

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, NOVEMBER 21, 1995

SESSION OF 1995

179TH OF THE GENERAL ASSEMBLY

No. 78

### HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (MATTHEW J. RYAN)  
PRESIDING**

#### PRAYER

The SPEAKER. The prayer will be offered today by the House Chaplain, the Reverend Kenneth E. Shaffer.

REVEREND SHAFFER. Before we pray, I would like to say thank you for the privilege that has been mine. Thank you, Mr. Speaker, for the invitation, and I will know how to pray better for you folks here and the things you are dealing with.

REV. KENNETH E. SHAFFER, Chaplain of the House of Representatives, from Seneca, Pennsylvania, offered the following prayer:

Shall we pray:

Wonderful, wonderful Lord, we come before You today with thanksgiving. We think of the words of the psalmist who said, "I will sing of the mercies of the Lord forever, and with my mouth will I make known Thy faithfulness to all generations."

You have been so good to us. We look back over the past and up to the present and complain about so many things, and yet You keep blessing us, keep loving us.

We thank You for this season of the year, Thanksgiving, but, oh, may it be more than a day, a day that is set aside. May we in our lives learn to be thankful daily.

We are thanking You today for the ability to have ears to hear, eyes to see, a tongue to communicate, feet to walk, lungs that breathe - oh, we have so much to thank You for - a mind and a will that we can make choices.

We are praising You this morning for the fact that as privileged to be born in America, we sing "God Bless America," and certainly You have blessed this Nation, and we have not appreciated it as we should have, many times raping the land and not treating one another as fair and equal. Forgive us. Somehow, Lord, in these days it seems that we have removed the landmarks and we are groping so many areas, values, and I would pray today that there would be, beginning in this place, a reawakening, a regrasping of values and standards that will restore our streets to safety and men's lives would be changed, that this would be a better State; Father, that this place, this State, could be an example to our Nation. How we thank You.

As we come to You today, we want to remember the member-elect, Mr. John Myers, who is going to be sworn in as a member of the House. O Dear God, we pray that You would just touch him, that You would grant wisdom to him and give him *courage to represent his people in a noble and honest way*, that You would just guide him so that he would conduct his life in such a manner that his people would not be ashamed of him and not to bring disgrace to the government. Minister to him. May he be encouraged in times of discouragement, and may he accept seriously these vows that are taken to serve You to the best of his ability.

I pray for each member of this House today as they go home to their homes and families. A time of getting together, may it be a gracious time, a time of pausing long enough to ponder how good You have been and that we can never, never express enough appreciation for all that You do for us.

May Your will be done in this meeting today and in this Assembly today. We ask that You would just undergird and minister to each member of the House that they would have the wisdom necessary for the hour and the things which they face, and we are going to praise You and thank You again, in the name of the one who is the way, the truth, and the life. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

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

#### JOURNAL APPROVED

The SPEAKER. Without objection, the Journal for Tuesday, May 2, 1995, will stand approved. The Chair hears none.

#### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2224** By Representatives LAWLESS, PESCI, NYCE, HARHART, E. Z. TAYLOR and COLAFELLA

An Act repealing the act of December 16, 1988 (P.L. 1259, No. 155), known as the Urban and Rural Teacher Loan Forgiveness Act.

Referred to Committee on EDUCATION, November 21, 1995.

**No. 2225** By Representatives CLYMER, COLAIZZO, PHILLIPS, LEDERER, MAITLAND, BARD, McGEEHAN, STERN, MARKOSEK, MANDERINO, GORDNER, BUNT, WALKO, STABACK, THOMAS, MASLAND, YOUNGBLOOD, SAYLOR, BELARDI, READSHAW, CORRIGAN, FEESE, DEMPSEY, HERSHEY, FARMER, TRELLO, GEORGE, E. Z. TAYLOR, DeLUCA, DiGIROLAMO, TIGUE, KING, LAUGHLIN, TRUE, RUBLEY, ADOLPH, BOSCOLA, HALUSKA, LEVDANSKY, RAMOS, SHEEHAN, OLASZ, TRICH and CIVERA

An Act providing for certain health insurance benefits to aid the health and well-being of mother and child following the birth of a child.

Referred to Committee on INSURANCE, November 21, 1995.

**No. 2226** By Representatives PISTELLA, E. Z. TAYLOR, KUKOVICH, WALKO, STABACK, PETTIT, LUCYK, YOUNGBLOOD, ROBINSON, THOMAS, TRELLO and M. COHEN

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for the membership of boards of managers for monuments and memorials to war veterans.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, November 21, 1995.

**No. 2227** By Representatives PISTELLA, ROONEY, TRELLO, CORRIGAN, BELARDI, GEIST, STEELMAN, DeLUCA, GODSHALL, M. COHEN, SERAFINI, YOUNGBLOOD, STERN, BATTISTO and WOGAN

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for the liability of parents for the tortious acts of their children.

Referred to Committee on JUDICIARY, November 21, 1995.

**No. 2228** By Representatives PISTELLA, ROBINSON, TRELLO, CORRIGAN, STABACK, TIGUE, BELARDI, GODSHALL and M. COHEN

An Act amending the act of July 26, 1961 (P.L.887, No.382), entitled, "An act relating to the satisfaction of mortgages in counties of the second, second A, third, fourth, fifth, sixth, seventh and eighth class by the recording of a satisfaction piece, prescribing forms therefor, and fixing fees for the recording thereof," further providing for the satisfaction of mortgages.

Referred to Committee on LOCAL GOVERNMENT, November 21, 1995.

**No. 2229** By Representatives PISTELLA, FARGO, M. N. WRIGHT, ROONEY, READSHAW, TRELLO, CORRIGAN, STABACK, TIGUE, BELARDI, GEIST, DeLUCA, GODSHALL, M. COHEN, YOUNGBLOOD, HESS and BATTISTO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing certain immunity to individuals who provide limited volunteer medical professional care.

Referred to Committee on JUDICIARY, November 21, 1995.

**No. 2230** By Representatives PISTELLA, M. N. WRIGHT, READSHAW, TRELLO, CORRIGAN, FAJT, TIGUE, BELARDI, DeLUCA, GODSHALL, M. COHEN and RICHARDSON

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for payment of the cost of burial of indigent persons in State institutions.

Referred to Committee on HEALTH AND HUMAN SERVICES, November 21, 1995.

**No. 2231** By Representatives FAJT, BELARDI, MARKOSEK, RUBLEY, READSHAW, SCHRODER, E. Z. TAYLOR, DiGIROLAMO, L. I. COHEN, CLARK, CARONE, CORRIGAN, DeLUCA, BATTISTO, SAYLOR, STEELMAN, J. TAYLOR, TRICH, M. COHEN, WALKO, RAYMOND and CAPPABIANCA

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of purchase or consumption of cigarettes by minors; further providing for furnishing cigarettes or cigarette papers and for predisposition evaluation.

Referred to Committee on JUDICIARY, November 21, 1995.

**No. 2232** By Representatives FAJT, MARKOSEK, BROWNE, DeLUCA, BATTISTO, JOSEPHS, SCRIMENTI, VAN HORNE, WAUGH, TRELLO, KUKOVICH, TANGRETTI, THOMAS, STEELMAN, TRICH, BOSCOLA and CAPPABIANCA

An Act limiting contributions and expenditures associated with political campaigns; imposing penalties; and making a repeal.

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

**No. 2233** By Representatives FAJT, READSHAW, SHANER, LAUGHLIN, ITKIN, TIGUE, YOUNGBLOOD, ROBINSON, STEELMAN, M. COHEN, THOMAS and RAMOS

An Act amending the act of December 13, 1988 (P.L.1190, No.146), known as the First and Second Class County Property Tax Relief Act, providing for dissemination of income tax data to counties of the first and second class.

Referred to Committee on URBAN AFFAIRS, November 21, 1995.

**No. 2234** By Representatives McGEEHAN, COY, SEMMEL, LEDERER, L. I. COHEN, MELIO, E. Z. TAYLOR, MICOZZIE, BROWNE, PETTIT, KELLER, BELARDI, NAILOR, TRUE, OLASZ, DeLUCA, DiGIROLAMO, THOMAS and J. TAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for penalties for driving without a license.

Referred to Committee on TRANSPORTATION, November 21, 1995.

**No. 2235** By Representatives McGEEHAN, LEDERER, YOUNGBLOOD, READSHAW, TANGRETTI, MICOZZIE, BROWNE, DeLUCA, M. N. WRIGHT, DiGIROLAMO and J. TAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the confiscation of motor vehicles in certain cases.

Referred to Committee on TRANSPORTATION, November 21, 1995.

**No. 2236** By Representatives BROWNE, DENT, DEMPSEY, BROWN, SATHER, ROONEY, EGOLF, FARGO, SAYLOR, BAKER, PLATTS, MERRY, GODSHALL, CORRIGAN, MICOZZIE, ITKIN, MAITLAND, FAJT, WAUGH, SCHRODER, THOMAS, TIGUE, STABACK, TRELLO, STEELMAN, J. TAYLOR, MILLER and MICHLOVIC

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for an additional fine for crimes committed with firearms.

Referred to Committee on JUDICIARY, November 21, 1995.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 255** By Representatives GEORGE, PESCI, GIGLIOTTI, ROONEY, ITKIN, M. COHEN, FARGO, READSHAW, MUNDY, OLASZ, KIRKLAND, DONATUCCI, BOSCOLA, HALUSKA, LYNCH, STERN and SURRA

A Resolution directing the Environmental Resources and Energy Committee of the House of Representatives to review the historical development and current status and implementation of regulations pursuant to the Clean Air Act Amendments.

Referred to Committee on RULES, November 21, 1995.

**No. 256** By Representatives MAITLAND, NICKOL, FLEAGLE, FARGO, E. Z. TAYLOR, GEIST, SAYLOR, WAUGH, PLATTS, HERSHEY, VANCE, FARMER, RUBLEY, BAKER, HENNESSEY, PETTIT, LAUGHLIN, CORRIGAN, SERAFINI, LYNCH, TRELLO, MILLER, PISTELLA, MERRY and BARD

A Concurrent Resolution memorializing Congress to enact legislation to further protect the eligibility of volunteers in nursing homes and other assisted-living institutions.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, November 21, 1995.

### SENATE MESSAGE

HOUSE BILL  
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 490, PN 518**, with information that the Senate has passed the same without amendment.

### 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  
November 20, 1995

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, December 4, 1995, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the Senate adjourns the week of December 4, 1995, it reconvene on Monday, December 11, 1995, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, December 11, 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.

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

**HB 1256, PN 2828** (Amended) By Rep. WOGAN

An Act establishing a demonstration tax-free development zone program; providing for a land value tax and for businesses that qualify for tax exemptions; and requiring audits.

URBAN AFFAIRS.

**HB 2097, PN 2829** (Amended) By Rep. BUNT

An Act amending the act of December 7, 1982 (P.L. 784, No. 225), known as the Dog Law, further providing for law enforcement dogs and for the Dog Law Advisory Board; and providing for annual reports.

AGRICULTURE AND RURAL AFFAIRS.

**HB 2140, PN 2674**

By Rep. BUNT

An Act amending the act of July 7, 1994 (P.L.421, No.70), known as the Food Act, further providing for adulterated food.

AGRICULTURE AND RURAL AFFAIRS.

**HB 2210, PN 2794**

By Rep. MICOZZIE

An Act amending the act of October 15, 1975 (P.L.390, No.111), known as the Health Care Services Malpractice Act, further providing for liability insurance and the Medical Professional Liability Catastrophe Loss Fund.

INSURANCE.

**SB 511, PN 1592 (Amended)**

By Rep. BUNT

An Act amending the act of July 10, 1981 (P. L. 234, No. 76), entitled "Donated Food Limited Liability Act," further providing for definitions and for charitable or religious organization immunity; and providing for wildlife donated as food.

AGRICULTURE AND RURAL AFFAIRS.

**FILMING PERMISSION**

The SPEAKER. The Chair advises the members that permission has been granted to John Sanks of channel 6, Philadelphia, to take video proceedings of the swearing-in ceremony.

I have given special permission to Mr. Sanks to take his camera up to the lower station in front of the rostrum.

**RESIGNATION OF MEMBER**

The SPEAKER. The Chair is in receipt of a communication from the gentleman, Mr. Piccola, which will be read by the clerk.

The following letter was read:

House of Representatives  
Commonwealth of Pennsylvania  
Harrisburg

November 20, 1995

The Honorable Matthew J. Ryan, Speaker  
House of Representatives  
Room 139  
Main Capitol Building

Dear Matt,

As a result of my election to the Senate of Pennsylvania, I find it necessary to submit herewith my resignation as a member of the House of Representatives effective at 1:00PM on Tuesday, November 21, 1995.

My service of almost 19 years in this institution, an honor bestowed upon me by the voters of the 104th Legislative District, has been an invaluable experience which despite many frustrations I will cherish all of my life.

Thank you and thanks to my colleagues in the House for many courtesies over the years. I look forward to working with you and them as a member of the "other body."

Sincerely,  
Jeffrey E. Piccola

The SPEAKER. The Chair acknowledges, with regret, the communication from the gentleman, Mr. Piccola.

The House will be temporarily at ease until the various guests have been seated.

The House will come to order.

Will the gentleman, Mr. Zug, come to the rostrum.

**EASTERN LEBANON COUNTY  
MIDDLE SCHOOL STUDENTS PRESENTED**

The SPEAKER. The Chair recognizes the gentleman, Mr. Zug. Mr. ZUG. Thank you, Mr. Speaker.

It gives me great honor today to bring a group of students from Eastern Lebanon County Middle School, of which I am an alumni, who have distinguished themselves nationally, and I have a citation which I am going to read and then present to the students.

It says:

WHEREAS, A group of four students from Elco Middle School won first place in the national "Diplomatic Resolution. It's the Solution" contest sponsored by Ingenius; and

WHEREAS, The winners, Jenna Boyer, Zachary Cook, Kendra Peiffer and Brett Scipioni are students in James Krall's sixth-grade current events social studies class. Their entry placed first among more than six hundred entries from students in grades five through twelve.

These sixth graders, ladies and gentlemen, competed nationally with students who were juniors and seniors in high school and beat them.

During their presentation, the Elco team introduces the three tribes involved in the fighting in Rwanda, along with background information on each tribe....

NOW THEREFORE, The House of Representatives of the Commonwealth of Pennsylvania congratulates Jenna Boyer, Zachary Cook, Kendra Peiffer and Brett Scipioni on the great honor which has been bestowed upon them; heartily commends them for their ability, dedication and tireless pursuit of excellence; offers best wishes for continued success in all future endeavors....

And it directs that a copy of this citation, sponsored by me, be given to them and their school. Thank you.

**FILMING PERMISSION**

The SPEAKER. The Chair advises the members that permission has been given to Herbert Burch, a photographer who is accompanying the member-elect, Mr. Myers, to take photographs on the floor. The gentleman, Mr. Burch, will be advised with respect to our House rules of not taking pictures of the two boards.

