, without any deduction on account of the cost or value of the property sold, cost or value of transportation, cost or value of labor or service, interest or discount paid or allowed after the sale is consummated, any other taxes imposed by the Commonwealth of Pennsylvania or any other expense except that there shall be excluded any gratuity or separately stated deposit charge for returnable containers.

(2) There shall be deducted from the purchase price the value of any tangible personal property actually taken in trade or exchange in lieu of the whole or any part of the purchase price. For the purpose of this clause, the amount allowed by reason of tangible personal property actually taken in trade or exchange shall be considered the value of such property.

(3) In determining the purchase price on the sale or use of taxable tangible personal property or a service described in subclauses (11) through (16) and (18) of clause (k) of this section where, because of affiliation of interests between the vendor and purchaser, or irrespective of any such affiliation, if for any other reason the purchase price declared by the vendor or taxpayer on the taxable sale or use of such tangible personal property or service is, in the opinion of the department, not indicative of the true value of the article or service or the fair price thereof, the department shall, pursuant to uniform and equitable rules, determine the amount of constructive purchase price upon the basis of which the tax shall be computed and levied. Such rules shall provide for a constructive amount of purchase price for each such sale or use which would naturally and fairly be charged in an arms-length transaction in which the element of common interest between the vendor or purchaser is absent or if no common interest exists, any other element causing a distortion of the price or value is likewise absent. For the purpose of this clause where a taxable sale or purchase at retail transaction occurs between a parent and a subsidiary, affiliate or controlled corporation of such parent corporation, there shall be a rebuttable presumption, that because of such common interest such transaction was not at arms-length.

(4) Where there is a transfer or retention of possession or custody, whether it be termed a rental, lease, service or otherwise, of tangible personal property including, but not limited to linens, aprons, motor vehicles, trailers, tires, industrial office and construction equipment, and business machines the full consideration paid or delivered to the vendor

or lessor shall be considered the purchase price, even though such consideration be separately stated and be designated as payment for processing, laundering, service, maintenance, insurance, repairs, depreciation or otherwise. Where the vendor or lessor supplies or provides an employe to operate such tangible personal property, the value of the labor thus supplied may be excluded and shall not be considered as part of the purchase price if separately stated. There shall also be included as part of the purchase price the value of anything paid or delivered, or promised to be paid or delivered by a lessee, whether it be money or otherwise, to any person other than the vendor or lessor by reason of the maintenance, insurance or repair of the tangible personal property which a lessee has the possession or custody of under a rental contract or lease arrangement.

(5) With respect to the tax imposed by subsection (b) of section 202 upon any tangible personal property originally purchased by the user of such property six months or longer prior to the first taxable use of such property within the Commonwealth, such user may elect to pay tax on a substituted base determined by considering the purchase price of such property for tax purposes to be equal to the prevailing market price of similar tangible personal property at the time and place of such first use within the Commonwealth. Such election must be made at the time of filing a tax return with the department and reporting such tax liability and paying the proper tax due plus all accrued penalties and interest, if there be any, within six months of the due date of such report and payment, as provided for by subsections (a) and (c) of section 217 of this article.

(6) The purchase price of employment agency services and help supply services shall be the service fee paid by the purchaser to the vendor or supplying entity. The term "service fee," as used in this subclause, shall be the total charge or fee of the vendor or supplying entity minus the costs of the supplied employe which costs are wages, salaries, bonuses and commissions, employment benefits, expense reimbursements and payroll and withholding taxes, to the extent that these costs are specifically itemized or that these costs in aggregate are stated in billings from the vendor or supplying entity. To the extent that these costs are not itemized or stated on the billings, then the service fee shall be the total charge or fee of the vendor or supplying entity.

(7) Unless the vendor separately states that portion of the billing which applies to premium cable service as defined in clause (II) of this section, the total bill for the provision of all cable services shall be the purchase price.

(k) "Sale at retail."

(1) Any transfer, for a consideration, of the ownership, custody or possession of tangible personal property, including the grant of a license to use or consume whether such transfer be absolute or conditional and by whatsoever means the same shall have been effected.

(2) The rendition of the service of printing or imprinting of tangible personal property for a consideration for persons who furnish, either directly or indirectly the materials used in the printing or imprinting.

(3) The rendition for a consideration of the service of—

(i) Washing, cleaning, waxing, polishing or lubricating of motor vehicles of another, whether or not any tangible personal property is transferred in conjunction therewith; and

(ii) Inspecting motor vehicles pursuant to the mandatory requirements of "The Vehicle Code."

(4) The rendition for a consideration of the service of repairing, altering, mending, pressing, fitting, dyeing, laundering, drycleaning or cleaning tangible personal property other than wearing apparel or shoes, or applying or installing tangible personal property as a repair or replacement part of other tangible personal property except wearing apparel or shoes for a consideration, whether or not the services are performed directly or by any means other than by coin-operated self-service laundry equipment for wearing apparel or household goods and whether or not any tangible personal property is transferred in conjunction therewith, except such services as are rendered in the construction, reconstruction, remodeling, repair or maintenance of real estate: Provided, however, That this subclause shall not be deemed to

impose tax upon such services in the preparation for sale of new items which are excluded from the tax under clause (26) of section 204, or upon diaper service.

(8) Any retention of possession, custody or a license to use or consume tangible personal property or any further obtaining of services described in subclauses (2), (3) and (4) of this clause pursuant to a rental or service contract or other arrangement (other than as security).

The term "sale at retail" shall not include (i) any such transfer of tangible personal property or rendition of services for the purpose of resale, or (ii) such rendition of services, or the transfer of tangible personal property including, but not limited to, machinery and equipment and parts therefor and supplies to be used or consumed by the purchaser directly in the operations of—

(A) The manufacture of tangible personal property;

(B) Farming, dairying, agriculture, horticulture or floriculture when engaged in as a business enterprise. The term "farming" shall include the propagation and raising of ranch raised fur-bearing animals and the propagation of game birds for commercial purposes by holders of propagation permits issued under 34 Pa.C.S. (relating to game);

(C) The producing, delivering or rendering of a public utility service, or in constructing, reconstructing, remodeling, repairing or maintaining the facilities which are directly used in producing, delivering or rendering such service;

(D) Processing as defined in clause (d) of this section.

The exclusions provided in paragraphs (A), (B), (C) and (D) shall not apply to any vehicle required to be registered under The Vehicle Code, except those vehicles used directly by a public utility engaged in business as a common carrier; to maintenance facilities; or to materials, supplies or equipment to be used or consumed in the construction, reconstruction, remodeling, repair or maintenance of real estate other than directly used machinery, equipment, parts or foundations therefor that may be affixed to such real estate.

The exclusions provided in paragraphs (A), (B), (C) and (D) shall not apply to tangible personal property or services to be used or consumed in managerial sales or other nonoperational activities, nor to the purchase or use of tangible personal property or services by any person other than the person directly using the same in the operations described in paragraphs (A), (B), (C) and (D) herein.

The exclusion provided in paragraph (C) shall not apply to (i) construction materials, supplies or equipment used to construct, reconstruct, remodel, repair or maintain facilities not used directly by the purchaser in the production, delivering or rendition of public utility service, (ii) construction materials, supplies or equipment used to construct, reconstruct, remodel, repair or maintain a building, road or similar structure, or (iii) tools and equipment used but not installed in the maintenance of facilities used directly in the production, delivering or rendition of a public utility service.

The exclusions provided in paragraphs (A), (B), (C) and (D) shall not apply to the services enumerated in clauses (k)(11) through (16) and (18) and (w) through (ii) and (kk), except that the exclusion provided in this subclause for farming, dairying and agriculture shall apply to the service enumerated in clause (z).

(9) Where tangible personal property or services are utilized for purposes constituting a "sale at retail" and for purposes excluded from the definition of "sale at retail," it shall be presumed that such tangible personal property or services are utilized for purposes constituting a "sale at retail" and subject to tax unless the user thereof proves to the department that the predominant purposes for which such tangible personal property or services are utilized do not constitute a "sale at retail."

(10) The term "sale at retail" with respect to "liquor" and "malt or brewed beverages" shall include the sale of "liquor" by any "Pennsylvania liquor store" to any person for any purpose, and the sale of "malt or brewed beverages" by a "manufacturer of malt or brewed beverages," "distributor" or "importing distributor" to any person for any purpose, except sales by a "manufacturer of malt or brewed beverages" to a "distributor" or "importing distributor" or sales by an

“importing distributor” to a “distributor” within the meaning of the “Liquor Code.” The term “sale at retail” shall not include any sale of “malt or brewed beverages” by a “retail dispenser” or any sale of “liquor” or “malt or brewed beverages” by a person holding a “retail liquor license” within the meaning of and pursuant to the provisions of the “Liquor Code,” but shall include any sale of “liquor” or “malt or brewed beverages” other than pursuant to the provisions of the “Liquor Code.”

(11) The rendition for a consideration of lobbying services.

(12) The rendition for a consideration of adjustment services, collection services or credit reporting services.

(13) The rendition for a consideration of secretarial or editing services.

(14) The rendition for a consideration of disinfecting or pest control services, building maintenance or cleaning services.

(15) The rendition for a consideration of employment agency services or help supply services.

(16) The rendition for a consideration of computer programming services; computer-integrated systems design services; computer processing, data preparation or processing services; information retrieval services; computer facilities management services; or other computer-related services. At a minimum, such services shall not include services that are part of electronic fund transfers, electronic financial transactions or services, banking or trust services, or management or administrative services, including transfer agency, shareholder, custodial and portfolio accounting services, provided directly to any entity that duly qualifies to be taxed as a regulated investment company or a real estate investment trust under the provisions of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.) or to an entity that provides such services to an entity so qualifying.

[(17) The rendition for a consideration of lawn care service.]

(18) The rendition for a consideration of self-storage service.

(o) “Use.”

(1) The exercise of any right or power incidental to the ownership, custody or possession of tangible personal property and shall include, but not be limited to transportation, storage or consumption.

(2) The obtaining by a purchaser of the service of printing or imprinting of tangible personal property when such purchaser furnishes, either directly or indirectly, the articles used in the printing or imprinting.

(3) The obtaining by a purchaser of the services of (i) washing, cleaning, waxing, polishing or lubricating of motor vehicles whether or not any tangible personal property is transferred to the purchaser in conjunction with such services, and (ii) inspecting motor vehicles pursuant to the mandatory requirements of “The Vehicle Code.”

(4) The obtaining by a purchaser of the service of repairing, altering, mending, pressing, fitting, dyeing, laundering, drycleaning or cleaning tangible personal property other than wearing apparel or shoes or applying or installing tangible personal property as a repair or replacement part of other tangible personal property other than wearing apparel or shoes, whether or not the services are performed directly or by any means other than by means of coin-operated self-service laundry equipment for wearing apparel or household goods, and whether or not any tangible personal property is transferred to the purchaser in conjunction therewith, except such services as are obtained in the construction, reconstruction, remodeling, repair or maintenance of real estate: Provided, however, That this subclause shall not be deemed to impose tax upon such services in the preparation for sale of new items which are excluded from the tax under clause (26) of section 204, or upon diaper service: And provided further, That the term “use” shall not include—

(A) Any tangible personal property acquired and kept, retained or over which power is exercised within this Commonwealth on which the taxing of the storage, use or other consumption thereof is expressly prohibited by the Constitution of the United States or which is excluded from tax under other provisions of this article.

(B) The use or consumption of tangible personal property, including but not limited to machinery and equipment and parts therefor,

and supplies or the obtaining of the services described in subclauses (2), (3) and (4) of this clause directly in the operations of—

(i) The manufacture of tangible personal property;

(ii) Farming, dairying, agriculture, horticulture or floriculture when engaged in as a business enterprise. The term “farming” shall include the propagation and raising of ranch-raised furbearing animals and the propagation of game birds for commercial purposes by holders of propagation permits issued under 34 Pa.C.S. (relating to game);

(iii) The producing, delivering or rendering of a public utility service, or in constructing, reconstructing, remodeling, repairing or maintaining the facilities which are directly used in producing, delivering or rendering such service;

(iv) Processing as defined in subclause (d) of this section.