**ANNOUNCEMENT BY MR. NYCE**

The SPEAKER. The gentleman, Mr. Nyce.  
Mr. NYCE. Thank you, Mr. Speaker.

I have some information for the members regarding Representative Gruppo's condition. I would like to report to the members that he is in Harrisburg Hospital and that he is resting comfortably and undergoing tests related to his blood pressure problem, but he wanted the members to know that, and he expects to be back as quickly as possible.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

**BILL SIGNED BY SPEAKER**

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

**HB 490, PN 518**

An Act amending the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, exempting certain portions of highways in second class townships from dust control measures.

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

**GUESTS INTRODUCED**

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guests of Representative Dermody, guest pages who are students from Riverview High School in Oakmont. They are here on the floor of the House. They are here with their adviser, Mr. Gordon Knapp. The students are Ivy Gentile, Anthony Lascola, Edward Lightcap, Rebecca Roach, and David Terebessey. Would the students and their adviser please rise.

**SPECIAL ORDER OF BUSINESS**

**SWEARING IN OF NEW MEMBER**

The SPEAKER. Members and guests will please be seated.

The Sergeant at Arms will advise the members of the House who are not seated to take their seats for the induction ceremony of the gentleman, Mr. Myers.

Without objection, the House will now take up as a special order of business the swearing in of Representative-elect John Myers. The Chair hears no objection to this.

**ELECTION RETURNS PRESENTED**

The SPEAKER. The Chair at this time recognizes the Sergeant at Arms of the House.

The SERGEANT AT ARMS. Mr. Speaker, the Secretary of the Commonwealth, the Honorable Yvette Kane.

The SPEAKER. The Chair recognizes Secretary Kane.

Mrs. KANE. Thank you.

Mr. Speaker, it is my honor to present to this body the returns of the special election held November 7, 1995, in the county of Philadelphia. That election was for the office of Representative in the General Assembly in the 201st District. I would also present to you the certification of campaign expense reporting compliance in connection with that election.

The SPEAKER. The Chair thanks Secretary Kane.

The clerk will read the return.

The following election returns were read:

**COMMONWEALTH OF PENNSYLVANIA**

TO THE HONORABLE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

I have the honor to present the returns of the Special Election for Representative in the General Assembly of the Commonwealth of Pennsylvania held in the Two Hundred and First Legislative District, as the same has been certified to and filed with my office by the Philadelphia County Board of Elections. John Myers, having received the highest number of votes in the Special Election, and having complied with the provisions of Article XVI of the Pennsylvania Election Code pertaining to Primary and Election Expenses, was duly elected a Representative in the General Assembly.

(SEAL)

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of my office at the city of Harrisburg, this twenty-first day of November in the year of our Lord one thousand nine hundred and ninety-five and of the Commonwealth the two hundred and twentieth.

Yvette Kane  
Secretary of the Commonwealth

**SPECIAL ELECTION**  
**REPRESENTATIVE IN THE GENERAL ASSEMBLY**  
**201ST LEGISLATIVE DISTRICT**  
**COUNTY OF PHILADELPHIA**  
**NOVEMBER 7, 1995**

	TOTAL VOTES
Republican - Dorothy Reid	568
Democratic - John Myers	8,557
Libertarian - Philip J. Janusz	69
Joyner For Representative - Veronica Joyner	912

Commonwealth of Pennsylvania  
 Department of State  
 Bureau of Commissions, Elections and  
 Legislation  
 11/21/95

## CERTIFICATE ON ELECTION EXPENSES

### COMMONWEALTH OF PENNSYLVANIA

TO THE HONORABLE SPEAKER AND MEMBERS OF THE HOUSE  
 OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF THE  
 COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

In accordance with the provisions of Section 1632(b) of the Pennsylvania Election Code [25 P.S. §3252(b)], I do hereby certify that the candidate who was elected to the State House of Representatives from the 201st District in the Special Election held November 7, 1995, John Myers, has filed all of the reports and statements of contributions and expenditures required by the provisions of Article XVI of the Pennsylvania Election Code entitled "Primary and Election Expenses."

(SEAL) Witness my hand and the seal of my office  
 this twenty-first day of November, 1995.

Yvette Kane  
 Secretary of the Commonwealth

## COMMITTEE TO ESCORT MEMBER-ELECT

The SPEAKER. The Chair appoints the majority leader, the gentleman from Philadelphia, the Honorable John M. Perzel, and the Democratic floor leader, the gentleman from Greene County, the Honorable H. William DeWeese, to escort the member-elect to the well of the House for the purpose of taking the oath.

John, I was worried they were not going to be able to find you there for a moment.

## OATH OF OFFICE ADMINISTERED

The SPEAKER. The oath of office required by Article VI, section 3, of the Constitution of Pennsylvania to be taken by members of the General Assembly will be administered by the Honorable Marsha Stewart, district justice, Dauphin County, Pennsylvania.

DISTRICT JUSTICE STEWART. Repeat after me, please.

I, John Myers, do solemnly swear that I will support, obey, and defend the Constitution of the United States and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity.

(Member asserted oath.)

DISTRICT JUSTICE STEWART. Congratulations.

The SPEAKER. John, at this point we are going to allow you to return to your seat by yourself. We are afraid the majority and minority leaders might lead you astray, and at that point appropriate remarks will be made. So you may return to your seat on the floor as a member of this House.

## REMARKS BY SPEAKER

The SPEAKER. I, John, on behalf of the members of the House, am pleased to welcome you to the hall of the House.

Today is a special day for you as you join your colleagues here to work for the good of the people. It is special because it is the day you will take an oath and did take an oath to preserve, protect, and to serve. It is special because you are joined here by your family and friends. It is special because today when you are sworn in, as you have been, all of us here will mark this solemn event not only with thoughts of wishing you well but also with thoughts of our good friend and colleague, David Richardson, whom we lost in August, whose spirit and legacy of commitment and dedication will be with us always.

If I may, I would like to take the liberty to offer some advice. As a longtime friend to David and many other public servants from Philadelphia, you have earned a reputation for tenacity and the ability to overcome adversity. You have served and you have shown yourself to be a fighter — a trait I admire and we all admire. However, as you now embark on your journey as a legislator and a lawmaker, you must realize that success in this endeavor hinges in knowing when to fight and when to negotiate, when to hold your ground no matter what and when to give ground in order to gain small but significant victories.

Very few legislators are known for big victories. Most are known for their day-in, day-out performances in meeting the needs of their constituents and for the careful and thoughtful consideration they give to the thousands of votes that they cast. Attention to these matters are, in my judgment, the true measure of being a worthy member of this great institution.

You follow in the footsteps of a giant of a man, Dave Richardson. While difficult shoes to fill, I join the electorate of the 201st District in having no doubt whatsoever that you are up to that task and will represent them to the utmost of your ability.

Again, I want to congratulate you. I want to sincerely welcome you to the Pennsylvania House of Representatives and predict a bright future for you, a beginning of new friendships, a beginning of history for you and your family, some members of whom I now count as a friend, and I would like to include you in that group. Thank you very much.

## GUESTS INTRODUCED

The SPEAKER. Mr. Myers, prior to asking the majority leader and the Democratic floor leader to make remarks, I would appreciate it if you would take the microphone and introduce your family to us.

Mr. MYERS. Thank you, Mr. Speaker.

The SPEAKER. It is something I should have done while you were here and you could see just where they were sitting.

Mr. MYERS. Yeah.

The SPEAKER. If you would feel better, you can come on up here again and do it. There we go.

Mr. MYERS. Thank you, Mr. Speaker, and to my colleagues on both sides of the House, good morning. To my family and my friends and my supporters, good morning.

First, I would like to take this opportunity to thank the Speaker of the House, who graciously and with courage called for the special election to insure that the people in the 201st District will

continue to be served in a timely, effective manner. Thank you, Mr. Speaker.

It is going to probably seem like a filibuster. I have got almost 300 people here. I did not want to start off like this.

My wife Joyce; my son Shamari; my Aunt Bobbie; my sister Gwen; my brother Eric and my brother David, who both work here in the House, and my brother Chip, who works for the city of Philadelphia; my nieces Romaine and Cheray; my nephew Anthony; my niece Erin; my niece Monifa, two Monifas, she and her mother; Buttons; Marion; Raheem; Baby Sis; Neevy; Doris; Gramps; Tony; Elsie and Richard Wadell; Ernestine Wadell; my little brother Darrell; Maryanne, my sister — I am looking around — my Aunt Carrie and my Uncle Percy from Towson, Maryland; my Aunt Ozzie and Uncle John; Erica, David, and Felicia Myers; my Uncle Clifford; my cousins Michelle and Sherry; her husband Craig; Rita Smith; Gail and Herb Banks; Calvin Robinson, Dave's uncle; Pam, Dave's cousin; Chryle and Nikki Richardson, Dave's daughters; my sister-in-law Pat — I am trying to see who I am missing — Donna Reed-Miller, city councilperson for the 8th Councilmanic District.

I am going to try to expedite this process for the sake of time, and what I will ask is that all the members of the United Progressives and the Germantown Settlement please stand. Cheryl, you can stand up; Cheryl. All the members of the Northwest Action Committee and the Marshalls please stand. Dr. and Robbi Altemor, one of my mentors and my preceptor through my master's program. Mary Lawton, my finance director. Mary, I hope you kept me out of trouble. Tasha; Alice Reed; Linda; Dodie Dow; Frank Jones; the staff of the 201st; Aunt Harriett and Marion; Ann Shank. Who am I missing? The rest of my supporters in the back. All of you seated in the back, stand up, please. Ann Greffily.

David Preston Richardson's mother, Elaine, could not make it today; Mom, who is here with us in spirit, who supports us, who has embraced our vision and our mission, who I am sure all of us understand is having a hard time dealing with this tragic situation that we are now faced with or were faced with and that she presently is faced with. I would just like to say here on the floor for Mom Richardson, Mom, that we are going to do the best that we can to insure that we serve the people so that Dave's name will not be taken in vain.

I would like to again thank all of you here, all of you who came. You can take your seats now. I know you all want to sit down.

My colleagues on both sides of the House, I have been told a thousand times today that the honeymoon will be over tomorrow. To the extent I can have an influence on that, that would not necessarily be true. To the extent that we can work together, I certainly feel that I would try to embrace those principles and those ideas that can in fact serve our people. If we operate on those bases and do not allow personalities to get involved, we can take care of business.

Thank you very much again, Mr. Speaker, for allowing me this time.

The SPEAKER. After hearing all of the family introduced, I understood why we lost.

## REMARKS BY MAJORITY LEADER

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

Mr. PERZEL. Thank you, Mr. Speaker.

After seeing all of the friends, family, and supporters here, he must have saved a lot of money on the street operation on election day, that is for sure.

John, unfortunately, the honeymoon will probably be over later on today.

It is interesting. When I went over to the other side of the aisle to bring you down, I was asked by Representative James if I would like to join the other side of the aisle. I am not going to do that, but I was born in Germantown Hospital, in your legislative district, so I welcome you to the hall of the House of Representatives.

I would like to extend congratulations and welcome to the gentleman from Philadelphia, Mr. Myers, to this House of Representatives. As an activist and community advocate, he knows Philadelphia and the problems it faces. As a friend and longtime supporter of Dave Richardson, he knows the legacy that Dave left behind and the impact that Dave Richardson had on his city and on this State.

I know that Mr. Myers will represent the residents of the 201st Legislative District very well. We may be on different sides of the aisle, the political sides of the aisle, but I look forward to working with you, Representative Myers. And I wanted you to know that my door is always open, and as I found out, a number of the Democrat doors are open, too, so I will be around to see you.

Good luck. Congratulations.

## REMARKS BY DEMOCRATIC LEADER

The SPEAKER. The Chair recognizes the Democratic floor leader, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, Justice Stewart — welcome, Justice, to our chamber — John, David's family, John's family, and the whole galaxy of Philadelphians who have journeyed up the turnpike to be with us, to celebrate with us, because today is a celebration. It is a celebration of John's life retrospectively and poignantly prospectively; it is a celebration of our future as a chamber in this hall.

Forty-five thousand people were slaughtered in the Balkans in the last 4 years, and 7,000 miles south in the heart of Africa in Rwanda, somewhere between 550 and 575,000 people were cut down by machetes. Across the planet of 5 billion people, only about 17 percent of that number have a chance to celebrate like John Myers' friends and family have done today.

Our democracy, from fissure to fissure and from flaw to flaw, continues to endure, and it endures because of people like those of us who are gathered here — David Richardson's friends and family and John's friends and family — asserting themselves robustly into the political fray. No one, no one would like to have the mantle of responsibility cast upon their shoulders in the same way that John has had it cast upon his.

In April of 1945, Harry Truman, I am sure, had a similar moment of perplexity and discomfiture and confusion when he realized that he had to take up that baton of leadership. When the guns blazed in Dallas in 1963, a similar moment took place on an

airplane at an airport outside the city, and another American took up for one who had been gathered unto his fathers.

And even in our own hall right here, Bob Wright, a Republican, took up the mantle of leadership from Art Earley, a Marine Corps pal of all of ours, especially Speaker Ryan and myself, who died prematurely during the early years of my service. I am sure that Bob Wright, when he was sworn into our chamber— As I look across the aisle, I see many of my senior Republican friends who remember his service very well, who would not have wanted to have taken the seat in the legislature the same way Bob did from Art. But John Myers understands, Mr. Speaker, that what we do here is not about a person; it is about a mission. Unfortunately, God called David Richardson, but that mission has not changed.

We have got a guy with us, I might add to my colleagues Dan Surra and Bob Belfanti and the inimitable Linda Bebko-Jones, I want you all to know that we have a guy in our midst who is a politician's politician, and I say that word with reverence.

"Politician" has been denigrated and defamed and taken through the mud in many years, but one thing Perzel and DeWeese agree upon is that I believe the word "politician" should be a lofty term; it should be a term of respect, and I am sure that Donna Reed-Miller thinks it is a term of respect, because Donna Reed-Miller's campaign was galvanized by John Myers just as David Richardson's early campaigns in the incipient moments of his public career were galvanized by this young man, not only with an undergraduate degree but with a master's degree, a master's degree.

He worked in a mental health setting and he directed transportation and other endeavors, and sometimes we gloss over working for mental health agencies. It is a pretty downright challenging job and it is not very glamorous.

He has worked his way up through bureaucracies and political organizations, and he celebrated a friendship. He lived, ate, slept, breathed a boyhood friendship with David Richardson — David Richardson, the fire-breathing, ambulatory declaration of independence that we eulogized not that long ago — and now his sidekick, his pal, his buddy from Philadelphia is here to take up that baton.

Napoleon Bonaparte once observed that every corporal, every corporal, has a field marshal's baton in his knapsack. We all have that ability to reach back, take that baton, and lead our regiments forward. Well, his regiment is here today, his fighting battalions are here today from Philadelphia, Pennsylvania.

And so, John, I welcome you to our midst as a Democrat. A Democrat, for all of those who may have forgotten their early history, "demo crat," people rule. It is a Greek fusion of two words, "demo crat," people rule. We shall be involved successfully with people like John Myers. Thank you, Mr. Speaker.