The exclusions provided in subparagraphs (i), (ii), (iii) and (iv) shall not apply to any vehicle required to be registered under The Vehicle Code except those vehicles directly used by a public utility engaged in the business as a common carrier; to maintenance facilities; or to materials, supplies or equipment to be used or consumed in the construction, reconstruction, remodeling, repair or maintenance of real estate other than directly used machinery, equipment, parts or foundations therefor that may be affixed to such real estate. The exclusions provided in subparagraphs (i), (ii), (iii) and (iv) shall not apply to tangible personal property or services to be used or consumed in managerial sales or other nonoperational activities, nor to the purchase or use of tangible personal property or services by any person other than the person directly using the same in the operations described in subparagraphs (i), (ii), (iii) and (iv).

The exclusion provided in subparagraph (iii) shall not apply to (A) construction materials, supplies or equipment used to construct, reconstruct, remodel, repair or maintain facilities not used directly by the purchaser in the production, delivering or rendition of public utility service or (B) tools and equipment used but not installed in the maintenance of facilities used directly in the production, delivering or rendition of a public utility service.

The exclusion provided in subparagraphs (i), (ii), (iii) and (iv) shall not apply to the services enumerated in clauses (o)(9) through (14) and (16) and (w) through (ii) and (kk), except that the exclusion provided in subparagraph (ii) for farming, dairying and agriculture shall apply to the service enumerated in clause (z).

(5) Where tangible personal property or services are utilized for purposes constituting a “use,” as herein defined, and for purposes excluded from the definition of “use,” it shall be presumed that such property or services are utilized for purposes constituting a “sale at retail” and subject to tax unless the user thereof proves to the department that the predominant purposes for which such property or services are utilized do not constitute a “sale at retail.”

(6) The term “use” with respect to “liquor” and “malt or brewed beverages” shall include the purchase of “liquor” from any “Pennsylvania liquor store” by any person for any purpose and the purchase of “malt or brewed beverages” from a “manufacturer of malt or brewed beverages,” “distributor” or “importing distributor” by any person for any purpose, except purchases from a “manufacturer of malt or brewed beverages” by a “distributor” or “importing distributor,” or purchases from an “importing distributor” by a “distributor” within the meaning of the “Liquor Code.” The term “use” shall not include any purchase of “malt or brewed beverages” from a “retail dispenser” or any purchase of “liquor” or “malt or brewed beverages” from a person holding a “retail liquor license” within the meaning of and pursuant to the provisions of the “Liquor Code,” but shall include the exercise of any right or power incidental to the ownership, custody or possession of “liquor” or “malt or brewed beverages” obtained by the person exercising such right or power in any manner other than pursuant to the provisions of the “Liquor Code.”

(7) The use of tangible personal property purchased at retail upon which the services described in subclauses (2), (3) and (4) of this clause have been performed shall be deemed to be a use of said services by the person using said property.

(8) The term "use" shall not include the providing of a motor vehicle to a nonprofit private or public school to be used by such a school for the sole purpose of driver education.

(9) The obtaining by the purchaser of lobbying services.

(10) The obtaining by the purchaser of adjustment services, collection services or credit reporting services.

(11) The obtaining by the purchaser of secretarial or editing services.

(12) The obtaining by the purchaser of disinfecting or pest control services, building maintenance or cleaning services.

(13) The obtaining by the purchaser of employment agency services or help supply services.

(14) The obtaining by the purchaser of computer programming services; computer-integrated systems design services; computer processing, data preparation or processing services; information retrieval services; computer facilities management services; or other computer-related services. At a minimum, such services shall not include services that are part of electronic fund transfers, electronic financial transactions or services, banking or trust services, or management or administrative services, including transfer agency, shareholder, custodial and portfolio accounting services, provided directly to any entity that duly qualifies to be taxed as a regulated investment company or a real estate investment trust under the provisions of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.) or to an entity that provides such services to an entity so qualifying.

[(15) The obtaining by the purchaser of lawn care service.]

(16) The obtaining by the purchaser of self-storage service.

[(jj) "Lawn care service." Providing services for lawn upkeep, including, but not limited to, fertilizing, lawn mowing, shrubbery trimming or other lawn treatment services.]

Section 2. The act is amended by adding a section to read:

Section 315.1. Space on Form for Contributions to Breast and Cervical Cancer Research.—(a) The department shall provide a space on the face of the individual income tax return form whereby an individual may voluntarily designate a contribution of any amount desired to be utilized for breast and cervical cancer research in the Department of Health.

(b) The amount so designated on the individual income tax return form shall be deducted from the tax refund to which the individual is entitled and shall not constitute a charge against the income tax revenues due to the Commonwealth.

(c) The department shall determine annually the total amount designated under this section, less reasonable administrative costs, and shall report the amount to the State Treasurer, who shall transfer the amount from the General Fund to the Pennsylvania Cancer Control, Prevention and Research Advisory Board within the Department of Health.

(d) The department shall provide adequate information concerning the checkoff for breast and cervical cancer research in its instructions which accompany State income tax return forms. The information concerning the checkoff shall include the listing of an address furnished by the Department of Health, to which contributions may be sent by taxpayers wishing to contribute to this effort, but who do not receive refunds. Additionally, the Department of Health shall be charged with the duty to conduct a public information campaign on the availability of this opportunity to Pennsylvania taxpayers.

(e) The Department of Health shall report annually to the respective committees of the Senate and the House of Representatives which have jurisdiction over health matters on the amount received via the checkoff plan and how the funds were utilized.

(f) The General Assembly may, from time to time, appropriate funds for breast and cervical cancer research within the Department of Health.

Section 3. Section 12 of the act of June 23, 1982 (P.L.597, No.170), known as the Wild Resource Conservation Act, is repealed insofar as it is inconsistent with this act.

Section 4. The addition of section 315.1 of the act shall apply to taxable years beginning on or after January 1, 1996.

Section 5. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Montgomery, Mr. Curry.

Mr. CURRY. Thank you, Mr. Speaker.

Mr. Speaker, this simply repeals a 6-percent sales tax on people cutting grass, which is an unfair tax and should have never been passed in the first place.

I understand this is an agreed-to amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Erie, Mr. Boyes.

Mr. BOYES. Thank you, Mr. Speaker.

This is an agreed-to amendment, and I would ask the members to support this amendment by Representative Curry.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Gruitza	Mihalich	Travaglio	Williams
Michlovic	Pistella		

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. TRELLO offered the following amendment No. A5684:

Amend Title, page 1, lines 1 and 2, by striking out all of said lines and inserting

Amending the act of March 4, 1971 (P.L.6, No.2), entitled "An act relating to tax reform and State taxation by codifying and enumerating certain subjects of taxation and imposing taxes thereon; providing procedures for the payment, collection, administration and enforcement thereof; providing for tax credits in certain cases; conferring powers and imposing duties upon the Department of Revenue, certain employers, fiduciaries, individuals, persons, corporations and other entities; prescribing crimes, offenses and penalties," further providing for bakery products in relation to the sales tax; providing for an income tax refund checkoff for breast and cervical cancer research; and making a repeal.

Amend Bill, page 1, lines 5 through 14; page 2, lines 1 through 30; page 3, lines 1 through 16, by striking out all of said lines on said pages and inserting

Section 1. Section 201(c) and (d) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, amended August 4, 1991 (P.L.97, No.22) and June 16, 1994 (P.L.279, No.48), are amended to read:

Section 201. Definitions.—The following words, terms and phrases when used in this Article II shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(c) "Manufacture." The performance of manufacturing, fabricating, compounding, processing or other operations, engaged in as a business, which place any tangible personal property in a form, composition or character different from that in which it is acquired whether for sale or use by the manufacturer, and shall include, but not be limited to—

(1) Every operation commencing with the first production stage and ending with the completion of tangible personal property having the

physical qualities (including packaging, if any, passing to the ultimate consumer) which it has when transferred by the manufacturer to another;

(2) The publishing of books, newspapers, magazines and other periodicals and printing;

(3) Refining, blasting, exploring, mining and quarrying for, or otherwise extracting from the earth or from waste or stock piles or from pits or banks any natural resources, minerals and mineral aggregates including blast furnace slag;

(4) Building, rebuilding, repairing and making additions to, or replacements in or upon vessels designed for commercial use of registered tonnage of fifty tons or more when produced upon special order of the purchaser, or when rebuilt, repaired or enlarged, or when replacements are made upon order of, or for the account of the owner;

(5) Research having as its objective the production of a new or an improved (i) product or utility service, or (ii) method of producing a product or utility service, but in either case not including market research or research having as its objective the improvement of administrative efficiency.

(6) Remanufacture for wholesale distribution by a remanufacturer of motor vehicle parts from used parts acquired in bulk by the remanufacturer using an assembly line process which involves the complete disassembly of such parts and integration of the components of such parts with other used or new components of parts, including the salvaging, recycling or reclaiming of used parts by the remanufacturer.

(7) Remanufacture or retrofit by a manufacturer or remanufacturer of aircraft, armored vehicles, other defense-related vehicles having a finished value of at least fifty thousand dollars (\$50,000). Remanufacture or retrofit involves the disassembly of such aircraft, vehicles, parts or components, including electric or electronic components, the integration of those parts and components with other used or new parts or components, including the salvaging, recycling or reclaiming of the used parts or components and the assembly of the new or used aircraft, vehicles, parts or components. For purposes of this clause, the following terms or phrases have the following meanings:

(i) "aircraft" means fixed-wing aircraft, helicopters, powered aircraft, tilt-rotor or tilt-wing aircraft, unmanned aircraft and gliders;

(ii) "armored vehicles" means tanks, armed personnel carriers and all other armed track or semitrack vehicles; or

(iii) "other defense-related vehicles" means trucks, truck-tractors, trailers, jeeps and other utility vehicles, including any unmanned vehicles.

The term "manufacture[.]" shall not include constructing, altering, servicing, repairing or improving real estate or repairing, servicing or installing tangible personal property, nor the cooking[.] or freezing [or baking] of fruits, vegetables, mushrooms, fish, seafood, meats[.] or poultry [or bakery products].

(d) "Processing." The performance of the following activities when engaged in as a business enterprise:

(1) The cooking[, baking] or freezing of fruits, vegetables, mushrooms, fish, seafood, meats[.] or poultry [or bakery products], when the person engaged in such business packages such property in sealed containers for wholesale distribution.

(2) The scouring, carbonizing, cording, combing, throwing, twisting or winding of natural or synthetic fibers, or the spinning, bleaching, dyeing, printing or finishing of yarns or fabrics, when such activities are performed prior to sale to the ultimate consumer.

(3) The electroplating, galvanizing, enameling, anodizing, coloring, finishing, impregnating or heat treating of metals or plastics for sale or in the process of manufacturing.

(4) The rolling, drawing or extruding of ferrous and non-ferrous metals.

(5) The fabrication for sale of ornamental or structural metal or of metal stairs, staircases, gratings, fire escapes or railings (not including fabrication work done at the construction site).

(6) The preparation of animal feed or poultry feed for sale.

(7) The production, processing and bottling of non-alcoholic beverages for wholesale distribution.

(8) The operation of a saw mill or planing mill for the production of lumber or lumber products for sale.

(9) The milling for sale of flour or meal from grains.

(10) The slaughtering and dressing of animals for meat to be sold or to be used in preparing meat products for sale, and the preparation of meat products including lard, tallow, grease, cooking and inedible oils for wholesale distribution.

(11) The processing of used lubricating oils.