The SPEAKER. It is too special an occasion for me to reply, but he knows I am about to.

The Chair at this time would like to extend the thanks of the House to District Justice Stewart for her services and her part in the swearing-in ceremonies today. Thank you very much, District Justice. Without you this could not have happened.

### LEAVES OF ABSENCE

The SPEAKER. Now, at this time the Chair returns and we will take leaves of absence.

The Chair recognizes the gentleman, Mr. Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

I request a leave for the gentleman from Northampton County, Mr. GRUPPO, for the day.

The SPEAKER. Without objection, the leave will be granted.

The Chair recognizes the gentleman, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I request leaves of absence for the gentleman from Fayette, Mr. SHANER; the gentleman from Butler, Mr. TRAVAGLIO; the gentleman from Westmoreland, Mr. MIHALICH; the gentleman from Allegheny, Mr. OLASZ, for today's session. Thank you.

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

### MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll call. Mr. Myers, this will be your first official vote. The members will proceed to vote.

The following roll call was recorded:

#### PRESENT—198

Adolph	Durham	Lloyd	Santoni
Allen	Egolf	Lucyk	Sather
Argall	Evans	Lynch	Saylor
Armstrong	Fairchild	Maitland	Schroder
Baker	Fajt	Major	Schuler
Bard	Fargo	Manderino	Serimenti
Barley	Farmer	Markosck	Semmel
Battisto	Feese	Marsico	Serafini
Bebko-Jones	Fichter	Masland	Shechan
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	Michlovic	Steil
Brown	Gladeck	Micozzie	Stern
Browne	Godshall	Miller	Stetler
Bunt	Gordner	Mundy	Stish
Butkovitz	Gruitza	Myers	Strittmatter
Buxton	Habay	Nailor	Sturla
Caltagirone	Haluska	Nickol	Surra
Cappabianca	Hanna	Nycc	Tangretti
Carn	Harhart	O'Brien	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
Colafella	Jadlowiec	Pistella	Van Horne
Colaizzo	James	Pitts	Veon
Conti	Jarolin	Platts	Vitali
Cornell	Josephs	Preston	Walko
Corpora	Kaiser	Ramos	Washington
Corrigan	Keller	Raymond	Waugh
Cowell	Kenny	Readshaw	Williams
Coy	King	Reber	Wogan
Curry	Kirkland	Reinard	Wozniak
Daley	Krebs	Rieger	Wright, D. R.
DeLuca	Kukovich	Roberts	Wright, M. N.
Dempsey	LaGrotta	Robinson	Yewcic
Dent	Laughlin	Roebuck	Youngblood
Dermody	Lawless	Rohrer	Zimmerman
DeWeese	Lederer	Rooney	Zug
DiGirolo	Leh	Rubley	



Donatucci Druce	Lescovitz Levdansky	Rudy Sainato	Ryan, Speaker
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ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Gruppo Mihalich	Olasz	Shaner	Travaglio
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**RULES COMMITTEE MEETING**

The SPEAKER. There will be an immediate meeting of the Rules Committee at the majority leader's desk.

**BILL ON CONCURRENCE  
REPORTED FROM COMMITTEE**

**HB 1238, PN 2850** (Amended) By Rep. PERZEL

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, amending and adding certain definitions; amending and adding provisions regarding the annual compensation limit and other matters under the Internal Revenue Code of 1986 applicable to the system which affect member and school employer contributions to the Public School Employees' Retirement Fund and the State Employees' Retirement Fund; revising provisions relating to annuitants of the Public School Employees' Retirement System or the State Employees' Retirement System who return to school service or State service; making conforming amendments; providing for other purposes; and making a repeal.

RULES.

**BILLS REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND TABLED**

**HB 928, PN 2847** (Amended) By Rep. SERAFINI

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, defining "catering hall"; and providing for the issuance of restaurant liquor licenses to catering halls.

LIQUOR CONTROL.

**HB 2014, PN 2848** (Amended) By Rep. SERAFINI

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, providing for the exchange of hotel liquor licenses.

LIQUOR CONTROL.

**HB 2195, PN 2849** (Amended) By Rep. SERAFINI

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for unlawful advertising and providing additional penalties.

LIQUOR CONTROL.

**BILL REREPORTED FROM COMMITTEE**

**HB 552, PN 2846** (Amended) By Rep. SERAFINI

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reducing the amount of gross sales of food for Sunday sales permit.

LIQUOR CONTROL.

**REPUBLICAN CAUCUS**

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

Mr. FARGO. Thank you, Mr. Speaker.

The Republican members will caucus at 1 o'clock in the majority caucus room. We will then come back at 2 o'clock to continue the session. Thank you.

**ANNOUNCEMENT BY MR. MYERS**

The SPEAKER. The Chair recognizes our new member, Mr. Myers.

Mr. MYERS. Mr. Speaker, I would like to announce to my guests that at the close of this morning's session, we are going to go to the St. Moritz for a reception.

The SPEAKER. The gentleman, Mr. Myers, has invited his guests from the Philadelphia region to join him for a reception at the St. Moritz, which is I believe across the street from the Main Capitol Building, is it not?

Mr. MYERS. That is correct, Mr. Speaker, and of course any members of the House also.

The SPEAKER. Oh, you do not want them over there. They will ruin it on you. Besides, we are having, in your honor, a reception in room 60 of the East Wing for the members only, all members, both Republican and Democrat, in room 60, that we would expect you to stop by and visit with us for a little while before joining your guests at the St. Moritz.

Mr. MYERS. I will certainly be there, Mr. Speaker.

The SPEAKER. Thank you, sir.

**DEMOCRATIC CAUCUS**

The SPEAKER. Mr. Cohen, for the purpose of a caucus announcement.

Mr. COHEN. That is right, Mr. Speaker.

Mr. Speaker, the Democrats will caucus at 1:30 p.m.; 1:30 p.m., Democratic caucus.

The SPEAKER. Mr. Fargo, would it be possible to put your caucus back 15 minutes, 20 minutes?

Mr. FARGO. That will be fine, Mr. Speaker. We will caucus then at 1:15.

The SPEAKER. The Republicans will caucus at 1:15. The Democrats will caucus at 1:30, and we will return to the floor at 2 o'clock.

**RECESS**

The SPEAKER. Do the Republican or Democratic floor leaders have any further business? Any further committee announcements, reports?

Hearing none, this House will stand in recess until 2 p.m., unless sooner recalled by the Chair.

**RECESS EXTENDED**

The time of recess was extended until 2:30 p.m.

**AFTER RECESS**

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

**ADDITIONS AND DELETIONS OF SPONSORS**

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

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

**SENATE MESSAGE**

**SENATE RECEDES FROM AMENDMENTS**

The clerk of the Senate, being introduced, informed that the Senate has receded from its amendments nonconcurrent in by the House of Representatives to **HB 701, PN 773**.

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

**SENATE MESSAGE**

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 476, PN 1590**; and **SB 578, PN 1591**.

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

**BILL SIGNED BY SPEAKER**

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

**HB 701, PN 773**

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; and eliminating provisions for milk inspection.

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

**SUPPLEMENTAL CALENDAR A**

**RESOLUTION PURSUANT TO RULE 35**

Mr. HENNESSEY called up **HR 257, PN 2827**, entitled:

A Resolution observing Nov. 1995 as "Native American Heritage Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

**YEAS-197**

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	Sheehan
Bebko-Jones	Fichter	Masland	Smith, B.
Belardi	Fleagle	Mayernik	Smith, S. H.
Belfanti	Flick	McCall	Snyder, D. W.
Birmelin	Gamble	McGeehan	Staback
Bishop	Gannon	McGill	Stairs
Blaum	Geist	Melio	Steelman
Boscola	George	Merry	Steil
Boyes	Gigliotti	Michlovic	Stern
Brown	Gladeck	Micozzie	Stetler
Browne	Godshall	Miller	Stish
Bunt	Gordner	Mundy	Strittmatter
Butkovitz	Gruitza	Myers	Sturla
Buxton	Habay	Nailor	Surra
Caltagirone	Haluska	Nickol	Tangretti
Cappabianca	Hanna	Nycc	Taylor, E. Z.
Carn	Harhart	O'Brien	Taylor, J.
Carone	Hasay	Oliver	Thomas
Cawley	Hennessey	Perzel	Tigue
Chadwick	Herman	Pesci	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	True
Clymer	Horsey	Pettit	Tulli
Cohen, L. I.	Hutchinson	Phillips	Vance
Cohen, M.	Itkin	Pistella	Van Horne
Colafrilla	Jadlowiec	Pitts	Veon
Colaizzo	James	Platts	Vitali
Conti	Jarolin	Preston	Walko
Cornell	Josephs	Ramos	Washington
Corpora	Kaiser	Raymond	Waugh
Corrigan	Keller	Readshaw	Williams
Cowell	Kenny	Reber	Wogan
Coy	King	Reinard	Wozniak
Curry	Kirkland	Rieger	Wright, D. R.
Daley	Krebs	Roberts	Wright, M. N.
DeLuca	Kukovich	Robinson	Yewcic

Dempsey	LaGrotta	Roebuck	Youngblood
Dent	Laughlin	Rohrer	Zimmerman
Dermody	Lawless	Rooney	Zug
DeWeese	Lederer	Rubley	
DiGirolamo	Leh	Rudy	Ryan,
Donatucci	Lescovitz	Sainato	Speaker
Druce	Levdansky	Santoni	

NAYS-0

NOT VOTING-0

EXCUSED-5

Gruppo	Olasz	Shaner	Travaglio
Mihalich			

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

**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 2222, PN 2816.**

**REPORT OF COMMITTEE OF CONFERENCE**

Mr. PERZEL called up for consideration the following Report of the Committee of Conference on **SB 282, PN 1563**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining "police officer"; defining "law enforcement officer" and "loaded" for purposes of the Uniform Firearms Act of 1995; further providing for certain prohibited criminal conduct, for administration, for fees and for notification; prohibiting the provision of butane to minors; further providing for buying or exchanging Federal food order coupons, stamps, authorization cards or access devices and for fraudulent traffic in food orders; prohibiting the operation of certain establishments; providing for local option; and making repeals.

On the question,

Will the House adopt the report of the committee of conference?

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

Mr. GODSHALL. The Conference Committee Report on SB 282 was put together after a solid 4 weeks of work. The conference report was put together with the full cooperation from the Governor's Office and the presence of Kathy Eakin. The State Police gave their full cooperation.

The SPEAKER. Will the gentleman yield.

Members in the aisles, please take your seats.

The gentleman, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

As I tried to say earlier, this conference committee report was a product of 4 weeks of intense negotiation with full cooperation from the Governor's Office and from the State Police, Representative Lloyd, Representative Phillips, myself, and Senator Fisher, Senator Fumo, and Senator Heckler in the Senate. It was signed by five members of that conference committee with the exception of Senator Fumo.

What we tried to do with this conference committee report is clean up the loose ends, clean up a lot of the misinterpretation of Act 17 by the enforcement body, which was the State Police, and try to correct some of the actual problems that did exist in Act 17, and I am here to admit that.

What we have done with this conference committee is try to clean up the areas which you have gotten complaints. We have cleaned up the areas which affected your gun dealers and your sporting goods stores. They were concerned about a burdensome paperwork and expensive paperwork requirement. That law required them within so many hours to send things, to send information, to the State Police by certified mail, also to their sheriffs. What we have done in this conference committee report is we have said that any mailings to the State Police are going to be done on a 14-day basis and they can be done by first-class mail.

What we have also said is that on the purchase of handguns, where before Act 17 - and I know I would like to make it very clear - before Act 17, your firearm dealer filled out an application to purchase and then followed by an application of sale. We have now condensed that to one form with the conference committee report. The paperwork has been substantially reduced.

There was another misinterpretation in the law that said that juveniles, young kids, when they engaged in hunting, trapping, target shooting, regulate their activities that maybe they could not go out with their parents and participate in those kinds of activities until they were 18. We clarified that in this report by saying that any kind of activity such as that, this bill would not interfere with. That was taken care of.

We also said that since there was no mechanism in place to do a background check on long guns - that is, rifles and shotguns - since there was no mechanism in place to do that check - and the numbers and sales of long guns are someplace between 650,000 and 750,000 a year - that we were going to delay a background check on such guns until September 1, 1997. We are most hopeful by that time that a background check will be in place or be shortly in place after that.

We have also said in this bill there was a concern, but what happens if there is a computer breakdown, and this is after the instant check system is in place? We said that if a computer breakdown occurs and 48 hours have elapsed, then sales would continue by filling out paperwork and forms just like you did before the instant check was in place.

What we have also done with this bill is enhanced the language and reinforced the language that no gun registration will take place with the passage of Act 17, and here is something that you really want to consider. Prior to Act 17 becoming law, which it is today, there was nothing in Pennsylvania statute that prohibited gun registration. That was prohibited in Act 17. With the conference committee report, we have enhanced that section. We said that if anybody - anybody - tries to keep a form and keep a gun registry, that the fine could be up to \$250 per entry. So we have taken every possible precaution that no gun registry can happen with the passage of Act 17 or with the conference committee report.

What we have also done with this bill in the report is say that we are going to form a select oversight committee. The oversight committee would be made up of two members from the House, two from the Senate, one from the Governor's Office, and one from the Attorney General's Office. They would have the job of overseeing Act 17. They would have the job to see that the act and the intent of the law is followed. They would be protecting your interests, my interests, and the interests of our constituents. That oversight committee, again, is in place in this report with the full cooperation of the Pennsylvania State Police.

So at this point I am going to ask for a positive vote on the conference committee report. It addresses the problems you have had with your dealers, with your sportsmen; it addresses the concern about gun registry, addresses the concern about paperwork. It is a positive approach, and I am asking for your support. Thank you.

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, would the previous speaker stand for interrogation?

The SPEAKER. He indicates he will. You may proceed.

Mr. THOMAS. Mr. Speaker, would you acknowledge—

Mr. GODSHALL. I did not hear the question. I was trying to get my—

The SPEAKER. Will the gentleman, Mr. Thomas, repeat his question.

Mr. THOMAS. Yes, Mr. Speaker.

I am asking, would you stand for interrogation on the conference report?

The SPEAKER. Yes; he indicated that he would. Now, go ahead with your interrogation, sir.

Mr. THOMAS. My first question is, is it a fact that you were a prime sponsor, a primary architect, of Act 17 or legislation which subsequently became Act 17?

Mr. GODSHALL. The answer to that is yes. A lot of that, as far as some of the parts of Act 17, a lot of the material in Act 17 really stemmed out of the Ryan Commission, but that is not what is before us right now. The conference committee report is in front of us, not Act 17.

Mr. THOMAS. The conference committee report recommends changes to Act 17. Is that correct?

Mr. GODSHALL. The conference committee report has made some changes and clarification into Act 17; that is correct.

Mr. THOMAS. So that Act 17 is relevant.