(12) The broadcasting of radio and television programs of licensed commercial or educational stations.

Section 2. The act is amended by adding a section to read:

Section 315.1. Space on Form for Contributions to Breast and Cervical Cancer Research.—(a) The Department of Revenue shall provide a space on the face of the individual income tax return form whereby an individual may voluntarily designate a contribution of any amount desired to be utilized for breast and cervical cancer research in the Department of Health.

(b) The amount so designated on the individual income tax return form shall be deducted from the tax refund to which the individual is entitled and shall not constitute a charge against the income tax revenues due to the Commonwealth.

(c) The department shall determine annually the total amount designated under this section, less reasonable administrative costs, and shall report the amount to the State Treasurer, who shall transfer the amount from the General Fund to the Pennsylvania Cancer Control, Prevention and Research Advisory Board within the Department of Health.

(d) The department shall provide adequate information concerning the checkoff for breast and cervical cancer research in its instructions which accompany State income tax return forms. The information concerning the checkoff shall include the listing of an address furnished by the Department of Health, to which contributions may be sent by taxpayers wishing to contribute to this effort, but who do not receive refunds. Additionally, the Department of Health shall be charged with the duty to conduct a public information campaign on the availability of this opportunity to Pennsylvania taxpayers.

(e) The Department of Health shall report annually to the respective committees of the Senate and the House of Representatives which have jurisdiction over health matters on the amount received via the checkoff plan and how the funds were utilized.

(f) The General Assembly may, from time to time, appropriate funds for breast and cervical cancer research within the Department of Health.

Section 3. Section 12 of the act of June 23, 1982 (P.L.597, No.170), known as the Wild Resource Conservation Act, is repealed insofar as it is inconsistent with this act.

Section 4. The addition of section 315.1 shall apply to taxable years beginning on or after January 1, 1996.

Section 5. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

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

Mr. TRELLO. Thank you, Mr. Speaker.

What this amendment does, it restores the manufacturer's exemption for small bakeries that was taken away back in 1991. I think we should all be concerned about the "mom and pop" bakeries that have some severe competition, and restoring this manufacturer's exemption will stabilize the business.

I would appreciate an affirmative vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of the Trello amendment, the Chair recognizes the gentleman from Erie, Mr. Boyes.

Mr. BOYES. Thank you, Mr. Speaker.

This, too, is an agreed-to amendment. The Finance Committee had considered this bill and reported it unanimously. We stand here to support this amendment, and we urge the members to vote in the affirmative. Thank you very much.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-195

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

NOT VOTING-1

Rieger

EXCUSED-6

Gruitza Michlovic Mihalich Pistella Travaglio Williams

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

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

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

On that question, the Chair recognizes the lady from Lancaster, Mrs. True.

Mrs. TRUE. Thank you, Mr. Speaker.

I would like to speak briefly in support of HB 2082, the State income tax checkoff for breast and cervical cancer research. I would like to remind our colleagues in the House that October — this being the last day — but October is National Breast Cancer Awareness Month. It is in tribute to the thousands of brave Pennsylvania women who today and tomorrow live with and fight against breast cancer. It is for them and in support of the husbands, children, and families that love these women that I ask for your support of HB 2082.

Could I beg the House's indulgence, Mr. Speaker?

The SPEAKER pro tempore. The lady is correct. There is entirely too much noise. The House will be in order.

Mrs. TRUE. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The lady may proceed.

Mrs. TRUE. On October 17 there was a rally in the rotunda held by the Breast Cancer Coalition. Speaker Ryan joined First Lady Michele Ridge, Kathy Schweiker, hundreds of others, and several dozen breast-cancer survivors in support of this legislation. We appreciate Speaker Ryan's support as we do all the others.

Next spring and hopefully every spring after that when you and I and all of us here prepare our State income tax returns, we will be reminded of these women by a little box on the income tax form. If we are lucky enough to get refunds, I hope we will share in that good fortune by checking off a portion of our refunds for breast and cervical cancer research.

We need funds for research; we need the research to find a cure. Let us tell the women of Pennsylvania that we care about them by supporting this bill. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes, on the question, the gentleman from Allegheny, Mr. Trello.

Mr. TRELLO. Mr. Speaker, I want to congratulate the lady, Mrs. True, for this bill.

Twenty-four years ago my wife had a terrible experience with a radical mastectomy, and if something like this was in place

24 years ago or 25 years ago, we might not have had to go through this death-threatening, terrible, terrible disease that women get.

I cannot thank Representative True enough for her foresight in expanding this program for research, and I urge a positive vote from all the members in this General Assembly. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I, too, rise to congratulate Representative True for her vision and for her courage to step forward in this initiative. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

YEAS-196

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

DiGirolamo
Donatucci
Druce

Leh
Lescovitz
Levdansky

Sainato
Santoni

Ryan,
Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Gruitza
Michlovic

Mihalich
Pistella

Travaglio

Williams

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. Does the Republican or Democratic floor leader have any further business in regular session at this time?

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Trello. For what purpose does the gentleman rise?

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

The SPEAKER pro tempore. The gentleman may correct the record.

Mr. TRELLO. Yesterday, Mr. Speaker, on HB 294, my switch malfunctioned, but I would like to be recorded in the affirmative.

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

FINANCE COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. Boyes.

Mr. BOYES. Thank you, Mr. Speaker.

The House Finance Committee will have an immediate meeting at the call of the recess in the rear of the House. The House Finance Committee will meet immediately at the recess.

The SPEAKER pro tempore. The Chair thanks the gentleman.

RECESS

The SPEAKER pro tempore. The House, in regular session, stands in recess to the call of the Chair.

AFTER RECESS

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

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 751, PN 830

By Rep. STAIRS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for adoption of school district budgets.

EDUCATION.

HB 1142, PN 1271

By Rep. MERRY

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, further providing for installment payment of taxes.

LOCAL GOVERNMENT.

HB 1939, PN 2395

By Rep. MERRY

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for the establishment of Office of Controller in certain counties.

LOCAL GOVERNMENT.

HB 2005, PN 2486

By Rep. BUNT

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for the split-off of land.

AGRICULTURE AND RURAL AFFAIRS.

BILL ON CONCURRENCE REREPORTED FROM COMMITTEE

HB 701, PN 2591

By Rep. MERRY

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, providing for adoption of property maintenance regulations and standard codes; eliminating provisions for milk inspection; and further providing for the manufacture and purchase of electricity.

LOCAL GOVERNMENT.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman from Lancaster County, the majority whip, Mr. Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

As was just reported from the Local Government Committee, HB 701 with some Senate amendments, as a result of that we were not able to have it on our calendar in a timely fashion, and the fact that we are going to be in recess for a period of time, this is legislation that has been around for a while, and we would like to dispose of it and be able to call it up for a vote.

So I move that we suspend the rules for the purpose of calling HB 701 up for a vote.

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

The following roll call was recorded:

YEAS—183

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

NAYS—11

Carone	Lawless	Platts	Steil
Gamble	Lynch	Sather	Tigue
Krebs	Mundy	Steelman	

NOT VOTING—2

Levdansky	Reinard
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EXCUSED—6

Gruitza	Mihalich	Travaglio	Williams
Michlovic	Pistella		

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

SUPPLEMENTAL CALENDAR A

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 701, PN 2591**, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, providing for adoption of property maintenance regulations and standard codes; eliminating provisions for milk inspection; and further providing for the manufacture and purchase of electricity.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Westmoreland, Mr. Van Horne.

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

I ask the House today to vote "no" on this issue.

As the Speaker mentioned, I am from Westmoreland, but I also represent part of Allegheny County which includes the borough of Tarentum, which in fact HB 701 directly affects Tarentum and no other municipality in the Commonwealth of Pennsylvania.

I will not belabor the House's time today, but I would like to enumerate about six major issues why this bill needs to be defeated.

Number one, it is bad public policy. The long arm of the State Senate is trying to reach into the municipality. Their council has voted 9 to nothing on two or three separate occasions to involve themselves in a municipal power system that they in fact own and just have been leasing for the past 30 years.

Secondly, according to the Consumer Advocate's Office, who did an extensive study on this issue, the borough of Tarentum has a chance to in fact make a profit of between \$160,000 and \$450,000, which in effect would not necessitate a huge tax increase which may take place.

Thirdly and contrary to what some of the Local Government Committee members heard this morning, there is in fact a cost attached to this back-door approach to having a referendum to a bond issue, and this is very key to the membership: This is asking to have a referendum on a bond issue that in fact was issued in 1993, and there in fact have been costs expended of over a half a million dollars, which in fact the borough would have to make up, needless to speak about the litigation that may be involved.

On another issue, the industrial energy consumers of Pennsylvania, which include companies such as Allegheny Ludlum, Hershey Foods, and USX, have communicated to a number of us that consistent with the Federal Energy Policy Act, this in fact is a step backwards, because at the time of the policy

act and when the PUC (Pennsylvania Utility Commission) is looking to look at municipal and electric deregulation, this in fact puts onerous provisions not only on my constituents but many of yours.

A recent Forbes article talked about "Power to the People," amazingly enough, and it talks about how deregulation is going to bring down the costs of electric power in the United States, and this is going to make things rough for the weaker power companies and for the politicians who want to control electricity for their own end.

So in my view and being the Representative from the borough of Tarentum, the council made the right decision on the 9-nothing vote. They have a chance to go out there and get lower rates, build up their tax base instead of eroding it. It may not get to the point of the Middletown Boroughs in this Commonwealth who are able to purchase electricity at 1 cent per kilowatt-hour, but they certainly can make a very good case for this bill not being put into place.

And once again, it is a fact facing my constituency of, on the one hand, if HB 701 goes in, you have higher regulation, higher local taxes, and a monopolistic system, whereas in effect if you let HB 701 be defeated today, we are going to have less regulation, a stronger tax base, and competition for electric.

So I would urge the House to vote "no" on HB 701. Thank you.

The SPEAKER. On the question of the adoption of the amendments inserted by the Senate to HB 701, the lady, Mrs. Durham, is recognized.

Mrs. DURHAM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to urge concurrence on the Senate amendment. The choice is, do we think that the borough of Tarentum has better knowledge to run a utility company than the utility company does? That kind of puts it plain and simple.

Back in 1992, when we were in a sine die session, the rules were changed on the residents of Tarentum. At one time they had the right to go to the polls and to vote and decide who would run the utility company, but late in the session, that was changed, the rules were changed.

By voting on concurrence today, we are asking that we give the citizens the right to make that decision today by putting it on a referendum. I urge all of the members today to give those citizens not only of Tarentum but across the Commonwealth of Pennsylvania their basic right back and be allowed to vote on this in a referendum. I urge concurrence.

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Armstrong, from Lancaster County.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

I wonder if it is really the citizens that we are concerned about or the electric company. Really, I want you to stop and think about that.

In 1993 the electorate had an opportunity to unseat a number of those borough council members. Four of the five that were on council when this was first elected were returned to office. Now is another election year, and three of the four council members who are on are up for reelection, and it looks very likely that they are going to win their seats back. I think the constituents of Tarentum Borough have spoken loudly that they support their council members, and I would ask all of us to take a look at this, what we are doing with this bill.

In fact, it has been so finely narrowed in its perspective on this bill that we also have 17 other municipalities that could fall under this if it were not focused. So if we are going to compel Tarentum Borough to go back and redo and do a referendum on

their actions, then we need to do that with the 17 other boroughs that have also exercised their right under acquiring electric utilities.

I think we all need to vote "no" on this bill and do it very soundly. Thank you.

The SPEAKER. The gentleman from Allegheny, Mr. Trello, is recognized.

Mr. TRELLO. Very briefly, I think every one of us here, Mr. Speaker, knows our district better than anybody, and I would support any member when it involves something in his or her respective district. I think Terry Van Horne knows Tarentum better than anybody because he lives there and he knows the people there, and I am sure he knows what his constituents want, and I certainly support nonconcurrence of this HB 701. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Steil.