My second question, Mr. Speaker, is, I do not recall receiving any information from you, a prime architect of Act 17, regarding the need to make structural changes in Act 17 which is reflected through this conference report. Is that correct?

Mr. GODSHALL. I think the changes and the need for some changes and clarification was evident with newspaper reports as far as sportsmen's concerns and as far as the concerns of dealers.

Mr. THOMAS. But, Mr. Speaker, my question is, at what point following the passage of Act 17 did you, as an architect of Act 17, have questions about Act 17—

The SPEAKER. Will the gentleman yield.

There is entirely too much conversation on the floor. The noise level is unacceptably high.

Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

I concur with your conclusions about the noise level.

Now, going back to Representative Godshall.

Mr. Speaker, I guess I should lay some groundwork for this, because I am just trying to figure out why we are now going back recommending changes to Act 17. That is what I am trying to figure out and why these changes as opposed to some other changes, and that is why I am asking. And since you were one of the prime sponsors of Act 17 or the legislation which subsequently became Act 17, I do not recall ever receiving any questions or concerns from you regarding that act, and the act reflected some concerns that I have expressed to this body over the last several years about the increasing accessibility of guns throughout the Commonwealth of Pennsylvania. So my concern is, at what point did you raise questions about a bill that you helped bring to fruition?

Mr. GODSHALL. It was evident to me, after I read the State Police interpretation of the legislation, that additional clarity had to be met and also that there was a need for some changes in the act. I sent out a memo, which I have at my desk — I might have it here in this pile; I am not sure — at least 3 weeks ago that listed a number of areas that changes were required. I am sure some of the members probably have that with them today, and those issues that I raised, it was at least 3 weeks ago, have been addressed, you know, in this conference committee report.

I sent those to all members, by the way.

Mr. THOMAS. Well, I never received that. The only correspondence that I received was from the Sportsmen's Clubs and the National Rifle Association about why Act 17 needed to be repealed.

My second concern: You, in your outline of what is contained in the conference report, you indicated that Act 17, that registration would be exempted from Act 17, or did I hear that correctly?

Mr. GODSHALL. Mr. Speaker, this was handed to me. This went to all House members from myself and Representative Phillips on October 18, 1995. The subject was clarifying language of Act 17 in the special session of 1995. It is a two-page memo, and it was sent through, you know, the Post Office to all the members. So it was out; I regret that you did not get yours, but it was sent.

As far as the registration, there was never any registration in Act 17, nor does that exist today in the conference committee report.

Mr. THOMAS. Well, Mr. Speaker, from my reading of the conference committee report, the conference committee recommends substantive changes to the law that is commonly referred to as Act 17. It goes far beyond just clarification. Is that correct?

Mr. GODSHALL. In some areas that would probably be correct, and as I did say when I made my opening statement, there was clarification and some subsequent changes to the actual law, and some of those changes were absolutely necessary.

Mr. THOMAS. But your memo only refers to clarification.

Mr. Speaker, I mean, one of the most difficult things that I have found, and that is being able to go back and make substantive changes to a law that this body has passed in the absence of court intervention or in the absence of overwhelming cries from the Pennsylvania public requiring us to go back and make some changes, and I am just trying to figure out how in less than 30 days we get to a determination that Act 17 requires major clarification, or really, its reinterpretation, and how did we get to Act 17 requiring structural and fundamental changes to some recommendations that were made? I cannot figure it out, and I

would like for you to try to help me, walk me through, how did we get to the point where we are right now?

Mr. GODSHALL. Mr. Speaker, I guess if you could give me a concrete example, you know, it would help, but in looking over this memo I sent out to all members on October 18, myself and Representative Phillips, everything that we addressed and practically everything in the conference committee report was in this memo, and it dealt with the paperwork. If you could give me a concrete example—

Mr. THOMAS. Here is one example.

Mr. GODSHALL. Okay.

Mr. THOMAS. The conference committee report makes specific recommendations regarding the registration and availability of so-called long weapons. Is that correct? The shotguns, the rifles.

Mr. GODSHALL. There was never any registration of rifles and shotguns contemplated.

Mr. THOMAS. No; I am not necessarily talking about registration. What I am saying is that the conference committee report makes a specific recommendation with respect to long weapons that is different from what is contained in Act 17.

Mr. Speaker, I would like for the Representative, the Democratic Representative, to come and help me if he would want to help somebody.

Mr. GODSHALL. On the question—

The SPEAKER. Did the gentleman, Mr. Thomas, address the Chair?

Mr. THOMAS. No; that was just a side comment, Mr. Speaker. I am sorry.

The SPEAKER. This is a nonpartisan bill — a bipartisan bill, if you will.

Mr. THOMAS. Well, I guess it might look like that, but I am trying to get some understanding.

Mr. Speaker, the conference committee report makes specific recommendations as it relates to so-called long guns — rifles, shotguns. Is that correct?

Mr. GODSHALL. That is correct.

Mr. THOMAS. That recommendation is different from what was contained in Act 17. Is that correct?

Mr. GODSHALL. That is correct.

Mr. THOMAS. Question: Why are we now going back and tampering with the availability of shotguns, rifles, other long guns differently than we did when we passed Act 17? What is the public policy outcry that mandates that we go back and make changes with respect to long weapons?

Mr. GODSHALL. Right now, Mr. Speaker, there is no mechanism in place, there is absolutely no mechanism in place to do the background checks on long guns. Right now we are doing background checks and have since I believe 1936 on handguns, and there are about 250,000 of those a year. In essence, it is practically a manual check. We have found out that we cannot go through a background check on essentially a manual basis on the sale of 650,000 to 750,000 long guns a year without totally bogging down the system and making those checks come into place possibly 2, 3, 4, or maybe 6 months after the gun is purchased, picked up, and taken away. There is no mechanism in place. We are not backing off a record check of long guns. In fact, Mr. Speaker, I had in place an instantaneous-record-check bill for the last 7 years. It contained all guns. I am not backing off of that commitment, but right now there is no mechanism in place.

In fact, I had been given this yesterday. The Governor's Office says approximately \$6 million has been placed in reserve for the purchase of a new computer mainframe; the present system is saturated and old. Until that mainframe is purchased and the data is put together, you know, we will have essentially a manual system.

In this bill, if you read the bill, it talks about an instantaneous background check. If you are doing a background check 2, 3, 4, 5, and 6 months after the fact, you have destroyed the whole system. It no longer becomes an instantaneous system. With the computer, the computer will absolutely not handle the volume that we are talking about here. That is the only reason for the delay in the background-check section of the long guns.

Mr. THOMAS. Well, Mr. Speaker, did we not know that when we passed Act 17?

Mr. GODSHALL. I was told that last year. I really did not believe it to be the case, but I found it to be the case.

Mr. THOMAS. Was not a fiscal note provided to Act 17, and were there not moneys appropriated for the implementation of Act 17?

Mr. GODSHALL. I do not know. There probably was a fiscal note with Act 17. You know, I do not have it. Act 17 was a Senate bill; it was my bill, but it came over from the Senate, and, you know, I do not have that fiscal note.

Mr. THOMAS. Secondly, Mr. Speaker, would you explain the conference committee report with respect to concealed weapons?

Mr. GODSHALL. The conference committee specifically— You know, I am not sure specifically what you are asking me there.

Mr. THOMAS. Well, there was a section of Act 17 that deals with concealed weapons, and the conference committee report seems to speak to some degree about concealed weapons.

Mr. GODSHALL. The only change that I know of pertaining to concealed weapons is that we did make a change based on the reciprocity, that a person who has a gun permit, a right-to-carry permit in Ohio and/or Maryland, traveling through Pennsylvania, would be allowed to carry that gun based on that permit, you know, through our State in his own car, not on his person but in his car, as Representative Phillips reminded me. Other than that, I have no knowledge of changing— I cannot at this point recall any other changes.

Mr. THOMAS. Well, one of the things that was recommended during the discussion period around Act 17 and from what I understand might have even come up in the conference report, and that is that it appears as though the conference report is really diminishing the effect of Act 17 rather than enhancing the effect of Act 17, and, I mean, I am sure that members are clearly aware of the fact that Act 17 effectively killed—

The SPEAKER. The gentleman will yield.

Has the gentleman concluded his interrogation and is now speaking on the question of concurrence?

Mr. THOMAS. No, Mr. Speaker.

The SPEAKER. Well—

Mr. THOMAS. I have not concluded the interrogation.

The SPEAKER. —under this debate that you are presently engaged in, you should be interrogating, not debating. If you have questions, you ask your questions. Do not speak generally on the subject. Ask the questions that you are trying to seek the answers to and then make your statement in conclusion.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, why does the conference committee report address the issue of concealed weapons?

Mr. GODSHALL. Mr. Speaker, I really am not sure that we do except in the fact that, as I said before, if you have a right to carry from an outside State, you can carry in your car as you are going through Pennsylvania, which was an issue that came up, and an issue of fact; I do not know who brought it up. Other than that, you know, there is nothing in here that I know of that we watered down, or any other term you want to use, as far as concealed weapons. All the punishments that were in the bill and all the penalties that were in the bill before pertaining to concealed weapons to the best of my knowledge are still there.

Mr. THOMAS. Mr. Speaker, on registration. Why does the conference committee report address the issue of registration?

Mr. GODSHALL. Why, you say, did we not address—

Mr. THOMAS. No. Why is the issue of registration addressed in the conference committee report?

Mr. GODSHALL. That is a good question, and I am very happy to answer it.

The issue of registration is addressed in the conference committee report simply because the form that was required to be filled out for long guns was exactly the same as it was for handguns. The State Police in their wisdom decided that there should be one form for both handguns and long guns, and what was happening was the State Police, for long guns, had the same form filled out, it was sent to Harrisburg, and to a lot of people who were buying long guns, when that form was sent in to Harrisburg, it looked like it was going to be used for registration and in fact could be kept by the State Police and be made a form of registration.

And indeed, actually what that form was being sent to the State Police for was for an audit trail, because every time somebody buys a long gun and/or a handgun, they pay 3 bucks to the dealer, and we want to try to make sure that \$3 comes through to the State Police. So sending the form in to the State Police was really not a form of registration, though to some it appeared that; it was merely an audit trail, and we are now saying you send the form in, but it was for no other purpose than to establish an audit trail.

Mr. THOMAS. Well, Mr. Speaker—

The SPEAKER. The gentleman will yield.

### GUESTS INTRODUCED

The SPEAKER. The Chair at this time would like to recognize the presence in the hall of the House of one of the local district justices here in Susquehanna Township, Raymond Shugars, and his wife, Alverta. They are here to the left of the Speaker. Would they please rise. They are the parents of our chief page, Cuppy, and I know they have to leave and that is the reason for interrupting the debate, and I beg your pardon for doing that.

And I have one other guest that I would like to quickly introduce, as long as I have interrupted, and that is the guest page of Representative Bard, Matthew O'Donnell, and his parents, Gina and Joe O'Donnell. Would the O'Donnells please rise.

### CONSIDERATION OF SB 282 CONTINUED

The SPEAKER. You may continue, Mr. Thomas.

Mr. THOMAS. Thank you.

Mr. Speaker, would you acknowledge the fact that when the Ryan Commission considered the whole issue of guns in the

Commonwealth of Pennsylvania, especially assault weapons and other guns, that one of the things that came out very clearly was the need for a tracking system or some kind of audit system to determine just what was coming into Pennsylvania, what was being bought and sold and transferred in Pennsylvania? Is that correct?

The SPEAKER. The gentleman will yield.

What was or was not considered at that time I do not believe is pertinent to the question before the House now.

Mr. THOMAS. Well, Mr. Speaker—

The SPEAKER. The gentleman will yield.

The question before this House is the acceptance or rejection of this conference report, and I think you are stuck with the contents of this conference report.

Mr. THOMAS. That is correct, Mr. Speaker, but, Mr. Speaker, the reason that there is relevance is because the conference committee report appears to remove any need for auditing or tracking of weapons in the Commonwealth of Pennsylvania, and I am just trying to find out, I am just trying to find out, one, why we even needed a conference committee report, who is requesting changes in Act 17, and I think—

The SPEAKER. Well, there is a conference committee report because there was a conference. The conference took place because of the differences. I would ask the gentleman to give us brief answers to these lengthy questions.

Mr. THOMAS. The last question had to deal with—

Mr. GODSHALL. I have lost the question at this point, unfortunately.

Mr. THOMAS. The question relates to auditing or tracking that is contained in the conference committee report. The question is, why are we removing the need for tracking long guns?

Mr. GODSHALL. Mr. Speaker, you know, I have answered that before to the best of my ability. There was no tracking of long guns in Act 17. There was no tracking. There will be none in the conference committee report. The tracking, you are confusing the tracking with an instantaneous background check, and when the background check is completed, you know, there is no tracking. The background check makes you eligible to buy today.

Mr. THOMAS. That is correct, Mr. Speaker.

Mr. Speaker, I have concluded my questions, my interrogation. May I make a comment?

The SPEAKER. Yes, Mr. Thomas, you are in order. Go ahead.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, the data will bear out that guns are a real problem in the Commonwealth of Pennsylvania, especially in the hands of children, especially in the hands of people who under no circumstances would be eligible to purchase them, both long guns and handguns. In Philadelphia, unfortunately, people do not make a distinction between long guns and handguns, and therefore, it was my understanding that Act 17 came into fruition because we needed a statewide policy. And at the time, a lot of questions were raised; there was a lot of debate about Act 17, and at the time I heard no one, no one, articulate that Act 17 had interpretation problems and, therefore, additional clarification was needed to some parts of Act 17. At no time was there concern raised about Act 17 needing to be fundamentally or structurally changed, and therefore, I think the conference report is really an unnecessary report. I think that by adopting this conference report, we will not do anything but go back and disrupt good public policy that was established in Act 17.

And so I rise and urge members from both sides of the aisle to vote "no" on the conference committee report, because it would do

nothing but frustrate the good public policy that was outlined in Act 17. Thank you.

The SPEAKER. The Chair recognizes the lady, Mrs. Brown. Mrs. BROWN. Thank you, Mr. Speaker.

I respectfully rise in opposition to SB 282, the report of the conference committee.

The problems that exist with the Commonwealth's firearms laws will not go away. Merely tinkering with those laws through so-called technical amendments such as those contained in SB 282 will not solve the problem.

There are a number of troubling issues raised by SB 282. I will address these individually, as follows:

First, the bill defines a "loaded firearm" to include any pistol which uses a detachable magazine, as long as the magazine contains ammunition and is carried in the same container or compartment as the pistol. In a later section, the bill declares that the offense of carrying a loaded weapon in a vehicle without a concealed carry license would be graded as a felony of the third degree. This penalty is too harsh.

Since there is no definition of "container" or "compartment," it is entirely conceivable that a constituent in one judicial district could remove the magazine from his gun, place the gun in a Tupperware container on the front seat, put the magazine on top of the Tupperware, and a judge would find him innocent of the aforementioned offense.

In another judicial district, a constituent could remove the magazine from his gun, place the gun in an open gym bag in the hatchback of his car, put the magazine in an open box on the floor under the dash, and face a fine of up to \$15,000 and up to 7 years in prison. This is ridiculous.