Mr. STEIL. Thank you, Mr. Speaker.

Once again this body is being asked to interfere in the democratic processes of a borough, the borough of Tarentum. The reasons why we are being asked to do this are very unclear. I would submit that no one here clearly understands what is happening in Tarentum Borough. Now, whether or not the decision of this body in 1992 was proper is not the issue today. The issue today is what is happening with Tarentum Borough's lease with West Penn Power and their desire to operate their own power distribution system.

Under the Local Government Unit Debt Act, boroughs and their residents are protected from excessive debt on the part of their elected officials. They have the right to incur debt up to certain limits. This debt which they are asking to incur is within those limits. This borough has already proceeded with the actions in incurring that debt and acquiring this electric power distribution system. For us to now step in and mandate a resolution different from what the elected officials of this borough have determined they will proceed with is wrong, and I ask that we defeat HB 701 and do not concur in the Senate amendments. Thank you.

The SPEAKER. On the question of concurrence, the gentleman, Mr. Melio.

Mr. MELIO. Thank you, Mr. Speaker.

I just want to tell my colleagues that this bill came out of the Local Government Committee by a vote of 11 to 10. The State Association of Boroughs wanted the bill to be voted on nonconcurrence. They oppose the bill. Thank you.

The SPEAKER. The gentleman, Mr. Van Horne, for the second time on the bill.

Mr. VAN HORNE. Briefly, Mr. Speaker, a couple things to remember on the referendum issue.

No other political subdivision, third-class cities, or townships have that provision.

Secondly, our paper, in a series of articles, just showed how Zelienople and the Middletowns of this world have been able to profit very greatly by this.

The bottom line on this is, it is certainly the old David versus Goliath — the resources and the power of West Penn versus my constituents in Tarentum and the State Senate versus my constituents in Tarentum.

I would urge a "no" vote on this today. Thank you.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS-31

Adolph	Gigliotti	McGill	Surra
Bard	Godshall	Merry	Trich
Bunt	Habay	Nickol	Tulli
Cornell	Hasay	Robinson	Wozniak
Durham	Hennessey	Roebuck	Zug
Fargo	Kukovich	Saylor	
Farmer	Lawless	Smith, S. H.	Ryan,
Fichter	Maitland	Stairs	Speaker
George			

NAYS-161

Allen	DeWeese	Levdansky	Rudy
Argall	DiGirolamo	Lloyd	Sainato
Armstrong	Donatucci	Lucy	Santoni
Baker	Druce	Lynch	Sather
Barley	Egolf	Major	Schroder
Battisto	Evans	Manderino	Schuler
Bebko-Jones	Fairchild	Markosek	Scrimenti
Belardi	Fajt	Marsico	Semmel
Belfanti	Feese	Masland	Serafini
Birmelin	Fleagle	Mayernik	Shaner
Bishop	Flick	McCall	Sheehan
Blaum	Gamble	McGeehan	Smith, B.
Boscola	Gannon	Melio	Snyder, D. W.
Boyes	Geist	Miller	Staback
Brown	Gladeck	Mundy	Steelman
Browne	Gordner	Nailor	Steil
Butkovitz	Haluska	Nyce	Stern
Buxton	Hanna	O'Brien	Stetler
Caltagirone	Harhart	Olasz	Stish
Cappabianca	Herman	Oliver	Strittmatter
Carone	Hershey	Perzel	Sturla
Cawley	Hess	Pesci	Tangretti
Chadwick	Horsey	Petrarca	Taylor, E. Z.
Civera	Hutchinson	Petrone	Taylor, J.
Clark	Itkin	Pettit	Thomas
Clymer	Jadlowiec	Phillips	Tigue
Cohen, L. I.	James	Piccola	Trello
Cohen, M.	Jarolin	Pitts	True
Colafella	Josephs	Platts	Vance
Colaizzo	Kaiser	Preston	Van Horne
Conti	Keller	Ramos	Veon
Corpora	Kenney	Raymond	Vitali
Corrigan	King	Readshaw	Walko
Cowell	Kirkland	Reber	Washington
Coy	Krebs	Reinard	Wogan
Curry	LaGrotta	Rieger	Wright, D. R.
Daley	Laughlin	Roberts	Wright, M. N.
DeLuca	Lederer	Rohrer	Yewcic
Dempsey	Leh	Rooney	Youngblood
Dent	Lescovitz	Rublely	Zimmerman
Dermody			

NOT VOTING-4

Carn	Gruppo	Micozzie	Waugh
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EXCUSED-6

Gruitza	Mihalich	Travaglio	Williams
Michlovic	Pistella		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2042, PN 2541**, entitled:

An Act amending Title 13 (Commercial Code) of the Pennsylvania Consolidated Statutes, revising the division on investment securities and making conforming amendments to Divisions 1, 4, 5 and 9 of Title 13; providing for subordinated obligations and for qualified financial contracts; and further providing for negotiable instruments.

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-194

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

Dermody	Lawless	Rooney	Zimmerman
DeWeese	Lederer	Rubley	Zug
DiGirolamo	Leh	Rudy	
Donatucci	Lescovitz	Sainato	Ryan,
Druce	Levdansky	Santoni	Speaker

NAYS-0

NOT VOTING-2

Butkovitz Evans

EXCUSED-6

Gruitza	Mihalich	Travaglio	Williams
Michlovic	Pistella		

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

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

The House proceeded to third consideration of **HB 1924, PN 2565**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing for use of credit and debit cards.

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-195

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

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

NAYS-0

NOT VOTING-1

Feese

EXCUSED-6

Gruitza	Mihalich	Travaglio	Williams
Michlovic	Pistella		

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

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

The House proceeded to third consideration of **HB 1944, PN 2566**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for permits for disabled persons and for a fee for a temporary permit.

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

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

The question is, shall the bill pass finally?

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

YEAS-196

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

The House proceeded to third consideration of **HB 2022, PN 2511**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for use of credit and debit cards.

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

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

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

YEAS-196

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Gruitza	Mihalich	Travaglio	Williams
Michlovic	Pistella		

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

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Gruitza Michlovic Mihalich Pistella Travaglio Williams

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 2033, PN 2522**, entitled:

An Act authorizing the Pennsylvania Fish and Boat Commission to convey a Project 70 tract of land in Porter Township, Clinton County, under certain conditions.

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?

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

Mr. B. SMITH. Mr. Speaker, I have an amendment. It will be necessary to suspend the rules. It is a technical amendment. It only corrects an "east" and a "west," and I had spoken to the majority leader about it.

The SPEAKER. Well, make the appropriate motion. Are you now moving that the rules be suspended?

Mr. B. SMITH. Yes, Mr. Speaker.

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its announcement that this bill has been agreed to for the third time.

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

RULES SUSPENDED

The SPEAKER. The gentleman, Mr. Smith, moves that the rules be suspended to permit him to offer an amendment, A5097.

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

The following roll call was recorded:

YEAS-195

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

NAYS-0

NOT VOTING-1

Clymer

EXCUSED-6

Gruitza Michlovic Mihalich Pistella Travaglio Williams

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

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

Mr. B. SMITH offered the following amendment No. A5097:

Amend Sec. 4, page 5, line 19, by striking out "east" and inserting west

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Smith, on the amendment.

Mr. B. SMITH. Thank you, Mr. Speaker.

In the deeds description on page 5, line 19, we are striking out "east" and inserting "west." That is the entire amendment, Mr. Speaker.

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

The following roll call was recorded:

YEAS-196

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

DiGirolamo	Leh	Sainato	Ryan,
Donatucci	Lescovitz	Santoni	Speaker
Druce	Levdansky		

NAYS-0

NOT VOTING-0

EXCUSED-6

Gruitza	Mihalich	Travaglio	Williams
Michlovic	Pistella		

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. REBER. Mr. Speaker?

The SPEAKER. Is the gentleman, Mr. Reber, asking for recognition prior to the announcement of the vote?

Mr. REBER. No, Mr. Speaker. My switch has malfunctioned on the last two votes.

The SPEAKER. How would you vote on the amendment?

Mr. REBER. In the affirmative on the last two votes that have been on the board. Thank you.

The SPEAKER. All right. We can only do the one.

The clerk will record— Have you recorded the vote on this amendment? All right.

We are showing you as being voted in the affirmative on that amendment.

Mr. REBER. Thank you.

The SPEAKER. Mr. Barley, for what purpose do you rise?

Mr. BARLEY. Point of personal privilege.

The SPEAKER. We are about to take up this bill on final passage. Does this have something to do with the bill?

Mr. BARLEY. Actually, it was a comment on the amendment that was just passed.

The SPEAKER. Go ahead. You are recognized.

Mr. BARLEY. Well, I just thought it was worthy to note that from time to time we do phenomenal things, and by a simple amendment of the gentleman from York County, Mr. Smith, we just changed the east from the west, and I thought that was worth noting.

The SPEAKER. That is interesting. A little later today perhaps we can get back.

On the question recurring,

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

Bill 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-196

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Gruitza	Mihalich	Travaglio	Williams
Michlovic	Pistella		

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

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

The SPEAKER. Mr. Reber, for the balance of these votes, Mr. Thompson here will indicate to you whether you are or are not recorded on the machine.

Mr. REBER. Mr. Speaker, I understand this board is showing my vote, that board is not, and that is the only one I can see.

The SPEAKER. Well, you are not permitted to move to that side of the aisle.

Mr. REBER. No comment.

The SPEAKER. So I prefer you stay here watching Mr. Thompson, and I am not so sure about him sometimes.

The House proceeded to third consideration of **SB 806, PN 1485**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for security from searches and seizures.

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

Ms. STEELMAN offered the following amendment No. **A5455**:

Amend Title, page 1, line 1, by striking out "an amendment" and inserting
amendments

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

; and providing for a Legislative and Congressional Reapportionment Bureau for the purpose of reapportioning and redistricting the Commonwealth of Pennsylvania.

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

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

Amend Sec. 1, page 1, line 8, by inserting before "That"
(1)

Amend Bill, page 2, lines 8 through 30, by striking out all of said lines and inserting

(2) That section 17 of Article II be amended to read:

§ 17. Legislative [Reapportionment Commission] and Congressional Reapportionment Bureau.

(a) In each year following the year of the Federal decennial census, a Legislative [Reapportionment Commission] and Congressional Reapportionment Bureau shall be constituted for the purpose of reapportioning the Commonwealth. The bureau shall consist of a director and employees as are necessary to carry out the responsibilities of reapportionment and redistricting. [The commission shall act by a majority of its entire membership.

(b) The commission shall consist of five members: four of whom shall be the majority and minority leaders of both the Senate and the House of Representatives, or deputies appointed by each of them, and a chairman selected as hereinafter provided. No later than 60 days following the official reporting of the Federal decennial census as required by Federal law, the four members shall be certified by the President pro tempore of the Senate and the Speaker of the House of Representatives to the elections officer of the Commonwealth who under law shall have supervision over elections.

The four members within 45 days after their certification shall select the fifth member, who shall serve as chairman of the commission, and

shall immediately certify his name to such elections officer. The chairman shall be a citizen of the Commonwealth other than a local, State or Federal official holding an office to which compensation is attached.

If the four members fail to select the fifth member within the time prescribed, a majority of the entire membership of the Supreme Court within 30 days thereafter shall appoint the chairman as aforesaid and certify his appointment to such elections officer.

Any vacancy in the commission shall be filled within 15 days in the same manner in which such position was originally filled.

(c) No later than 90 days after either the commission has been duly certified or the population data for the Commonwealth as determined by the Federal decennial census are available, whichever is later in time, the commission shall file a preliminary reapportionment plan with such elections officer.

The commission shall have 30 days after filing the preliminary plan to make corrections in the plan.

Any person aggrieved by the preliminary plan shall have the same 30-day period to file exceptions with the commission in which case the commission shall have 30 days after the date the exceptions were filed to prepare and file with such elections officer a revised reapportionment plan. If no exceptions are filed within 30 days, or if filed and acted upon, the commissions' plan shall be final and have the force of law.

(d) Any aggrieved person may file an appeal from the final plan directly to the Supreme Court within 30 days after the filing thereof. If the appellant establishes that the final plan is contrary to law, the Supreme Court shall issue an order remanding the plan to the commission and directing the commission to reapportion the Commonwealth in a manner not inconsistent with such order.

(e) When the Supreme Court has finally decided an appeal or when the last day for filing an appeal has passed with no appeal taken, the reapportionment plan shall have the force of law and the districts therein provided shall be used thereafter in elections to the General Assembly until the next reapportionment as required under this section 17.

(f) The General Assembly shall appropriate sufficient funds for the compensation and expenses of members and staff appointed by the commission, and other necessary expenses. The members of the commission shall be entitled to such compensation for their services as the General Assembly from time to time shall determine, but no part thereof shall be paid until a preliminary plan is filed. If a preliminary plan is filed but the commission fails to file a revised or final plan within the time prescribed, the commission members shall forfeit all right to compensation not paid.

(g) If a preliminary, revised or final reapportionment plan is not filed by the commission within the time prescribed by this section, unless the time be extended by the Supreme Court for cause shown, the Supreme Court shall immediately proceed on its own motion to reapportion the Commonwealth.

(h) Any reapportionment plan filed by the commission, or ordered or prepared by the Supreme Court upon the failure of the commission to act, shall be published by the elections officer once in at least one newspaper of general circulation in each senatorial and representative district. The publication shall contain a map of the Commonwealth showing the complete reapportionment of the General Assembly by districts, and a map showing the reapportionment districts in the area normally served by the newspaper in which the publication is made. The publication shall also state the population of the senatorial and representative districts having the smallest and largest population and the percentage variation of such districts from the average population for senatorial and representative districts.]

(b) (1) The bureau shall acquire appropriate information, review and evaluate available facilities and develop programs and procedures in preparation for drawing congressional and legislative redistricting plans on the basis of each Federal census.

(2) By December 31 of each year ending in zero, the bureau shall obtain from the United States Bureau of the Census information regarding geographic and political units in this Commonwealth for which Federal

census population data has been gathered and will be tabulated. The bureau shall use the data obtained to prepare:

(i) Necessary descriptions of geographic and political units for which census data will be reported and which are suitable for use as components of legislative districts.

(ii) Maps of counties, cities and other geographic units within this Commonwealth, which may be used to illustrate the locations of legislative district boundaries proposed in plans drawn in accordance with subsection (d).

(3) As soon as possible after January 1 of each year ending in one, the bureau shall obtain from the United States Bureau of the Census the population data needed for legislative districting which the Census Bureau is required to provide this Commonwealth under 13 United States Code § 141 (relating to population and other census information) and shall use that data to assign a population figure based upon census data to each geographic or political unit described pursuant to paragraph (2)(i). Upon completing that task, the Legislative and Congressional Reapportionment Bureau shall begin the preparation of congressional and legislative districting plans as required by subsection (c).

(c) (1) Not later than April 1 of each year ending in one, the bureau shall deliver to the Secretary of the Senate and the Chief Clerk of the House of Representatives identical bills embodying a plan of legislative and congressional districting prepared in accordance with subsection (d). It is the intent of this section that the General Assembly shall bring the bill to a vote in either the Senate or the House of Representatives expeditiously, but not less than seven days after the report of the commission required by subsection (f) is received and made available to the members of the General Assembly, under a procedure or rule permitting no amendments except those of a purely corrective nature. It is further the intent of this section that, if the bill is approved by the first House in which it is considered, it shall expeditiously be brought to a vote in the second House under a similar procedure or rule.

(2) If the bill embodying the plan submitted by the bureau under paragraph (1) fails to be approved by a constitutional majority in either the Senate or the House of Representatives, the Secretary of the Senate or the Chief Clerk of the House of Representatives, as the case may be, shall at once transmit to the bureau information which the Senate or House of Representatives may direct regarding reasons why the plan was not approved. The bureau shall prepare a bill embodying a second plan of legislative and congressional districting prepared in accordance with subsection (d) taking into account the reasons cited by the Senate or House of Representatives for its failure to approve the plan insofar as it is possible to do so within the requirements of subsection (d). If a second plan is required under this subsection, the bill embodying it shall be delivered to the Secretary of the Senate and the Chief Clerk of the House of Representatives not later than May 1 of the year ending in 1 or 14 days after the date of the vote by which the Senate or the House of Representatives fails to approve the bill submitted under paragraph (1), whichever date is later. It is the intent of this section that, if it is necessary to submit a bill under this subsection, the bill be brought to a vote not less than seven days after the bill is printed and made available to the members of the General Assembly, in the same manner as prescribed for the bill required under paragraph (1).

(3) If the bill embodying the plan submitted by the bureau under paragraph (2) fails to be approved by a constitutional majority in either the Senate or the House of Representatives, the same procedure as prescribed by paragraph (2) shall be followed. If a third plan is required under this subsection, the bill embodying it shall be delivered to the Secretary of the Senate and the Chief Clerk of the House of Representatives not later than June 1 of the year ending in 1 or 14 days after the date of the vote by which the Senate or the House of Representatives fails to approve the bill submitted under paragraph (2), whichever date is later. It is the intent of this section that, if it is necessary to submit a bill under this subsection, the bill be brought to a vote within the same time period after its delivery to the Secretary of the Senate and the Chief Clerk of the House of Representatives as is prescribed for the

bill submitted under paragraph (2), but shall be subject to amendment in the same manner as other bills.

(4) Notwithstanding paragraphs (1), (2) and (3):

(i) If population data from the Federal census which is sufficient to permit preparation of a congressional districting plan becomes available at an earlier time than the population data needed to permit preparation of a legislative districting plan in accordance with subsection (d), the bureau shall so inform the presiding officers of the Senate and House of Representatives. If the presiding officers so direct, the bureau shall prepare a separate bill establishing congressional districts and submit it separately from the bill establishing legislative districts. It is the intent of this section that the General Assembly shall proceed to consider the congressional districting bill in substantially the manner prescribed by paragraphs (1), (2) and (3).

(ii) If the population data for legislative districting which the United States Census Bureau is required to provide this Commonwealth under 13 United States Code § 141 (relating to population and other census information) is not available to the Legislative and Congressional Reapportionment Bureau on or before February 1 of the year ending in one, the dates set forth in this section shall be extended by a number of days equal to the number of days after February 1 of the year ending in one that the Federal census population data for legislative districting becomes available.

(d) (1) Legislative and congressional districts shall be established on the basis of population.

(i) Senatorial and representative districts, respectively, shall each have a population as nearly equal as practicable to the ideal population for such districts, determined by dividing the number of districts to be established into the population of this Commonwealth reported in the Federal decennial census. Senatorial districts and representative districts shall not vary in population from the respective ideal district populations except as necessary to comply with one of the other standards enumerated in this section. In no case shall the quotient, obtained by dividing the total of the absolute values of the deviations of all district populations from the applicable ideal district population by the number of districts established, exceed 1% of the applicable ideal district population. No senatorial district shall have a population which exceeds that of any other senatorial district by more than 5%, and no representative district shall have a population which exceeds that of any other representative district by more than 5%.

(ii) Congressional districts shall each have a population as nearly equal as practicable to the ideal district population, derived as prescribed in subparagraph (i). No congressional district shall have a population which varies by more than 1% from the applicable ideal district population.

(iii) If a challenge is filed with the Supreme Court alleging excessive population variance among districts established in a plan adopted by the General Assembly, the General Assembly has the burden of justifying any variance in excess of 1% between the population of a district and the applicable ideal district population.

(2) To the extent consistent with paragraph (1), district boundaries shall coincide with the boundaries of political subdivisions of this Commonwealth. The number of counties and cities divided among more than one district shall be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions shall be divided before the less populous, but this statement does not apply to a legislative district boundary drawn along a county line which passes through a city that lies in more than one county.

(3) Districts shall be composed of convenient contiguous territory. Areas which meet only at the points of adjoining corners are not contiguous.

(4) It is preferable that districts be compact in form, but the standards established by paragraphs (1), (2) and (3) take precedence over compactness where a conflict arises between compactness and these standards. In general, compact districts are those which are square, rectangular or hexagonal in shape to the extent permitted by natural or political boundaries. When it is necessary to compare the relative

compactness of two or more districts or of two or more alternative districting plans, the tests prescribed by subparagraphs (i) and (ii) shall be used. Should the results of these two tests be contradictory, the standard referred to in subparagraph (i) shall be given greater weight than the standard referred to in subparagraph (ii).

(i) The compactness of a district is greatest when the ratio of the dispersion of population about the population center of the district to the dispersion of population about the geographic center of the district is one-to-one, the nature of this ratio being such that it is always greater than zero and can never be greater than one-to-one.

(A) The population dispersion about the population center of a district and about the geographic center of a district is computed as the sum of the products of the population of each population data unit included in the district multiplied by the square of the distance from that geographic unit center to the population center or the geographic center of the district, as the case may be. The geographic center of the district is defined by averaging the locations of all geographic unit centers which are included in the district. The population center of the district is defined by computing the population-weighted average of the "x" coordinates and "y" coordinates of each geographic unit center assigned to the district, it being assumed for the purpose of this calculation that each population data unit possesses uniform density of population.

(B) The ratios computed for individual districts under this paragraph may be averaged for all districts in a plan in order to compare the overall compactness of two or more alternative districting plans for this Commonwealth or for a portion of this Commonwealth.

(ii) The compactness of a district is greatest when the length of the district and the width of the district are equal. The measure of a district's compactness is the absolute value of the difference between the length and the width of the district.

(A) In measuring the length and the width of a district by means of electronic data processing, the difference between the "x" coordinates of the easternmost and the westernmost geographic unit centers included in the district shall be compared to the difference between the "y" coordinates of the northernmost and southernmost geographic unit centers included in the district.

(B) To determine the length and width of a district by manual measurement, the distance from the northernmost point or portion of the boundary of a district to the southernmost point or portion of the boundary of the same district and the distance from the westernmost point or portion of the boundary of the district to the easternmost point or portion of the boundary of the same district shall each be measured. If the northernmost or southernmost portion of the boundary, or each of these points, is a part of the boundary running due east and west, the line used to make the measurement required by this paragraph shall either be drawn due north and south or as nearly so as the configuration of the district permits. If the easternmost or westernmost portion of the boundary, or each of these points, is a part of the boundary running due north and south, a similar procedure shall be followed. The lines to be measured for the purpose of this paragraph shall each be drawn as required by this paragraph, even if some part of either or both lines lies outside the boundaries of the district which is being tested for compactness.

(C) The absolute values computed for individual districts under this paragraph may be cumulated for all districts in a plan in order to compare the overall compactness of two or more alternative districting plans for this Commonwealth or for a portion of this Commonwealth. However, it is not valid to cumulate or compare absolute values computed under clause (A) with those computed under clause (B).

(iii) As used in this subparagraph, the following words and phrases shall have the meanings given to them in this subparagraph:

(A) "Geographic unit center." The point of a population data unit that is approximately equidistant from the northern and southern extremities and also approximately equidistant from the eastern and western extremities. This point shall be determined by visual observation of a map of the population data unit, unless it is otherwise determined within the context of an appropriate coordinate system developed by the Federal Government or another qualified and objective source and

obtained for use in this Commonwealth with prior approval of the commission.

(B) "Population data unit." A civil township, election precinct, census enumeration district, census city block group or other unit of territory having clearly identified geographic boundaries and for which a total population figure is included in or can be derived directly from census data.