Second, the bill would allow an individual prohibited from possessing firearms up to 60 days to transfer any guns which he owns to another person not residing in the same household. It is inherently unfair that residents of the same household are prohibited from purchasing those firearms.

It is legitimate to deny the right to own a firearm to a criminal. It is not legitimate, however, to deny the constitutional right to own a firearm to that person's spouse, children, or parents simply because they live under the same roof. Does the son have to pay for the sins of the father? Under SB 282, he does.

Third, under SB 282, once the instantaneous background system is in place, if the system should ever fail for a significant period, firearms dealers would be prohibited from selling any firearms for 48 hours. Anyone who has had any experience with computers can tell you that just like any other machine, they break, but each time this computer breaks—

The SPEAKER. Will the lady yield.

The conference in the rear of the hall, please break up.

The lady may proceed.

Mrs. BROWN. Thank you, Mr. Speaker.

Each time the computer breaks, every firearms dealer in Pennsylvania could lose up to 2 days' worth of income. If it breaks down the week before deer season opens, as computers often do during periods of heavy activity, I would guess that our district office phones will be ringing off the hook.

Fourth, the new procedures for individuals involuntarily committed to mental institutions are a step in the right direction, but the language is still too sloppy to distinguish between appropriate and inappropriate cases for the loss of the right to keep and bear arms.

Fifth, SB 282 does make an effort to amend Pennsylvania's firearms law to avoid a system of registration for purchasers of long guns, and that is commendable.

I would like to spend a little bit of time talking to you about registration in this bill. At the same time, the bill just requires a new form to be used as part of a new handgun registry system. It replaces the old ill-advised handgun registration system with a new ill-advised handgun registration system.

The argument by some that this is not a "registration of gun ownership" is pure semantics. The basis for a comprehensive system of handgun registration is included in the recordkeeping requirements of SB 282. Despite protests to the contrary, if it walks like a duck and it talks like a duck, it is a duck, or in this case, it is handgun registration.

Even though the information and the forms would differ from previous law concerning handgun sales, SB 282 would create a registry system similar to the one noted by the Superior Court in *Commonwealth v. Corradino*. In that case, the court considered the same sort of information-gathering system that would be put into place by SB 282. The court explained the enforcement of firearms prohibitions was carried out through a system of registration under section 6111, designated and designed to uncover information about those who seek to acquire firearms. SB 282 would make a few changes but would implement the same basic registration system.

Sixth, the bill would require firearms dealers to supply the police with records of long gun sales, including the unique approval number supplied by the instant background check, prior to the implementation of the instant background check. Firearms dealers would be prosecuted for violating Commonwealth law for failure to provide the State Police with an approval number which the State Police failed to give to the dealers in the first place.

Seventh, and finally, SB 282 does not deal with a number of other problems created by Act 17, including penalties for lending a firearm to a friend while at the shooting range, the loss of the right to purchase firearms because of convictions for driving under the influence, and the new fees which place an unfair burden on firearms purchasers.

Pennsylvania gun owners demand and deserve principled representation. I have been working with them to do just that. SB 282 is only a Band-Aid on a gaping wound and does not correct a number of problems that exist in Pennsylvania firearms laws.

If there was a hole in your roof, would it do any good to try to fix only a small part of the hole? No, it would not. You would still wake up in the middle of a thunderstorm and be soaking wet. This is the problem with SB 282. Let us not waste our time on temporary cures; let us use the momentum created by Act 17 and pass firearms legislation that is fair to all and provides safety for all.

If we are going to fix the problems created by Act 17, then we should do it right. This time, SB 282 does not do this.

I am working with the grassroots, mainstream sports men and women and gun owners. They are farmers, business owners, union workers, rich, poor, rural, and urban. These groups want and demand a repeal of Act 17 and do not approve of the Band-Aid approach to fixing Act 17 which is existing in SB 282.

Organizations who have voted and supported for the repeal — and I have a list of those — the groups include, which is very impressive, the Pennsylvania Grange, Bucks County Sportsmen's Coalition, Citizens Committee for Constitutional Rights,

Delaware County Chapter of Unified Sportsmen, Gun Owners of America, Keystone Firearms Coalition, Keystone Second Amendment Association, the Pennsylvania Gun Owners Association, the Pennsylvania Sportsmen's Association, Warren County Gunowners Group, the Pennsylvania Trappers, the Conneaut Valley Sportsmen's Club, Albion Sportsmen's Club, Rainbow Sportsmen's Club, and the Venango County Coon and Fox Club.

I have petitions in front of me. These petitions represent the entire Commonwealth. There are 16,674 signatures. I want to share a number of signatures and the counties which they represent. This is only a beginning. As the old saying goes, "You ain't seen nothin' yet": Allegheny County, 318; Armstrong County, 112; Berks, 50; Butler, 428; Cameron, 1,320; Centre, 51; Clarion, 376; Clearfield, 472; Crawford County, 3,882; Elk, 491; Erie, 2,692; Forest, 249; Franklin County, 284; Indiana County, 144; Jefferson County, 1,067; Lawrence County, 50; Lycoming, 831; Luzerne County, 86; McKean, 446; Mercer, 172; Montour, 470; Potter, 1,167; Schuylkill, 50; Somerset, 50; Venango County, 728; Warren, 436; Washington, 220; Westmoreland, 484.

These petitions have only been out for several weeks, and as you can see, there is a growing concern of the grassroots groups that they are against patching and tinkering with SB 282 and they support a repeal.

If Act 17 and the corrections to Act 17 would address the problems of criminals obtaining firearms, I would support it, but it does not. There is a philosophy difference on instant background checks. Some people and Act 17 and SB 282 support instant background checks on all firearms. I support instant background checks for handguns only at this point.

You have a choice. You will hear that if SB 282 fails to pass, sports men and women, gun owners, and the firearms dealers may have to live with admittedly unclear language of some sections of Act 17 for a long time to come. Your choice is clear. I have an amendment to HB 881 so that you can go back to the way the law was before Act 17 and SB 282, and remember, we already have firearms laws on the books.

In closing, I would respectfully ask for support from my colleagues on both sides of the aisle and ask them to please join me in opposing the Conference Committee Report on SB 282. Thank you.

The SPEAKER. The gentleman from Warren, Mr. Lynch.

Mr. LYNCH. Thank you, Mr. Speaker.

Although I recognize that the work on the conference committee report is an improvement over Act 17, I think it still has a long way to go, and I am going to have a difficult time supporting something that has a long way to go. And I want to point out the one area that I have a real major problem with, and that is in the area of the DUI (driving under the influence).

Mr. Speaker, could I have some quiet, please?

The SPEAKER. Conferences on the floor, please break up. Conferences on the floor, please cease.

Mr. LYNCH. Thank you, Mr. Speaker.

As I was saying, while I realize this improves some of the problems we have had with Act 17, the major problem I have with this — and I think a lot of people may not be aware that it is even in there, quite frankly — and that is the problem with the DUI in that if you are convicted of a DUI three times in 5 years, you would be unable to purchase a weapon for 10 years. Now, this is what I call a mismatch between function and responsibility. There is absolutely no relationship between DUI, or alcohol abuse for that

matter, and gun ownership. The problem that I see here is, given the time down the road, 5, 6, 7 years, some group like Handgun Control, Incorporated, is going to come in here and say, well, wait a minute; if you get convicted of jaywalking three times in 5 years, you are not going to be able to purchase a gun for 10 years, and it would be hard to argue with them, because that has about as much bearing on gun ownership abuse as DUI does.

For that reason I am going to oppose this conference committee report.

### PARLIAMENTARY INQUIRY

Mr. LYNCH. I would also ask, Mr. Speaker, is it in order to ask a conference committee report to be recommitted to the conference committee?

The SPEAKER. No, it is not.

Mr. LYNCH. Is it in order for it to be tabled?

The SPEAKER. No, it would not be.

Mr. LYNCH. Well, is there anything that I could do? I mean—

The SPEAKER. You may vote "yes" or "no."

In brief, a conference committee report is one of the few issues that come before us where there are relatively few alternatives, and the few alternatives you have are "yes" and "no." It cannot be amended, it cannot be recommitted, it cannot be postponed once it is called up, it cannot be put on the table, according to the manuals and the parliamentary procedures that we have before us.

Mr. LYNCH. Okay. So I have no options other than voting. This cannot be put over; it cannot be tabled; it cannot be recommitted; nothing. I mean, there must be something, surely.

The SPEAKER. The question of postponing would be a new question. The question to recommit and the question to table would be answered against you on the basis of earlier rulings and on the basis of Mason's Manual.

Mr. LYNCH. Okay. Then I have a parliamentary inquiry.

The SPEAKER. Jefferson's Manual; pardon me.

Mr. LYNCH. Parliamentary inquiry.

If I make a motion to postpone, what would be the outcome of that if it were to be postponed?

The SPEAKER. It would depend on the way your motion is framed. If your motion is framed to postpone it until the next legislative day and your motion carried, well, then it would be before us on the next legislative day.

Mr. LYNCH. Yeah. That is a good point.

Could I have 1 second, please?

May I approach the Speaker's rostrum?

The SPEAKER. Indeed.

(Conference held at Speaker's podium.)

### FILMING PERMISSION

The SPEAKER. The House is advised that permission is given to John Sanks of channel 6 to take videotape with audio on the floor.



### CONSIDERATION OF SB 282 CONTINUED

The SPEAKER. The gentleman, Mr. Lynch.

Mr. LYNCH. Thank you, Mr. Speaker, and I know it is the day before we break for Thanksgiving, and I apologize for the delay, and I thank you and the Parliamentarian for the clarifications.

I guess at this point the only thing I can say is that I strongly urge a "no" vote on this conference committee report, and I say again, because I know I will hear this more from other people who debate following me that, yes, this is probably better than Act 17, but I do not think we should be voting for something necessarily because it is something better. I think that we need to make a stand here and say, hey, this is not what we want, and we need to get this legislation out of there. As I said, I am particularly concerned about the DUI part, and again, I strongly ask my colleagues to vote "no" on this. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Franklin, Mr. Fleagle.

Mr. FLEAGLE. Thank you, Mr. Speaker.

Mr. Speaker, would Representative Godshall stand for a brief interrogation?

The SPEAKER. The gentleman, Mr. Godshall, indicates he will stand for interrogation. The gentleman, Mr. Fleagle, may begin.

Mr. FLEAGLE. Thank you, Mr. Speaker.

Mr. Speaker, as you are well aware, one of the problems that we had with Act 17 was the fact that its effective date caught many gun dealers, particularly in my district, unaware, and I am not making excuses for them, but certainly, they were not prepared to handle all the paperwork that went along with some of the regulations that went along with that act. Most of the provisions of this Conference Committee Report on SB 282 take effect immediately.

Now, I realize that you cannot tell me— Maybe you can tell me when the Governor is going to sign this, but I realize that that might be a wild card, and we do not know if he is going to sign it this afternoon, should we pass it, or next week. My concern though is that in this the hunting season, particularly with deer season almost upon us and this being probably the busiest season of my gun dealers, what provisions will be made to, I guess you would say, get the word out that this bill has been signed into law so that these gun dealers can react quickly in order not to be confused like they were on Act 17. If you could elaborate on that and tell me what provisions are going to be made, I would appreciate it.

Mr. GODSHALL. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Godshall.

Mr. GODSHALL. Mr. Speaker, that question is a good question, and the State Police this time are not only going to be sending out a simple-worded directive — I understand there are envelopes actually in place to do that right now — but a simple-worded directive will be also looked over by people in the Governor's Office, and it will go out like almost immediately.

Also, Mr. Speaker, what they have agreed to do is actually hold training sessions for the gun dealers in order to make sure they fully understand what we have here with Act 17. There will be training sessions, but beyond that, if the Governor signs this immediately, automatically the restriction pertaining to long guns and filling out the forms is going to be waived, and it would be the same process of what they used prior to Act 17, meaning you fill out the Federal form, one part remains with the dealer, one part goes to the gun buyer, and that is it.

So I would say it would probably be taken care of posthaste.

Mr. FLEAGLE. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Jarolin.

Mr. JAROLIN. Thank you, Mr. Speaker.

You know, I get around to a lot of these gun dealers, and I get around to a lot of sportsmen and everything else, and all I have heard is bad news about this particular piece of legislation.

I am going to be very brief on this. I am just going to ask for a nonconurrence vote, send it back, and let the darn thing get straightened out so everybody is happy. The arguments on both sides of the aisle, it seems to me that nobody really knows what they want, and I think this is a time to vote "no" on concurrence, send it back, and let it get straightened out. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Speaker.

I, too, rise to ask for a "no" vote on the SB 282 Conference Committee Report.

Many of the arguments against the bill have been presented earlier. Simply stated, when we voted on this bill in the spring, I thought it was an increase in gun registration and taking away our constitutional rights. The conference committee report does very little to correct that problem, and therefore, I oppose the conference committee report, and I ask my colleagues to join me in that. Thank you very much.

The SPEAKER. The gentleman, Mr. Phillips, from Northumberland.

Mr. PHILLIPS. Thank you, Mr. Speaker.

I rise to support the Conference Report on SB 282.

I think the problem we initially run into is when the State Police put out misinformation on their temporary regulations. What should have been done at that time is they should have conferred with those who were involved, and as those regulations would have been drawn up, we would have saved a lot of this problem.

We also have a lot of groups out there that are putting out misinformation as to what this legislation will do. I have been in contact with many of our gun shops, our gun store owners, and we looked and we addressed a few problems that they wanted clarified.

I know many of you heard that on the \$3 charge, there was sales tax on that. That has been taken away.

The reporting is very important. It was cumbersome, and that has been put down, when it goes into effect in 1997, that we would only have one form in triplicate, and all that will be on that form is information on the person who is purchasing the gun. There will be no information, none whatsoever, as to the make of the rifle or shotgun or the serial number, and the purpose of that is, we do not want to see any registration take place of any kind, and that is why this was addressed, and it was addressed in the fashion that after 72 hours of completing the report, that form has to be destroyed, and there is a severe penalty of up to \$250 per entry to anybody who would try to do registration, and I think that is important, and that will take care of the concerns that many have in that particular area.

There was one other thing that was in, that they had to report in 6 hours any sales of any handguns or long weapons, and it had to be reported and sent in to the State Police within 6 hours by certified mail. That has been changed to 14 days and to first-class mail, so that extreme cost will not be there for them as they mail in their reports.

You know, we have to be aware that even today anybody that purchases handguns or even long guns, the Federal Government

still requires in most cases that they fill out a form and they swear on that form that they have not been charged with the offenses that are listed in here, all except about six or seven.

I think the question here is, do you really believe that all guns should come under an instant background check? Do you believe that those who have lost their right — and certain individuals have lost that right to bear those arms — do you believe that they still have the right to go out and purchase rifles and shotguns and they do not have the right to purchase handguns? It is my belief, if we are going to get a little sanity into our gun laws, that all individuals should be required to go through an instant background check and should be checked whether they buy handguns or whether they buy long arms.