(C) "The 'x' coordinate of a point." The relative location of that point along the east-west axis of this Commonwealth. Unless otherwise measured within the context of an appropriate coordinate system obtained for use as permitted by clause (A), the "x" coordinate shall be measured along a line drawn due east from a due north and south line running through the point which is the northwestern extremity of this Commonwealth, to the point to be located.

(D) "The 'y' coordinate of a point." The relative location of that point along the north-south axis of this Commonwealth. Unless otherwise measured within the context of an appropriate coordinate system obtained for use as permitted by clause (A), the "y" coordinate shall be measured along a line drawn due south from the northern boundary of this Commonwealth or the eastward extension of that boundary, to the point to be located.

(5) No district shall be drawn for the purpose of favoring a political party, incumbent legislator or member of Congress or other person or group. In establishing districts, no use shall be made of any of the following data:

- (i) Addresses of incumbent legislators or members of Congress.
- (ii) Political affiliations of registered voters.
- (iii) Previous election results.
- (iv) Demographic information, other than population head counts,

except as required by the Constitution of the United States and the laws of the United States.

(6) Each bill embodying a plan drawn under this section shall provide that any vacancy in the General Assembly which takes office in the year ending in one, occurring at a time which makes it necessary to fill the vacancy at a special election held pursuant to section 629 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, shall be filled from the same district which elected the senator or representative whose seat is vacant.

(7) Each bill embodying a plan drawn under this section shall include provisions for election of senators to the General Assemblies which take office in the years ending in three and five, which shall be in conformity with section 16 of Article II of the Constitution of Pennsylvania.

(e) (1) Not later than February 15 of each year ending in one, a five-member temporary redistricting advisory commission shall be established as provided by this section. The commission's only functions shall be those prescribed by subsection (f).

(i) Each of the four selecting authorities shall certify to the chief election officer his appointment of a person to serve on the commission. The certifications may be made at any time after the four selecting authorities have been selected for the General Assembly which takes office in the year ending in one, even though that General Assembly's term of office has not actually begun.

(ii) Within 30 days after the four selecting authorities have certified their respective appointments to the commission, but in no event later than February 15 of the year ending in one, the four commission members so appointed shall select, by a vote of at least three members, and certify to the chief election officer the fifth commission member who shall serve as chairperson.

(iii) A vacancy on the commission shall be filled by the initial selecting authority within 15 days after the vacancy occurs.

(iv) Members of the commission shall receive per diem travel expenses and reimbursement for other necessary expenses incurred in performing their duties under this section.

(2) No person shall be appointed to the commission who:

(i) Is not an eligible elector of this Commonwealth at the time of selection.

(ii) Holds partisan public office or political party office.

(iii) Is a relative of or is employed by a member of the General Assembly or of the United States Congress or is employed directly by the General Assembly or by the United States Congress.

(f) The functions of the commission shall be as follows:

(1) If, in preparation of plans as required by this section, the bureau is confronted with the necessity to make any decision for which no clearly applicable guideline is provided by subsection (d), the bureau may submit a written request for direction to the commission.

(2) Prior to delivering any plan and the bill embodying that plan to the Secretary of the Senate and the Chief Clerk of the House of Representatives in accordance with subsection (c), the bureau shall provide to persons outside the bureau staff only such information regarding the plan as may be required by policies agreed upon by the commission. This paragraph does not apply to population data furnished to the bureau by the United States Bureau of the Census.

(3) Upon each delivery by the bureau to the General Assembly of a bill embodying a plan, pursuant to subsection (c), the commission shall at the earliest feasible time make available to the public the following information:

(i) Copies of the bill delivered by the bureau to the General Assembly.

(ii) Maps illustrating the plan.

(iii) A summary of the standards prescribed by subsection (d) for development of the plan.

(iv) A statement of the population of each district included in the plan and the relative deviation of each district population from the ideal district population.

(4) Upon the delivery by the bureau to the General Assembly of a bill embodying an initial plan, as required by subsection (c)(1), the commission shall:

(i) As expeditiously as reasonably possible, schedule and conduct at least three public hearings, in different geographic regions of this Commonwealth, on the plan embodied in the bill delivered by the bureau to the General Assembly.

(ii) Following the hearings, promptly prepare and submit to the Secretary of the Senate and the Chief Clerk of the House of Representatives a report summarizing information and testimony received by the commission in the course of the hearings. The commission's report shall include any comments and conclusions which its members deem appropriate on the information and testimony received at the hearings or otherwise presented to the commission.

(g) All positions in the bureau shall be deemed to be included in the list of positions set forth in section 3(d) of the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, and the provisions and benefits of the act shall be applicable to the employees of and positions in the bureau.

(h) The bureau shall expire and its responsibilities shall terminate not later than November 1 of each year ending in one and shall be reconstituted on November 1 in the year of the next Federal decennial census.

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

"Bureau." The Legislative and Congressional Reapportionment Bureau.

"Chief election officer." The Secretary of the Commonwealth or a designee.

"Commission." The temporary redistricting advisory commission established pursuant to this section.

"Federal census." The decennial census required by Federal law to be conducted by the United States Bureau of the Census in every year ending in zero.

"Four selecting authorities."

(1) The Majority Leader of the Senate.

(2) The Minority Leader of the Senate.

(3) The Majority Leader of the House of Representatives.

(4) The Minority Leader of the House of Representatives.

"Partisan public office."

(1) An elective or appointive office in the executive or legislative branch or in an independent establishment of the Federal Government.

(2) An elective office in the executive or legislative branch of the government of this Commonwealth or an office which is filled by appointment.

(3) An office of a county, city or other political subdivision of this Commonwealth which is filled by an election process involving nomination and election of candidates on a partisan basis.

"Plan." A plan for legislative and congressional reapportionment drawn up pursuant to the requirements of this section.

"Political party office." An elective office in the national or State organization of a political party.

"Relative." An individual who is related to the person in question as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.

Section 2. (a) Upon the first passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. The Secretary of the Commonwealth shall submit these proposed constitutional amendments to the qualified electors of this Commonwealth at the first primary, general or municipal election occurring at least three months after the proposed constitutional amendments are passed by the General Assembly which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania.

On the question,

Will the House agree to the amendment?

The SPEAKER. The lady is recognized.

Ms. STEELMAN. Thank you, Mr. Speaker.

Last week when I arose to argue in support of the identical amendment to a different bill, I referenced the 18th chapter of Luke and the lesson in that on perseverance in the face of difficulties, and my inspiration for this week's argument of legislative reapportionment comes from the Second Book of Timothy, chapter 3, in which it is said, "Proclaim the message, be persistent whether the time is favorable or unfavorable; convince, rebuke, and encourage with the utmost patience and teaching."

Now, I can understand how with the members looking forward to their lunches, the time might not be entirely favorable, but nevertheless, I hope you will give the most serious consideration to the idea of amending our Constitution to change fundamentally the way in which we do reapportionment, because I believe that the intense politicization of reapportionment in the Commonwealth of Pennsylvania has caused problems for the legislature in its responsibility to represent the citizens of Pennsylvania.

As a result of my campaign on this issue, I found a number of people coming to me and striking up conversations about their involvement with reapportionment, sometimes as an onlooker, sometimes as a participant, sometimes as a victim. I had a conversation this past week with a staff person who had participated in two reapportionment processes, one in 1980 and one in 1990, and he began his discussion by saying, "Well, you have to remember, the first consideration in reapportionment is the protection of incumbents." And my external reaction was to smile and nod, because I wanted him to go on talking. I figured I could learn something from him. But my internal reaction was, "I don't think so. That is not what the Constitution says."

What this question comes down to, even though it is clothed in somewhat complicated and perhaps confusing language, is really very simple: If you believe that the primary purpose of reapportionment is the protection of incumbents, then you should vote "no," and if you believe that the primary purpose of reapportionment is to draw lines that delineate legislative and congressional districts that truly reflect the political geography of Pennsylvania, then you should vote "yes."

GERMANENESS QUESTIONED

The SPEAKER. The Chair recognizes the gentleman from Dauphin County, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

This bill is an amendment to Article I of the Constitution, guaranteeing that the interpretation of the search and seizure section of our Constitution is interpreted the same as the search and seizure section of the United States Constitution by our courts, designed to aid law enforcement.

This amendment is an amendment to Article II, creating something called a Legislative and Congressional Reapportionment Bureau. It has nothing to do with search and seizure, and I would suggest that the amendment offered by the lady is not germane to this bill.

The SPEAKER. The Chair requests that the clerk put on the board the question of germaneness which has been raised by the gentleman from Dauphin, Mr. Piccola.

The question before the House — and this is a matter that is to be settled by the House — is, is the amendment offered by the lady, Ms. Steelman, germane to the issue, and if so, that will be a "yes" vote; if not, if you believe it not to be germane, then you should vote in the negative.

On the question,

Will the House sustain the germaneness of the amendment?

The SPEAKER. On that question, the lady, Ms. Steelman, is recognized.

Ms. STEELMAN. Thank you, Mr. Speaker.

Last week, of course, this amendment was not germane. Four weeks ago, when it came up for the first time, apparently it was germane. Germaneness seems to be one of those things that perhaps varies with the season, but historically, I would remind you that we have accepted as germane those amendments that are drawn to the title addressed in the bill. This is a constitutional amendment which is drawn to the Constitution, and this is, at this point, the only mechanism that is available to me to bring this important issue before you.

I would appreciate your support on the vote on germaneness.

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

The following roll call was recorded:

YEAS-74

Bebko-Jones	Dent	Lucy	Shaner
Belardi	DeWeese	Manderino	Staback
Belfanti	Fajt	Markosek	Steelman
Blaum	Feese	Masland	Steil
Boscola	Gigliotti	McCall	Stetler
Butkovitz	Gordner	Melio	Sturla
Buxton	Haluska	Mundy	Tangretti
Cappabianca	Hanna	Nickol	Thomas
Carn	Hennessey	Oliver	Tigue
Carone	Itkin	Petrarca	Trich
Cawley	James	Petrone	Van Horne
Colafella	Jarolin	Platts	Vitali
Colaizzo	Josephs	Ramos	Walko
Corpora	Kirkland	Readshaw	Washington
Corrigan	Krebs	Roberts	Waugh
Coy	Kukovich	Robinson	Wozniak
Curry	Laughlin	Roebuck	Wright, D. R.
Daley	Lescovitz	Rudy	Youngblood
DeLuca	Levdansky		

NAYS-122

Adolph	Evans	Lloyd	Sather
Allen	Fairchild	Lynch	Saylor
Argall	Fargo	Maitland	Schroder
Armstrong	Farmer	Major	Schuler
Baker	Fichter	Marsico	Scrimenti
Bard	Fleagle	Mayernik	Semmel
Barley	Flick	McGeehan	Serafini
Battisto	Gamble	McGill	Sheehan
Birmelin	Gannon	Merry	Smith, B.
Bishop	Geist	Micozzie	Smith, S. H.
Boyes	George	Miller	Snyder, D. W.
Brown	Gladeck	Nailor	Stairs
Browne	Godshall	Nyce	Stern
Bunt	Gruppo	O'Brien	Stish
Caltagirone	Habay	Olasz	Strittmatter
Chadwick	Harhart	Perzel	Surra
Civera	Hasay	Pesci	Taylor, E. Z.
Clark	Herman	Pettit	Taylor, J.
Clymer	Hershey	Phillips	Trello
Cohen, L. I.	Hess	Piccola	True
Cohen, M.	Horsey	Pitts	Tulli
Conti	Hutchinson	Preston	Vance
Cornell	Jadlowiec	Raymond	Veon
Cowell	Kaiser	Reber	Wogan
Dempsey	Keller	Reinard	Wright, M. N.
Dermody	Kenney	Rieger	Yewcic
DiGirolamo	King	Rohrer	Zimmerman
Donatucci	LaGrotta	Rooney	Zug
Druce	Lawless	Rublely	
Durham	Lederer	Sainato	
Egolf	Leh	Santoni	Ryan, Speaker

NOT VOTING-0

EXCUSED-6

Gruitza	Mihalich	Travaglio	Williams
Michlovic	Pistella		

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

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

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

For what purpose does the gentleman, Mr. Reber, seek recognition?