Therefore, I ask for support of Conference Report 282.

The SPEAKER. The gentleman from Mercer, Representative King.

Mr. KING. Thank you, Mr. Speaker.

May I interrogate Representative Godshall on this matter?

The SPEAKER. The gentleman indicates he will stand for interrogation. You may begin.

Mr. KING. Mr. Speaker, could you clarify a question I have in mind concerning bringing firearms — rifles, shotguns — into the State of Pennsylvania at the present time. Is there any change in that law, in Title 17?

Mr. GODSHALL. Not to the best of my knowledge.

Mr. KING. We have a lot of former Pennsylvania residents coming into the Commonwealth at this time of the year, Thanksgiving, who will be purchasing out-of-State licenses to go deer hunting. Can they now come into the State without the concern that their firearms would be confiscated, since they do not come into the State with a license?

Mr. GODSHALL. The licensing procedure is only for handguns. It has nothing to do with long guns.

Mr. KING. Okay. That is all I want to know. That is all I am trying to clarify here, that there is no problem for someone bringing a rifle into the State prior to his purchasing a hunting license.

Mr. GODSHALL. Absolutely, totally not.

Mr. KING. Thank you.

Mr. GODSHALL. In no way, shape, or form.

The SPEAKER. The gentleman from Philadelphia, Mr. James.

Mr. JAMES. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the report before the House. SB 282 would amend the Uniform Firearms Act of 1995, and if you remember back in June, Mr. Speaker, the General Assembly made an attempt to strengthen Pennsylvania's lax gun laws and improve the quality of life in communities throughout the State. The House then praised the legislation they believed would accomplish those goals, proudly sending it to Governor Ridge, who enacted it. That legislation not only made an attempt to make people responsible for the consequences of their actions, but it tried to make sure irresponsible individuals did not have the opportunity to act.

Well, Mr. Speaker, that legislation has had an unforeseen impact.

In the city of Philadelphia, since October 11, when the Uniform Firearms Act of 1995 went into effect—

Mr. GODSHALL. Mr. Speaker, we are on the conference committee report, I believe is what is before the House.

The SPEAKER. That is correct. The gentleman's remarks should be restricted to the question of the adoption of the conference committee report, SB 282, PN 1563.

Mr. JAMES. Thank you, Mr. Speaker.

My remarks are to the conference committee report, and it is why I think that we should oppose it.

So when that went into effect, more than 3,000 gun applications had been issued. However, between October 11, 1994, and October 10, 1995, the total number of applications for that 1 year was only 1,160. So, Mr. Speaker, you can see that just in a little over 2 months since the new law has been in place, the number of gun applications in Philadelphia has more than doubled compared to the number issued during a previous 1-year period, and in fact, the daily average for processing applications has jumped from more than 20 per day to 150 per day.

Clearly, the law designed to keep guns off our streets has spurred an increase in demand and requests for firearms, so that is why I say that we should be against this conference report. SB 282 does nothing to address this shortfall, so I cannot vote for it until the problems are addressed.

Mr. Speaker, we have before us a proposal that aims to nullify some of the hard work that went into crafting a measure that met the standards set up on both sides of the aisle. We have before us a proposal that will continue to strip away some of the regulations controlling the proliferation of guns in our community. We have before us a proposal that destroys the guarantee that guns will not be put in the hands of the wrong people — juveniles, criminals, and people who are mentally ill.

Gun regulations attack gun violence, not legitimate gun owners.

Perhaps the most notable change is a compromise worked out by the committee to delay criminal background checks on persons purchasing shotguns and rifles until January 1, 1997. If these proposals are good enough to be put in place by 1997, why are they not good enough, Mr. Speaker, to be put in place today? Why do we have to wait a year? We have already taken some action on this issue, and we need to stand firm on the commitment we have made.

As a retired police officer who worked the streets for more than 20 years, I understand the need for strict gun regulations. I witnessed the violence firsthand. The availability and overabundance of guns are devastating communities across this Commonwealth and in our neighborhoods.

Our local law enforcement officials are capable of policing area neighborhoods. They are capable of protecting our citizens from criminals, but only, Mr. Speaker, when we work together.

SB 282 does make great strides in working to expand the definition of "law enforcement officers," and that is what is good about it. However, that does little to help them in their role of protecting the public, especially when the report also recommends eliminating a provision that provides liability protection for mental health professionals who report to law enforcement officials about dangerous patients who have access to firearms.

This, Mr. Speaker, is a glaring oversight. Eliminating the effective policies keeping guns from reaching our streets is an insult to the men and women who patrol high-risk urban and rural areas. If we eliminate those effective policies, it is a deliberate assault against those who place their lives in peril for our welfare.

Police officers work to protect our neighborhoods. They work to take guns off the streets. Reintroducing the lax regulations we abolished earlier contradicts their efforts.

As the Democratic chairman of the House Judiciary's Subcommittee on Crime and Corrections, I recognize the measures we need to take. As a member of the House select committee set up to investigate the use of automatic and semiautomatic weapons, I spent more than 50 hours listening to nationally recognized experts, crime victims, and individuals on both sides of the gun control debate.

The answer to attacking the problems of crime and violence in our communities is keeping guns off the street as well as asking law-abiding citizens to register their guns. As public policymakers, we have an obligation, Mr. Speaker, to address these problems.

As I stated earlier, the legislation passed in June has caused an increase in the number of people applying for guns in Philadelphia, and this conference report, SB 282, ignores that problem of the increased applications, omitting any provision that might curb the number of guns on our streets.

The recommendations, Mr. Speaker, of this report need to go farther, for while this report strengthens certain provisions, it weakens others. Either way, it does not go far enough to make a real impact on the sizable degree of gun use affecting our neighborhoods and our communities. So it does not go far enough to curb the dangers facing Pennsylvania residents and Philadelphia communities.

So I urge the members of this House to reject this conference committee report so we can then begin to address the real issues, so we can do something to insure public safety. Let us fix the problem in Philadelphia, let us reduce the alarming increase in opportunities available to obtain gun permits in Philadelphia, and let us make sure the professionals who warn us when people applying for guns should not be doing so are able to warn us.

Mr. Speaker, how many tragedies must we witness?

If this report is adopted, I am hopeful that the members of the House will not let this issue drop. There is a great deal of work that needs to be done, and simply passing this conference report will not achieve those goals.

Additionally, I would hope that we, as public policymakers, not only authorize the oversight commission to look at compliance with the law but also urge them to study and develop initiatives that would address public safety and the violence affecting our communities.

This is a real problem. There is real gun violence in our streets. Gun laws are broken, and we need to fix them, and we need real solutions, and this does not get it. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

*I guess what we have today is a good compromise, because I have listened for the last hour to some people say that this bill goes too far in one direction and some people who say this bill goes too far in the other direction. So I think maybe that indicates that the conference committee achieved its purpose of striking a reasonable balance in dealing with the issues which had been raised since the law was changed in June.*

Let me try to respond and give some answers to some of the questions which were raised during the debate today. The question was raised, why are we doing this; what compelled us into this situation? The fact is that many of us voted for Act 17 in June with the clear understanding and expectation that the background check on rifles and shotguns would not go into effect until 1999 or whenever it was that the computer system would be up and running. What we found out when the State Police sent out the

interpretation was that there was some language in the law which was contrary to that and that that background check is in effect today, and that from my perspective was the primary reason why I thought the current law needed to be changed.

Now, people say, well, we are going to lose a lot when we put off that background check until January 1 of 1997, but let us understand how that background check works for rifles and shotguns today. I go into Wal-Mart, and I want to buy a 12-gauge shotgun, and I fill out the papers, and I pay my money, and I walk out the door with my shotgun. The dealer then sends those papers to Harrisburg to the State Police, and sometime down the road the State Police may get around to running through their records to determine whether or not I have a criminal record and that I have been convicted of a crime which would disqualify me from possessing a firearm.

Let us assume that the State Police discover a disqualification. What is the remedy? The remedy is that somebody has to come out and find me and confiscate that shotgun, and we all know about another confiscation system on licenses for people who do not have insurance, and we know how well that has not worked for many, many years. Well, I suspect that we are not going to find very many bad disqualifications in the case of the purchases of rifles and shotguns. I suggest that when we do find some, we are not going to find the people when we go out to look for them, and maybe in a small percentage of cases when we go out to look for them, we are going to have a tragedy. So I do not think we are losing very much from those who wanted that instant check to go into effect today, that we are losing very much by putting it off until January 1 of 1997.

Now, for those who say that it should not go into effect at all until the instant check is available, that is my position. Unfortunately, that is not the position of a majority of the conference committee. So the question is, what do we do today?

Some people who think that we should make the law what it was or what we thought it was back in June are saying, vote "no"; vote "no." And you may vote "no," and you are going to go home and all of the gun dealers in your district are going to continue to have to send all of those papers to Harrisburg, and your county sheriff is going to continue to get a piece of paper that he has absolutely nothing to do with, but he is going to continue to get that piece of paper. And for those of you who are worried that somehow a registry is going to be formed, you are building up those pieces of paper and that information over on Elmerton Avenue, and so I do not understand how you are better off by continuing the law the way it is today. It seems to me that adopting the conference report on that point goes a big step in the right direction.

Now, there was also a question raised with regard to transferring possession of a firearm to someone else in your family, and the point of that is that if you are disqualified from having the firearm but your spouse or your child living in the same household takes possession, that is a ruse. We all know you still have access to that firearm, and therefore, we cannot enforce that disqualification. What you need to understand is, if you vote "no" today, there is no grace period, there is no 60-day period in which you can transfer this to someone else. You are not supposed to have that gun immediately.

And so once again you may vote "no" and think you have done a great and glorious thing for gun owners, but in fact what you have done is you have said that until you can get the law changed to the way you like it, which I think is going to be a long time

down the road, that guns can be confiscated immediately and people who have a temporary disability will have no opportunity to transfer those guns to somebody who will give them back when that disqualification has been removed.

Now, we also heard something about, well, what happens if the computer is out for over 48 hours? We all know how the computer at PennDOT sometimes goes down, and it is possible that the computer can be out for a long time, and people say vote "no"; vote "no"; vote "no" because it is going to be out for over 48 hours and we are not going to be able to buy guns. But the fact of the matter is, if you do not pass SB 282 and there is a computer which goes down, there is no time limit, there is no point until that computer is back in operation that you will be able to buy guns. So this bill is better than the current law.

Mr. Speaker, it was suggested that what was done on the issue of involuntary commitment for mental illness does not go far enough. What we have done is to, number one, say that if a psychiatrist who examines you in the first 2 hours determines that there was no basis for your commitment, that your record is expunged. Number two, we have said that if you are subsequently before a judge, you have the right to challenge your original commitment on the grounds that there was not sufficient evidence for that commitment, and if you can demonstrate that there was not sufficient evidence, you then have the disqualification removed.

But most importantly, forget those first two. Say, oh, those are arcane, technical points; nobody understands that. Under the law today and under the law tomorrow if you defeat this conference report, if you have been committed for 2 hours and let go on the grounds that there was nothing wrong with you, you may not go to court to get the disqualification lifted for 5 years. And when you vote "no" today, if you are successful in defeating this conference report, you go home and explain why that is better than what is in this bill, which says that you may go back in the next day after your release and petition the court and the court may determine that the disqualification should be lifted immediately based on a determination that you are not a threat.

Now, Mr. Speaker, it was also suggested that somehow we are going to have a registry created because of the unique approval number, and once again, Mr. Speaker, the point is, if you defeat this bill, those unique approval numbers and whose name goes with those will pile up over on Elmerston Avenue.

It was suggested that somehow the issue of DUI needed to be addressed, and I will confess, this bill does not change anything. It does not make it better; it does not make it worse. So defeating this bill is not going to get you where you want to go on that issue.

It was suggested that we had a problem with mental health professionals, and I know this is a sensitive issue, but let us understand what was done. Back in June there was a provision put into the law which granted immunity to psychiatrists and psychologists who reported to the police that there was someone in their care who had a gun and who could be dangerous. The request to change this did not come from the sportsmen's organizations. The request to change this came from the State Police and the administration, and I think the concern is that the police have no legal authority to do anything when they get that information.

The law prior to June said that you were as a mental health professional supposed to make your report to the mental health officer in support of a motion for involuntarily committing that person, and if you do that, you have immunity if you are acting in good faith. And it seems to me that what we ought to be doing is encouraging people, psychiatrists and psychologists, to take that

information to the officials who have the legal authority to do something about it, not the police officers who have no legal authority to do anything about it.

In addition, Mr. Speaker, it was suggested that there has been a big increase in the sale of handguns in Philadelphia since June, since the law was changed, and that apparently, based on the statistics that I have heard, is correct. The problem is that that was something that was done in June. This conference report does not change the law on that at all. It does not make it better; it does not make it worse, and so voting against the conference report is not going to accomplish anything. If you have a separate bill or a separate amendment to offer to another piece of legislation, you can get that issue before us, but voting against the conference report does not produce that result.

Finally, Mr. Speaker, it has been suggested that this is a bill which should be defeated because sportsmen are against it, and I am sure there are some sportsmen against it, but we have letters -- one from the Pennsylvania Federation of Sportsmen's Clubs, one from the National Rifle Association -- to all members asking us to vote "yes" on this conference report. In fact, the letter from the National Rifle Association points out that the Pennsylvania Federation of Sportsmen's Clubs, the Pennsylvania State Fish and Game Protective Association, the Philadelphia Federation of Sportsmen's Clubs, and the Unified Sportsmen of Pennsylvania support the conference report. Mr. Speaker, I ask that we do the same.

On the question recurring,

Will the House adopt the report of the committee of conference?

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

#### YEAS-153

Adolph	Fairchild	Marsico	Semmel
Allen	Fajt	Masland	Serafini
Argall	Fargo	Mayernik	Shechan
Armstrong	Farmer	McCall	Smith, B.
Baker	Feese	Melio	Snyder, D. W.
Barley	Fichter	Merry	Staback
Battisto	Fleagle	Michlovic	Stairs
Bebko-Jones	Flick	Micozzie	Steelman
Belardi	Gamble	Miller	Steil
Belfanti	Gannon	Mundy	Stem
Birmelin	Geist	Nailor	Stetler
Blaum	George	Nickol	Stish
Boscola	Gigliotti	Nyce	Strittmatter
Browne	Gladeck	O'Brien	Sturla
Bunt	Godshall	Perzel	Tangretti
Buxton	Gordner	Pesci	Taylor, E. Z.
Caltagirone	Gruitza	Petrarca	Taylor, J.
Cappabianca	Habay	Petrone	Tigue
Carone	Haluska	Pettit	Trello
Cawley	Hanna	Phillips	Trich
Chadwick	Hennessey	Pistella	True
Civera	Herman	Pitts	Tulli
Clark	Hershey	Platts	Vance
Clymer	Hess	Preston	Van Home
Colafella	Kaiser	Raymond	Veon
Conti	King	Readshaw	Vitali
Corrigan	Krebs	Reber	Walko
Cowell	Kukovich	Reimard	Waugh
Coy	LaGrotta	Roberts	Wogan
Daley	Laughlin	Rohrer	Wozniak
DeLuca	Lawless	Rubley	Wright, D. R.
Dempsey	Leh	Rudy	Wright, M. N.