Mr. REBER. To debate the bill on final passage, Mr. Speaker.

The SPEAKER. The gentleman is in order and recognized.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, I do not know if the members of the General Assembly have taken the careful time to take a look at this piece of legislation, but I would respectfully ask all members to at least give me about 30 seconds of attention.

I have very serious concerns about the precedent that would be set by carrying out the concept which is embodied in this proposed constitutional amendment. What we have here is a situation where we at the State level in the Commonwealth of Pennsylvania are in essence taking our States rights rights and abrogating them to the interpretation set forth by the United States Supreme Court as it relates to search and seizure.

Now, I understand you are going to hear reasons why this has to be done or should be done, but I think the broad general principle and the precedent that we are setting is something that is very concerning and very troublesome to me, because if you follow the logic that is implicit in what this amendment goes to do, in theory, we could simply take an example like the infamous case of Plessy v. Ferguson, which stood for 50-some-odd years until the Brown v. Board of Education overruled that Supreme Court pronouncement, but if we had a similar type of decision that was on the books, if you will, by the United States Supreme Court under the concept embodied in this amendment, our Supreme Court would be compelled in following that type of logic, in following that particular interpretation by the United States Supreme Court.

I personally am unaware of any aspect of the Pennsylvania Constitution that in essence locks our individual citizenry into an interpretation, right or wrong, which is promulgated by the United States Supreme Court. I think we have a serious States rights issue here. I think it sets a very poor precedent for us in the manner in which we go about amending our Constitution and on the basis on which our courts are to rely or not to rely. I think something one should be very cognizant of is, we would always have an appeal to the United States Supreme Court from a determination made with a constitutional issue in our State courts. I think there are ambiguities in the manner at least that this particular amendment is drawn for the purpose it is trying to protect or trying to correct.

BILL RECOMMITTED

Mr. REBER. So, Mr. Speaker, I am very respectfully requesting the members to vote "no" on this piece of legislation, or alternatively, might I first suggest that we simply return it to the Judiciary Committee, that it be recommitted, so it could be

reworked in a fashion that I think does not bring about the potential pitfalls that I have just discussed.

Accordingly, I would move to recommit to the Judiciary Committee.

The SPEAKER. The gentleman, Mr. Reber, moves that SB 806 be recommitted to the Committee on Judiciary.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, the gentleman, Mr. Kukovich, is recognized.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I was unaware of this bill until I got to the floor today, and when I looked at the calendar and saw the description that this would provide security from searches and seizures, it sounded like a good bill, and then I read it, and listening to Representative Reber, I echo his concerns. I think his interpretation is accurate.

I think what we are doing here is taking the concept of stare decisis, of past precedent on search and seizure cases, and putting that at risk and turning it on its head. Secondly, it looks like it would make the State courts, in interpreting this section of the Constitution, subservient to Federal courts in a way that we have not seen before. And thirdly, I am concerned about language on the second page also where it says, "...THE RIGHTS AND PROCEDURAL" — I am reading from lines 3, 4, 5, and 6 — "...THE RIGHTS AND PROCEDURAL RESTRICTIONS RESPECTING SEARCHES AND SEIZURES SHALL NOT BE JUDICIALLY EXPANDED BY DECISIONAL LAW OR COURT RULE..." That is very scary language to place in the Constitution. We cannot foresee in the future what new technologies could be used to invade our privacy. By restricting the courts in perpetuity, I think we are making a major mistake.

So it is not only, as Representative Reber said, a threat to States rights, which is somewhat bothersome; I think it is a threat to constitutional protections of privacy and illegal searches and seizures. I think it is very risky.

For that reason I think we should give the Judiciary Committee a chance to find out what the original intent of this legislation is. I cannot believe that this language is what the committee necessarily wanted or the Senate sponsors wanted, and I would support the motion to recommit.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I oppose the motion to recommit this bill to the Judiciary Committee. The committee recently reported this bill to the floor overwhelmingly by a 16-to-1 margin, and I doubt seriously whether there would be any changes made and that the outcome of the vote would be any different if the committee were to take the issue up again.

The reason that I believe that and the reason that I believe the committee should not receive the bill back is because this bill is appropriate for the following reasons, and the gentleman, Mr. Reber, argued that we are abrogating our States rights by amending our Constitution in this fashion. In a sense, he is somewhat correct, and his argument would have been more applicable and made more sense a number of years ago before the United States Supreme Court began getting into its detailed interpretation of the search and seizure section of the Constitution

as it applies to local law enforcement and particularly applying the exclusionary rule, which if the evidence collected under invalid search and seizure or unconstitutional search and seizure is excluded from evidence and the whole prosecution fails, but since they have gotten into that and if we allow our Supreme Court to interpret in a parallel yet different way the same words of our Constitution — and they are the same words; the search and seizure section of the State Constitution is the same as our Federal Constitution — we are then creating in essence two sets of rules for every factual scenario that might take place in a search and seizure case, and we are really asking our local police and our district attorneys to operate under two sets of rules under any given set of circumstances. It gets to be rather confusing, and it could cost the district attorneys, it could cost local prosecutors, it could cost the police convictions, because the evidence might be collected improperly under the State Constitution but properly under the United States Constitution, or vice versa, depending upon what the various court decisions hold. The solution to the problem is SB 806, which would be an amendment to the Constitution.

I think the Judiciary Committee passed on this issue. I think they passed wisely on it. I do not think the bill should be recommitted. I think it should be passed. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Wogan.

Mr. WOGAN. Thank you, Mr. Speaker.

Mr. Speaker, I also rise to oppose the motion to recommit for some of the reasons that were mentioned by Representative Piccola, but I would like to make a comment or two.

We passed a piece of legislation yesterday which is probably one of the most significant pieces of legislation that we will see this session. I think this ranks right up there with what we did yesterday. This has nothing to do with cases like Plessy v. Ferguson, this proposed constitutional amendment. It has nothing to do with anything other than criminal law in the area of search and seizure. It does not abrogate States rights. If you look at it very carefully, what it does is it restores these powers, really, to the people.

There are examples, despite the rhetorical question asked by my colleague from Montgomery County, there are plenty of examples where our Pennsylvania Supreme Court has expanded the rights of defendants far in excess of what is required by our U.S. Supreme Court. For example, there are no good-faith exceptions to searches and seizures in the Commonwealth of Pennsylvania. The U.S. Supreme Court allows us to institute or to use good-faith seizures, but we cannot do that in Pennsylvania because of a decision by our Pennsylvania Supreme Court.

What this proposed constitutional amendment will do, it will stop judicial lawmaking by State courts in Pennsylvania. It will return that lawmaking function to where it belongs, to us in the General Assembly. If the people of Pennsylvania wish to expand the rights of defendants in the search and seizure area, even if this SB 806 passes and the referendum passes and we come back and do it again next session, we will still be able to expand those rights by doing it properly, by passing a statute here. All this proposed constitutional amendment does is rein in an unrestrained State judiciary. It does nothing more, and it is deserving of our support.

I respectfully oppose the motion to recommit.

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

Mr. BOYES. Yes, Mr. Speaker, I do.

The SPEAKER. The gentleman is recognized.

Mr. BOYES. Mr. Speaker, I very much share in the previous speaker's concerns, but at the same time I remember that we had in— And I would like to rise in support of what the previous speaker, Representative Reber, also had echoed.

I had the pleasure of serving in the courthouse with the former Chief Justice of the Pennsylvania Supreme Court, the late Sam Roberts, from Erie, and one thing that he always stressed in his decisionmaking as a member of the highest court in the Commonwealth of Pennsylvania, the late Sam Roberts stressed the rights of the individuals. I realize that crime is a problem in the Commonwealth, but I also recognize that citizens, no matter what their station in life, have to be guaranteed the rights of protection, the protection of the Constitution, and I look at the appellate court in Pennsylvania, applaud their efforts in going the extra mile for protection of rights of people.

We are not talking about just pursuing the apprehension and conviction of people; we are talking about the protection of the rights of the individuals. We do not want to be lockstep with the Federal judiciary and the whims. We want our courts to have that independence that the late Sam Roberts had expressed so well to me and imbued in me as a constitutionalist.

I would support Representative Reber's motion to recommit so that we have an extended look at this issue, so we have a better understanding of what we are talking about, and so we understand what the late Sam Roberts was saying to me so that others would understand the breadth of his message. Thank you very much.

The SPEAKER. The gentleman, Mr. Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

Mr. Speaker, from listening to the debate, it appears that SB 806 is born from some frustration from current decisions of our Pennsylvania Supreme Court, but I suggest to you and to the members of this House that current dissatisfaction with the makeup of the Pennsylvania Supreme Court should not be a reason to change the Constitution, number one. And number two, I call to the attention of the members the fact that the Pennsylvania Supreme Court will undergo a substantial face-lift in the next week when we have the election of two members to fill the two vacant seats currently on that court.

I suggest to the members that this is not the kind of a proposal that would have received any kind of serious attention. In the short span of 20 or 30 years ago, when the positions of the United States Supreme Court were filled with names like Warren and Douglas and Marshall and Justice Brennan, at that point in time there was a dissatisfaction with the liberal nature of the decisions coming out of the United States Supreme Court.

The SPEAKER. The question before the House is a motion to recommit.

Mr. HENNESSEY. Thank you, Mr. Speaker.

I suggest to you that this is something that the members have to give very serious consideration to, and the proposal as it stands now needs to be reworked. I suggest that we support the motion to recommit. Thank you.

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

The following roll call was recorded:

YEAS-164

Adolph	Durham	Lucyk	Saylor
Allen	Evans	Lynch	Schroder
Armstrong	Fairchild	Major	Schuler
Baker	Fajt	Manderino	Scrimenti
Bard	Fargo	Markosek	Semmel
Barley	Feese	McCall	Serafini
Bebko-Jones	Fichter	McGeehan	Shaner
Belardi	Gamble	McGill	Smith, S. H.
Belfanti	Gannon	Melio	Snyder, D. W.
Birmelin	Geist	Merry	Staback
Bishop	George	Micozzie	Stairs
Boscola	Gigliotti	Miller	Steelman
Boyes	Gordner	Mundy	Steil
Brown	Gruppo	Nickol	Stern
Bunt	Haluska	Nyce	Stetler
Butkovitz	Hanna	Olasz	Stish
Buxton	Harhart	Oliver	Strittmatter
Caltagirone	Hasay	Perzel	Sturla
Cappabianca	Hennessey	Pesci	Surra
Carn	Herman	Petrarca	Tangretti
Carone	Hershey	Petrone	Taylor, E. Z.
Cawley	Hess	Pettit	Thomas
Civera	Horsey	Pitts	Tigue
Clymer	Hutchinson	Platts	Trello
Cohen, L. I.	Itkin	Preston	Trich
Cohen, M.	Jadlowiec	Ramos	True
Colafiglia	James	Raymond	Vance
Colaizzo	Jarolin	Readshaw	Van Horne
Conti	Josephs	Reber	Veon
Cornell	Kaiser	Reinard	Vitali
Corpora	Keller	Rieger	Walko
Corrigan	King	Roberts	Washington
Cowell	Kirkland	Robinson	Waugh
Coy	Krebs	Roebuck	Wozniak
Curry	Kukovich	Rohrer	Wright, M. N.
Daley	LaGrotta	Rooney	Yewcic
DeLuca	Laughlin	Rublely	Youngblood
Dempsey	Lawless	Rudy	Zug
Dermody	Lederer	Sainato	
DeWeese	Lescovitz	Santoni	Ryan,
DiGirolamo	Levdansky	Sather	Speaker
Donatucci	Lloyd		

NAYS-32

Argall	Egolf	Leh	Piccola
Battisto	Farmer	Maitland	Sheehan
Blaum	Fleagle	Marsico	Smith, B.
Browne	Flick	Masland	Taylor, J.
Chadwick	Gladeck	Mayernik	Tulli
Clark	Godshall	Nailor	Wogan
Dent	Habay	O'Brien	Wright, D. R.
Druce	Kenney	Phillips	Zimmerman

NOT VOTING-0

EXCUSED-6

Gruitza	Mihalich	Travaglio	Williams
Michlovic	Pistella		

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

VOTE CORRECTION**AGING AND YOUTH COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman, Mr. Gruppo, for the purpose of making an announcement.