Dent	Lescovitz	Sainato	Yewcic
Dermody	Levdansky	Santoni	Zimmerman
DeWeese	Lloyd	Sather	Zug
DiGirolamo	Lucyk	Saylor	
Donatucci	Maitland	Schroder	Ryan,
Druce	Major	Schuler	Speaker
Durham	Markosek	Scrimenti	

**NAYS—44**

Bard	Curry	Josephs	Ramos
Bishop	Egolf	Keller	Rieger
Boyes	Evans	Kenney	Robinson
Brown	Harhart	Kirkland	Roebuck
Butkovitz	Hasay	Lederer	Rooney
Carn	Horsey	Lynch	Smith, S. H.
Cohen, I. I.	Hutchinson	Manderino	Surra
Cohen, M.	Itkin	McGeehan	Thomas
Colaizzo	Jadlowiec	McGill	Washington
Cornell	James	Myers	Williams
Corpora	Jarolin	Oliver	Youngblood

**NOT VOTING—0**

**EXCUSED—5**

Gruppo	Olasz	Shaner	Travaglio
Mihalich			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

**CONDOLENCE RESOLUTION**

The SPEAKER. The Sergeant at Arms will close the doors of the House. We are about to take up a condolence resolution on the death of a former member of this House. The members will please take their seats.

The clerk will read the resolution.

The following resolution was read:

**COMMONWEALTH OF PENNSYLVANIA  
THE HOUSE OF REPRESENTATIVES**

**RESOLUTION**

WHEREAS, Bernard J. "Ben" Dombrowski, a former member of the House of Representatives, passed away at the age of sixty-six; and

WHEREAS, Mr. Dombrowski served with distinction as a member of the House of Representatives for ten terms; and

WHEREAS, During his tenure as a legislator, Mr. Dombrowski served on many committees and task forces and held many positions, including Majority Caucus Administrator, Vice Chairman of Tourism for the Business and Commerce Committee and Chairman of the Subcommittee of Urban Affairs for Third Class Cities; and

WHEREAS, Mr. Dombrowski was also an outstanding community and civic leader, for which he received the Distinguished Pennsylvanian Award; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with deep sadness the passing of Bernard J. Dombrowski, a distinguished public servant and

dedicated former member; extend heartfelt condolences to his wife, Eleanor M. Dombrowski; daughter, Marian Husted; sons, Donald and Mark; and grandchildren; and be it further

RESOLVED, That a copy of this resolution be transmitted to Mrs. Eleanor M. Dombrowski.

We hereby certify that the foregoing is an exact copy of a resolution introduced in the House of Representatives by the entire Erie Delegation and unanimously adopted by the House of Representatives.

Matthew Ryan  
Speaker of the House  
ATTEST:  
Ted Mazia  
Chief Clerk of the House

On the question,  
Will the House adopt the resolution?

The SPEAKER. Those in favor of this resolution will rise and remain standing as a mark of respect for the deceased former member.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable Bernard J. Dombrowski.)

The SPEAKER. The resolution has been unanimously adopted. The Sergeant at Arms will open the doors of the House.

**RULES SUSPENDED**

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

Mr. PERZEL. Mr. Speaker, I ask that the rules of the House be now suspended to permit HB 2189 on page 2 to be voted upon.

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

The following roll call was recorded:

**YEAS—179**

Adolph	Druce	Levdansky	Santoni
Allen	Durham	Lloyd	Sather
Argall	Egolf	Lucyk	Saylor
Armstrong	Evans	Major	Schroder
Baker	Fairchild	Manderino	Schuler
Bard	Fajt	Markosek	Scrimenti
Barley	Fargo	Marsico	Semmel
Battisto	Farmer	Masland	Serafini
Bebko-Jones	Feese	Mayernik	Sheehan
Belardi	Fichter	McCall	Smith, B.
Belfanti	Fleagle	McGeehan	Smith, S. H.
Birmelin	Flick	McGill	Snyder, D. W.
Bishop	Gamble	Melio	Staback
Blaum	Gannon	Merry	Stairs
Boscola	Geist	Michlovic	Stern
Boyes	George	Micozzie	Stetler
Brown	Gigliotti	Miller	Stish
Browne	Gladeck	Mundy	Strittmatter
Bunt	Godshall	Nailor	Sturla
Butkovitz	Gordner	Nickol	Surra
Buxton	Gruitza	Nyce	Tangretti
Caltagirone	Habay	O'Brien	Taylor, E. Z.
Cappabianca	Haluska	Oliver	Taylor, J.
Carn	Harhart	Perzel	Trello
Chadwick	Hasay	Pesci	Trich
Civera	Hennessy	Petrarca	True

Clark	Herman	Petrone	Tulli
Clymer	Hershey	Pettit	Vance
Cohen, L. I.	Hess	Phillips	Van Horne
Cohen, M.	Horsey	Pistella	Veon
Colafrella	Itkin	Pitts	Vitali
Colaizzo	Jadlowiec	Preston	Walko
Conti	Jarolin	Ramos	Waugh
Cornell	Josephs	Raymond	Williams
Corpora	Kaiser	Readshaw	Wogan
Corrigan	Keller	Reber	Wozniak
Cowell	Kenney	Reinard	Wright, D. R.
Curry	King	Rieger	Wright, M. N.
Daley	Kukovich	Roberts	Yewcic
DeLuca	LaGrotta	Roebuck	Youngblood
Dempsey	Laughlin	Rohrer	Zimmerman
Dent	Lawless	Rooney	Zug
Dermody	Lederer	Rubley	
DeWeese	Leh	Rudy	Ryan,
DiGirolamo	Lescovitz	Sainato	Speaker
Donatucci			

NAYS-17

Carone	Kirkland	Myers	Steil
Coy	Krebs	Platts	Thomas
Hanna	Lynch	Robinson	Tigue
Hutchinson	Maitland	Steelman	Washington
James			

NOT VOTING-1

Cawley

EXCUSED-5

Gruppo	Olasz	Shaner	Travaglio
Mihalich			

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.

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

Mr. GEIST. Mr. Speaker, a question of the Chair before we get into any more lengthy debate here. Weather forecasts and reports from the west have it snowing heavily. Could you give us any idea of how long we are going to be in session and what the rest of the evening will hold for us ?

The SPEAKER. I have it on the very best of authority, if the debate is shortened considerably, we will be out of here by 5 o'clock, which is 25 minutes.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 2189, PN 2763**, entitled:

An Act amending the act of July 5, 1989 (P.L.166, No.31), known as the Phosphate Detergent Act, changing the expiration date.

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.  
The question is, shall the bill pass finally?  
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS-197

Adolph	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	Sheehan
Bebko-Jones	Fichter	Masland	Smith, B.
Belardi	Fleagle	Mayernik	Smith, S. H.
Belfanti	Flick	McCall	Snyder, D. W.
Birmelin	Gamble	McGechan	Staback
Bishop	Gannon	McGill	Stairs
Blaum	Geist	Melio	Steelman
Boscola	George	Merry	Steil
Boyes	Gigliotti	Michlovic	Stern
Brown	Gladeck	Micozzie	Stetler
Browne	Godshall	Miller	Stish
Bunt	Gordner	Mundy	Strittmatter
Butkovitz	Gruitza	Myers	Sturla
Buxton	Habay	Nailor	Surra
Caltagirone	Haluska	Nickol	Tangretti
Cappabianca	Hanna	Nyce	Taylor, E. Z.
Carn	Harhart	O'Brien	Taylor, J.
Carone	Hasay	Oliver	Thomas
Cawley	Hennessey	Perzel	Tigue
Chadwick	Herman	Pesci	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	True
Clymer	Horsey	Pettit	Tulli
Cohen, L. I.	Hutchinson	Phillips	Vance
Cohen, M.	Itkin	Pistella	Van Horne
Colafrella	Jadlowiec	Pitts	Veon
Colaizzo	James	Platts	Vitali
Conti	Jarolin	Preston	Walko
Cornell	Josephs	Ramos	Washington
Corpora	Kaiser	Raymond	Waugh
Corrigan	Keller	Readshaw	Williams
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	Roebuck	Youngblood
Dent	Laughlin	Rohrer	Zimmerman
Dermody	Lawless	Rooney	Zug
DeWeese	Lederer	Rubley	
DiGirolamo	Leh	Rudy	Ryan,
Donatucci	Lescovitz	Sainato	Speaker
Druce	Levdansky	Santoni	

NAYS-0

NOT VOTING-0

EXCUSED-5

Gruppo	Olasz	Shaner	Travaglio
Mihalich			

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 **SB 432, PN 1565**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for mediation in divorce and custody matters and for disclosure of child support arrearage information; and adding the definition of "consumer reporting agency".

On the question,

Will the House agree to the bill on third consideration?

Mr. **KREBS** offered the following amendment No. **A5948**:

Amend Title, page 1, line 2, by inserting after "Statutes," further providing for involuntary termination of parental rights;

Amend Bill, page 1, lines 8 and 9, by striking out all of said lines and inserting

Section 1. Section 2511(b) of Title 23 of the Pennsylvania Consolidated Statutes is amended and subsection (a) is amended by adding a paragraph to read:

§ 2511. Grounds for involuntary termination.

(a) General rule.—The rights of a parent in regard to a child may be terminated after a petition filed on any of the following grounds:

\*\*\*

(8) The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency, the conditions which led to the removal or placement of the child continue to exist, the parent has not remedied those conditions within 12 months from the date of removal or placement, the services or assistance reasonably available to the parent has not remedied the conditions which led to the removal or placement of the child within 12 months from the date of removal or placement and termination of the parental rights would best serve the needs and welfare of the child.

(b) Other considerations.—The court in terminating the rights of a parent shall give primary consideration to the developmental, physical and emotional needs and welfare of the child. The rights of a parent shall not be terminated solely on the basis of environmental factors such as inadequate housing, furnishings, income, clothing and medical care if found to be beyond the control of the parent. With respect to any petition filed pursuant to subsection (a)(1) [or], (6) or (8), the court shall not consider any efforts by the parent to remedy the conditions described therein which are first initiated subsequent to the giving of notice of the filing of the petition.

\*\*\*

Section 2. Section 2512(a) of Title 23 is amended by adding a paragraph to read:

§ 2512. Petition for involuntary termination.

(a) Who may file.—A petition to terminate parental rights with respect to a child under the age of 18 years may be filed by any of the following:

\*\*\*

(4) An attorney or guardian ad litem representing a child who has been adjudicated dependent under 42 Pa.C.S. § 6341(c) (relating to adjudication).

\*\*\*

Section 3. Part IV of Title 23 is amended by adding a chapter to read:

Amend Sec. 2, page 3, line 10, by striking out "2" and inserting  
4

Amend Sec. 3, page 3, line 20, by striking out "3" and inserting  
5

Amend Sec. 4, page 4, line 19, by striking out all of said line and inserting

Section 6. This act shall take effect as follows:

(1) The amendment of 23 Pa.C.S. §§ 2511 and 2512 shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the House agree to the amendment?

#### AMENDMENT WITHDRAWN

Mr. **KREBS**. Mr. Speaker, I am withdrawing that amendment. The **SPEAKER**. The Chair thanks the gentleman.

The gentleman, Mr. **Kukovich**, do you have amendments for this bill?

Mr. **KUKOVICH**. Yes.

The **SPEAKER**. The clerk will read the **Kukovich** amendment. Mr. **KUKOVICH**. Withdrawn.

The **SPEAKER**. They are withdrawn. Thank you, Mr. **Kukovich**.

The gentleman, Mr. **Veon**. Maybe we are on a roll. Mr. **Veon**? I have the gentleman, Mr. **Veon**, listed for four amendments.

You have one? One second?

The gentleman, Mr. **Veon**, withdraws his four amendments.

Does the gentleman, Mr. **Blaum**, dare offer amendments in the face of six withdrawn amendments? He does?

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. **BLAUM** offered the following amendment No. **A6005**:

Amend Title, page 1, line 2, by inserting after "Statutes," further providing for grounds for involuntary termination of parental rights;

Amend Bill, page 1, lines 8 and 9, by striking out all of said lines and inserting

Section 1. Section 2511(a)(7) of Title 23 of the Pennsylvania Consolidated Statutes is amended to read:

§ 2511. Grounds for involuntary termination.

(a) General rule.—The rights of a parent in regard to a child may be terminated after a petition filed on any of the following grounds:

\*\*\*

(7) The parent is the father of a child [who was] conceived as a result of a rape or incest.

\*\*\*

Section 2. Part IV of Title 23 is amended by adding a chapter to read:

Amend Sec. 2, page 3, line 10, by striking out "2" and inserting  
3

Amend Sec. 3, page 3, line 20, by striking out "3" and inserting  
4

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

Amend Sec. 4, page 4, line 19, by striking out "immediately" and inserting as follows:

- (1) The amendment of 23 Pa.C.S. § 2511 shall take effect in 60 days.
- (2) *The remainder of this act shall take effect immediately.*

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

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

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is an important one – and I believe it is agreed to – to amend the adoption law in Pennsylvania adding incest as a reason for termination of parental rights in order to allow for the adoption by a loving couple who would want the child.

I believe it is an important addition to the adoption law and ask for its approval.

Mr. PERZEL. Mr. Speaker, this is an agreed-to amendment.

The SPEAKER. The Chair recognizes the majority leader, who indicates that the Blaum amendment is agreed to.

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

The following roll call was recorded:

YEAS—197

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	Sheehan
Bebko-Jones	Fichter	Masland	Smith, B.
Belardi	Fleagle	Mayernik	Smith, S. H.
Belfanti	Flick	McCall	Snyder, D. W.
Birmelin	Gamble	McGeehan	Staback
Bishop	Gannon	McGill	Stairs
Blaum	Geist	Melio	Steelman
Boscola	George	Merry	Steil
Boyes	Gigliotti	Michlovic	Stern
Brown	Gladeck	Micozzie	Stetler
Browne	Godshall	Miller	Stish
Bunt	Gordner	Mundy	Strittmatter
Butkovitz	Gruitza	Myers	Sturla
Buxton	Habay	Nailor	Surra
Caltagirone	Haluska	Nickol	Tangretti
Cappabianca	Hanna	Nyce	Taylor, F. Z.
Carn	Harhart	O'Brien	Taylor, J.
Carone	Hasay	Oliver	Thomas
Cawley	Hennessey	Perzel	Tigue
Chadwick	Herman	Pesci	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	True
Clymer	Horsey	Pettit	Tulli
Cohen, L. I.	Hutchinson	Phillips	Vance
Cohen, M.	Itkin	Pistella	Van Home
Colafiglia	Jadlowiec	Pitts	Veon
Colaizzo	James	Platts	Vitali
Conti	Jarolin	Preston	Walko
Cornell	Josephs	Ramos	Washington
Corpora	Kaiser	Raymond	Waugh

Corrigan	Keller	Readshaw	Williams
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	Roebuck	Youngblood
Dent	Laughlin	Rohrer	Zimmerman
Dermody	Lawless	Rooney	Zug
DeWeese	Lederer	Rubly	
DiGirolamo	Leh	Rudy	Ryan,
Donatucci	Lescovitz	Sainato	Speaker
Druce	Levdansky	Santoni	

NAYS—0

NOT VOTING—0

EXCUSED—5

Gruppo	Olasz	Shaner	Travaglio
Mihalich			

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. MASLAND offered the following amendment No. A6019:

Amend Sec. 1 (Sec. 3902), page 2, line 27, by striking out "shall" and inserting

may

Amend Sec. 1 (Sec. 3902), page 2, line 27, by striking out "\$20"

Amend Sec. 1 (Sec. 3902), page 2, line 28, by striking out "on all" and inserting

of up to \$20 on

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

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

Mr. MASLAND. Thank you, Mr. Speaker.