Mr. GRUPPO. Thank you, Mr. Speaker.

I would like to do two things at once – make an announcement and also ask to correct a vote that I made on HB 701.

On HB 701 I was not recorded, and I should have been recorded negative, “no.”

Now the announcement. The Aging and Youth Committee will call a meeting off the floor as soon as you declare a recess to consider a bill. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Are there any further announcements?

For the benefit of those who are leaving, we will return at 1:30. There are no further votes until 1:30, and there will be votes at 1:30.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

I rise to correct the record.

The SPEAKER. The gentleman is in order. Go ahead.

Mr. GODSHALL. On SB 806 I was recorded in the negative.

I would like to be recorded in the positive. Thank you.

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

The lady from Philadelphia, Ms. Bishop.

Ms. BISHOP. I would like to correct the record, Mr. Speaker, in the regular session.

On October 30, HR 242, I would like to be recorded in the affirmative; and HB 1973, final passage, I would like to be recorded in the affirmative. Thank you.

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

The gentleman from Berks, Mr. Leh.

Mr. LEH. Mr. Speaker, I would like to correct the record.

On HB 701 I wish to be recorded in the affirmative.

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

The gentleman, Mr. Waugh.

Mr. WAUGH. Thank you, Mr. Speaker.

To correct the record, please.

On HB 701 my vote apparently failed to register. I would like to be recorded with a “no” vote. Thank you.

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

Any further corrections of the record?

RECESS

The SPEAKER. Do the Republican or Democratic floor leaders have any further business in regular session at this time?

Hearing none, this House stands in recess until 1:30 or a sooner call of the Chair.

AFTER RECESS

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, I have been advised that they are invited to a reception in the Governor’s reception room. I believe it is taking place now or in a short period of time.

There are two more votes, and then there will be no further votes.

SENATE MESSAGE**AMENDED HOUSE BILLS RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES**

The clerk of the Senate, being introduced, returned **HB 1085, PN 2749**; and **HB 1086, PN 2703**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

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

The clerk of the Senate, being introduced, returned **HB 2037, PN 2527**; and **HB 2078, PN 2582**, with information that the Senate has passed the same without amendment.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader, who calls for an immediate meeting of the Rules Committee at the majority leader’s desk.

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 1085, PN 2749

By Rep. PERZEL

An Act establishing the State Fire Commissioner within the Pennsylvania Emergency Management Agency; transferring the Volunteer Loan Assistance Program and the State Fire Academy to the State Fire Commissioner; and making repeals.

RULES.

HB 1086, PN 2703

By Rep. PERZEL

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, further providing for organization of Pennsylvania Emergency Management Agency.

RULES.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman from Delaware County, Mr. Civera.

Mr. CIVERA. Mr. Speaker, I move that the rules of the House be suspended to permit the immediate consideration of HB's 1085 and 1086.

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

The following roll call was recorded:

YEAS—180

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

NAYS—8

Carone	Hanna	Platts	Steil
Corpora	Krebs	Steelman	Tigue

NOT VOTING—6

Carn	Manderino	Shaner	Wright, D. R.
Josephs	Mundy		

EXCUSED—8

Gruitza	Mihalich	Pistella	Travaglio
Michlovic	Nyce	Roebuck	Williams

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

SUPPLEMENTAL CALENDAR B

**BILLS ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1085, PN 2749**, entitled:

An Act establishing the State Fire Commissioner within the Pennsylvania Emergency Management Agency; transferring the Volunteer Loan Assistance Program and the State Fire Academy to the State Fire Commissioner; and making repeals.

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

The SPEAKER. Mr. Tigue, on this—

Mr. TIGUE. Mr. Speaker, I do not have a copy of this bill or the other bill on the calendar. I do not know if there are any copies of this bill available, but no one seems to have a copy of this bill.

The SPEAKER. They are right here. I will see that you get them immediately.

Take copies back to Mr. Tigue.

The gentleman, Mr. Civera, would you kindly explain, for the benefit of the members, what the Senate did, or Mr. DeLuca. I know that Mr. DeLuca and Mr. Civera are cosponsors of this bill.

Mr. THOMAS. Point of order, Mr. Speaker.

The SPEAKER. Will the gentleman state his point of order.

Mr. THOMAS. Yes. Would you be so kind as to see that I get a copy of the bill also?

The SPEAKER. Well, they are distributing them, Mr. Thomas.
Mr. THOMAS. Thank you.

The SPEAKER. The gentleman, Mr. Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, HB 1085, when it left the House, was to create an independent Fire Commissioner, which we sent over to the Senate. When it got over to the Senate, there were some technical amendments that had to be done to HB 1085, which would mean that they would be able to share the dollar amounts that were appropriated to PEMA (Pennsylvania Emergency Management Agency); the Fire Commissioner's office would be able to share that. Basically, under the Administrative Code, we could not do that, and under the bill that we sent to the Senate, we would be then setting up a separate Cabinet position that was written into

HB 1085 when it left the House. The Senate corrected that, which we have concurred on and which I agree, and that is basically what we did to HB 1085.

The SPEAKER. Further interrogation of the gentleman, Mr. Civera?

The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS-190

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

NAYS-0

NOT VOTING-4

- | | | | |
|------|---------|---------|--------|
| Carn | Josephs | Stetler | Sturla |
|------|---------|---------|--------|

EXCUSED-8

- | | | | |
|-----------|----------|----------|-----------|
| Gruitza | Mihalich | Pistella | Travaglio |
| Michlovic | Nyce | Roebuck | Williams |

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

Ordered, That the clerk inform the Senate accordingly.

The House proceeded to consideration of concurrence in Senate amendments to **HB 1086, PN 2703**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, further providing for organization of Pennsylvania Emergency Management Agency.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. On that question, the gentleman, Mr. Civera, is recognized for the purpose of discussing the Senate amendments.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, what the Senate did to HB 1086, this bill, when it left the House, put the Fire Commissioner on the PEMA board, which presently it still is. If you look on page 2, there were some technical amendments that they mentioned, because under the present bill that was sent over, it was under Environmental Resources, and we changed the name to Environmental Protection. Basically, it was a technical amendment.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS-190

- | | | | |
|-------------|-----------|-----------|---------------|
| Adolph | Druce | Levdansky | Sather |
| Allen | Durham | Lloyd | Saylor |
| Argall | Egolf | Lucyk | Schroder |
| Armstrong | Evans | Lynch | Schuler |
| Baker | Fairchild | Maitland | Scrimenti |
| Bard | Fajt | Major | Semmel |
| Barley | Fargo | Manderino | Serafini |
| Battisto | Farmer | Markosek | Shaner |
| Bebko-Jones | Feese | Marsico | Sheehan |
| Belardi | Fichter | Masland | Smith, B. |
| Belfanti | Fleagle | Mayernik | Smith, S. H. |
| Birmelin | Flick | McCall | Snyder, D. W. |
| Bishop | Gamble | McGeehan | Staback |
| Blaum | Gannon | McGill | Stairs |
| Boscola | Geist | Melio | Steil |
| Boyes | George | Merry | Stern |
| Brown | Gigliotti | Micozzie | Stetler |
| Browne | Gladeck | Miller | Stish |
| Bunt | Godshall | Mundy | Strittmatter |
| Butkovitz | Gordner | Nailor | Sturla |
| Buxton | Gruppo | Nickol | Surra |

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

NAYS-0

NOT VOTING-4

Carn	James	Josephs	Steelman
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EXCUSED-8

Gruitza	Mihalich	Pistella	Travaglio
Michlovic	Nyce	Roebuck	Williams

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

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. Does the majority leader have any further business before the House?

Mr. PERZEL. Mr. Speaker, I would just like to thank the members for their indulgence during the special session on crime, because I know a lot of the evenings we stayed here awfully late, and we are also sorry about having to run HB 115 today.

But thank you very much for your help in that special session. It was extremely successful. We have passed out packets to both Democrats and Republicans outlining everything that was done in the special session on crime, and if anybody is missing that packet, feel free to give us a call and we will send you one.

The SPEAKER. Does the Democratic floor leader have any further business?

All right. There will be no further votes. There is some housekeeping that I have to attend to.

As I said a moment ago, there is a reception in the Governor's reception room, if any of you are interested.

VOTE CORRECTION

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Melio.

Mr. MELIO. Thank you, Mr. Speaker.

Yesterday's session, I would like to correct the record on final passage of HB 1973. I would like to be in the affirmative. Thank you.

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1853, PN 2751 (Amended) By Rep. GRUPPO

An Act establishing the Kinship Care Program.

AGING AND YOUTH.

HB 2191, PN 2753 By Rep. GRUPPO

An Act providing for the inspection of child-care facilities.

AGING AND YOUTH.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 1085, PN 2749

An Act establishing the State Fire Commissioner within the Pennsylvania Emergency Management Agency; transferring the Volunteer Loan Assistance Program and the State Fire Academy to the State Fire Commissioner; and making repeals.

HB 1086, PN 2703

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, further providing for organization of Pennsylvania Emergency Management Agency.

HB 2037, PN 2527

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Transportation, to grant and convey a permanent right-of-way over certain State land to the Middletown Fire Company No. 1, Delaware County, Pennsylvania; and making repeals.

HB 2078, PN 2582

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for records of and reports by employers, for contributions and appeals and for ineligibility for compensation; and providing for voluntary Federal income tax withholding.

Whereupon, the Speaker, in the presence of the House, signed the same.

VOTE CORRECTIONS

The SPEAKER. The lady from Indiana, Ms. Steelman.

Ms. STEELMAN. Thank you, Mr. Speaker.

Apparently my switch did not register on the vote on HB 1086, and I would like to be recorded in the affirmative.

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

For what purpose does the lady, Ms. Washington, rise?

Ms. WASHINGTON. Mr. Speaker, I rise to change a vote.

Yesterday on HB 1973, my switch malfunctioned and I was recorded in the negative. I would like to be recorded in the affirmative.

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

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2117, PN 2754 (Amended) By Rep. BOYES

An Act providing for neighborhood assistance tax credit; and making a repeal.

FINANCE.

BILLS REMOVED FROM TABLE

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

Mr. PERZEL. Mr. Speaker, I move that the following bills be removed from the table:

HB 1853;
HB 2005;
HB 2117; and
HB 2191.

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

BILLS RECOMMITTED

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

Mr. PERZEL. Mr. Speaker, I move that the following bills be recommitted to the Committee on Appropriations:

HB 1853;
HB 2005;
HB 2117; and
HB 2191.

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

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Does the Republican floor leader or Democratic floor leader have any further business? Any reports? Any corrections of the record by any of the members?

Hearing none, the Chair recognizes the gentleman from Lancaster County, Mr. Zimmerman.

Mr. ZIMMERMAN. Mr. Speaker, I move that this House do now adjourn until Monday, November 13, 1995, at 1 p.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 3:10 p.m., e.s.t., the House adjourned.