This is also an agreed-to amendment that has been reviewed with the prime sponsor of the bill, Senator Greenleaf. It changes some language to make the imposition of the fee discretionary on the court, and I think that it should have no problem. Thank you.

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

The following roll call was recorded:

YEAS—196

Adolph	Durham	Lucyk	Sather
Allen	Egolf	Lynch	Saylor
Argall	Evans	Maitland	Schroder
Armstrong	Fairchild	Major	Schuler
Baker	Fajt	Manderino	Scrimenti
Bard	Fargo	Markosek	Semmel



Barley	Farmer	Marsico	Serafini
Battisto	Feese	Masland	Sheehan
Bebko-Jones	Fichter	Mayernik	Smith, B.
Belardi	Fleagle	McCall	Smith, S. H.
Belfanti	Flick	McGeehan	Snyder, D. W.
Birmelin	Gamble	McGill	Staback
Bishop	Gannon	Melio	Stairs
Blaum	Geist	Merry	Steelman
Boscola	George	Michlovic	Steil
Boyes	Gigliotti	Micozzie	Stern
Brown	Gladeck	Miller	Stetler
Browne	Godshall	Mundy	Stish
Bunt	Gordner	Myers	Strittmatter
Butkovitz	Gruitza	Nailor	Sturla
Buxton	Habay	Nickol	Surra
Caltagirone	Haluska	Nycc	Tangretti
Cappabianca	Hanna	O'Brien	Taylor, E. Z.
Carn	Harhart	Oliver	Taylor, J.
Carone	Hasay	Perzel	Thomas
Cawley	Hennessy	Pesci	Tigue
Chadwick	Herman	Petrarca	Trello
Civera	Hershey	Petrone	Trich
Clark	Hess	Pettit	Truc
Clymer	Horsey	Phillips	Tulli
Cohen, I. I.	Hutchinson	Pistella	Vance
Cohen, M.	Itkin	Pitts	Van Horne
Colafiglia	Jadlowiec	Platts	Veon
Colaizzo	Jarolin	Preston	Vitali
Conti	Josephs	Ramos	Walko
Cornell	Kaiser	Raymond	Washington
Corpora	Keller	Readshaw	Waugh
Corrigan	Kenney	Reber	Williams
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	Rohrer	Youngblood
Dent	Lawless	Rooney	Zimmerman
Dermody	Lederer	Rubley	Zug
DeWeese	Leh	Rudy	
DiGirolamo	Lescovitz	Sainato	Ryan,
Donatucci	Levdansky	Santoni	Speaker
Druce	Lloyd		

NAYS-0

NOT VOTING-1

James

EXCUSED-5

Gruppo	Olasz	Shaner	Travaglio
Mihalich			

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

On the question recurring,

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

Mr. BLAUM offered the following amendment No. A6008:

Amend Title, page 1, line 4, by striking out "AND"

Amend Title, page 1, line 5, by striking out all of said line and inserting

agency"; and further providing for reciprocal enforcement of support and for interstate enforcement of family support.

Amend Sec. 3, page 3, line 20, by striking out "SECTION 4303 OF TITLE 23 IS" and inserting

Sections 4303 and 4352(a) and (f) of Title 23 are

Amend Bill, page 4, by inserting between lines 18 and 19

§ 4352. Continuing jurisdiction over support orders.

(a) General rule.—The court making an order of support shall at all times maintain jurisdiction of the matter for the purpose of enforcement of the order and for the purpose of increasing, decreasing, modifying or rescinding the order [without limiting the right of the obligee to institute additional proceedings for support in any county in which the obligor resides or in which property of the obligor is situated] unless the order has been registered pursuant to Part VIII (relating to Uniform Interstate Family Support) or Part VIII-A (relating to Intrastate Family Support). A method shall be developed for the automatic review of each order of support at least once every three years from the date of establishment or the most recent review, for the purpose of making any appropriate increase, decrease, modification or rescission of the order. If, however, it is determined that such a review would not be in the best interests of the child and neither parent has requested a review in the interim, no review shall be required.

\*\*\*

[(f) Foreign support orders.—Subject to the limitations in subsection (d), the court may modify or remit any support obligation under registered foreign support orders when the foreign court declines, surrenders or determines that it is an inappropriate forum to modify the decree.]

\*\*\*

Section 4. Chapter 45 of Title 23 is repealed.

Section 5. Title 23 is amended by adding parts to read:

PART VIII

UNIFORM INTERSTATE FAMILY SUPPORT

Chapter

- 71. General Provisions
- 72. Jurisdiction
- 73. Civil Provisions of General Application
- 74. Establishment of Support Order
- 75. Direct Enforcement of Order of Another State without Registration
- 76. Enforcement and Modification of Support Order after Registration
- 77. Determination of Parentage
- 78. Interstate Rendition
- 79. Miscellaneous Provisions

CHAPTER 71

GENERAL PROVISIONS

Sec.

7101. Short title of part and definitions.

7102. Tribunals of this State.

7103. Remedies cumulative.

§ 7101. Short title of part and definitions.

(a) Short title of part.—This part shall be known and may be cited as the Uniform Interstate Family Support Act.

(b) Definitions.—Subject to additional definitions contained in subsequent provisions of this part which are applicable to specific provisions of this part, the following words and phrases when used in this part shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Child." An individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's

parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

“Child support order.” A support order for a child, including a child who has attained the age of majority under the law of the issuing state.

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

“Duty of support.” An obligation imposed or imposable by law to provide support for a child, spouse or former spouse. The term includes an unsatisfied obligation to provide support.

“Home state.” The state in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.

“Income.” The term includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this State.

“Income-withholding order.” An order or other legal process directed to an obligor’s employer, as defined in section 4348 (relating to attachment of income), to withhold support from the income of the obligor.

“Initiating state.” A state in which a proceeding under this part or a law substantially similar to this part, the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act is filed for forwarding to a responding state.

“Initiating tribunal.” The authorized tribunal in an initiating state.

“Issuing state.” The state in which a tribunal issues a support order or renders a judgment determining parentage.

“Issuing tribunal.” The tribunal that issues a support order or renders a judgment determining parentage.

“Law.” The term includes decisional and statutory law and rules and regulations having the force of law.

“Obligee.” Any of the following:

(1) An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered.

(2) A state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee.

(3) An individual seeking a judgment determining parentage of the individual’s child.

“Obligor.” An individual, or the estate of a decedent:

(1) that owes or is alleged to owe a duty of support;

(2) that is alleged but has not been adjudicated to be a parent of a child; or

(3) that is liable under a support order.

“Register.” To record a support order or judgment determining parentage in the office designated by a court of common pleas.

“Registering tribunal.” A tribunal in which a support order is registered.

“Responding state.” A state to which a proceeding is forwarded under this part or a law substantially similar to this part, the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act.

“Responding tribunal.” The authorized tribunal in a responding state.

“Spousal-support order.” A support order for a spouse or former spouse of the obligor.

“State.” A state of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe and a foreign jurisdiction that has established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this part.

“Support enforcement agency.” A public official or agency authorized to seek:

(1) enforcement of support orders or laws relating to the duty of support;

(2) establishment or modification of child support;

(3) determination of parentage; or

(4) location of obligors or their assets.

“Support order.” A judgment, decree or order, whether temporary, final or subject to modification, for the benefit of a child, a spouse or a former spouse, which provides for monetary support, health care, arrearages or reimbursement. The term includes related costs and fees, interest, income withholding, attorney fees and other relief.

“Tribunal.” A court, administrative agency or quasi-judicial entity authorized to establish, enforce or modify support orders or to determine parentage.

§ 7102. Tribunals of this State.

The courts set forth in 42 Pa.C.S. § 301(1) through (7) and (9) (relating to unified judicial system) are the tribunals of this State.

§ 7103. Remedies cumulative.

Remedies provided by this part are cumulative and do not affect the availability of remedies under other law.

## CHAPTER 72

### JURISDICTION

#### Subchapter

A. Extended Personal Jurisdiction

B. Proceedings Involving Two or More States

C. Reconciliation with Orders of Other States

#### SUBCHAPTER A

#### EXTENDED PERSONAL JURISDICTION

#### Sec.

7201. Bases for jurisdiction over nonresident.

7202. Procedure when exercising jurisdiction over nonresident.

§ 7201. Bases for jurisdiction over nonresident.

In a proceeding to establish, enforce or modify a support order or to determine parentage, a tribunal of this State may exercise personal jurisdiction over a nonresident individual or the individual’s guardian or conservator if any of the following apply:

(1) The individual is personally served with a writ of summons or a complaint within this State.

(2) The individual submits to the jurisdiction of this State by consent, by entering a general appearance or by filing a responsive document having the effect of waiving any contest to personal jurisdiction.

(3) The individual resided with the child in this State.

(4) The individual resided in this State and provided prenatal expenses or support for the child.

(5) The child resides in this State as a result of the acts or directives of the individual.

(6) The individual engaged in sexual intercourse in this State and the child may have been conceived by that act of intercourse.

(7) (Reserved).

(8) There is any other basis consistent with the constitutions of this State and the United States for the exercise of personal jurisdiction.

§ 7202. Procedure when exercising jurisdiction over nonresident.

A tribunal of this State exercising personal jurisdiction over a nonresident under section 7201 (relating to bases for jurisdiction over nonresident) may apply section 7316 (relating to special rules of evidence and procedure) to receive evidence from another state and section 7318 (relating to assistance with discovery) to obtain discovery through a tribunal of another state. In all other respects, Chapters 73 (relating to civil provisions of general application) through 77 (relating to determination of parentage) do not apply; and the tribunal shall apply the procedural and substantive law of this State, including the rules on choice of law other than those established by this part.

SUBCHAPTER B  
PROCEEDINGS INVOLVING TWO OR MORE STATES

Sec.

7203. Initiating and responding tribunal of this State.

7204. Simultaneous proceedings in another state.

7205. Continuing, exclusive jurisdiction.

7206. Enforcement and modification of support order by tribunal having continuing jurisdiction.

§ 7203. Initiating and responding tribunal of this State.

Under this part, a tribunal of this State may serve as an initiating tribunal to forward proceedings to another state and as a responding tribunal for proceedings initiated in another state.

§ 7204. Simultaneous proceedings in another state.

(a) Permissible.—A tribunal of this State may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a petition or comparable pleading is filed in another state only if all of the following apply:

(1) The petition or comparable pleading in this State is filed before the expiration of the time allowed in the other state for filing a responsive pleading challenging the exercise of jurisdiction by the other state.

(2) The contesting party timely challenges the exercise of jurisdiction in the other state.

(3) If relevant, this State is the home state of the child.

(b) Impermissible.—A tribunal of this State may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state if all of the following apply:

(1) The petition or comparable pleading in the other state is filed before the expiration of the time allowed in this State for filing a responsive pleading challenging the exercise of jurisdiction by this State.

(2) The contesting party timely challenges the exercise of jurisdiction in this State.

(3) If relevant, the other state is the home state of the child.

§ 7205. Continuing, exclusive jurisdiction.

(a) Extent.—A tribunal of this State issuing a support order consistent with the law of this State has continuing, exclusive jurisdiction over a child support order:

(1) as long as this State remains the residence of the obligor, the individual obligee or the child for whose benefit the support order is issued; or

(2) until each individual party has filed written consent with the tribunal of this State for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

(b) Restriction.—A tribunal of this State issuing a child support order consistent with the law of this State may not exercise its continuing jurisdiction to modify the order if the order has been modified by a tribunal of another state pursuant to a law substantially similar to this part.

(c) Modification.—If a child support order of this State is modified by a tribunal of another state pursuant to a law substantially similar to this part, a tribunal of this State loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in this State and may only do the following:

(1) Enforce the order that was modified as to amounts accruing before the modification.

(2) Enforce nonmodifiable aspects of that order.

(3) Provide other appropriate relief for violations of that order which occurred before the effective date of the modification.

(d) Faith and credit.—A tribunal of this State shall recognize the continuing, exclusive jurisdiction of a tribunal of another state which has issued a child support order pursuant to a law substantially similar to this part.

(e) Interim orders.—A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

(f) Duration and modification.—A tribunal of this State issuing a support order consistent with the law of this State has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of this State may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state.

§ 7206. Enforcement and modification of support order by tribunal having continuing jurisdiction.

(a) Initiating tribunal.—A tribunal of this State may serve as an initiating tribunal to request a tribunal of another state to enforce or modify a support order issued in that state.

(b) Responding tribunal.—A tribunal of this State having continuing, exclusive jurisdiction over a support order may act as a responding tribunal to enforce or modify the order. If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings, the tribunal may apply section 7316 (relating to special rules of evidence and procedure) to receive evidence from another state and section 7318 (relating to assistance with discovery) to obtain discovery through a tribunal of another state.

(c) Lack of jurisdiction.—A tribunal of this State which lacks continuing, exclusive jurisdiction over a spousal support order may not serve as a responding tribunal to modify a spousal support order of another state.

SUBCHAPTER C  
RECONCILIATION WITH ORDERS OF OTHER STATES

Sec.

7207. Recognition of child support orders.

7208. Multiple child support orders for two or more obligees.

7209. Credit for payments.

§ 7207. Recognition of child support orders.

(a) Principles.—If a proceeding is brought under this part and one or more child support orders have been issued in this State or another state with regard to an obligor and a child, a tribunal of this State shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

(1) If only one tribunal has issued a child support order, the order of that tribunal must be recognized.

(2) If two or more tribunals have issued child support orders for the same obligor and child and only one of the tribunals would have continuing, exclusive jurisdiction under this part, the order of that tribunal must be recognized.

(3) If two or more tribunals have issued child support orders for the same obligor and child and more than one of the tribunals would have continuing, exclusive jurisdiction under this part, an order issued by a tribunal in the current home state of the child must be recognized; but, if an order has not been issued in the current home state of the child, the order most recently issued must be recognized.

(4) If two or more tribunals have issued child support orders for the same obligor and child and none of the tribunals would have continuing, exclusive jurisdiction under this part, the tribunal of this State may issue a child support order, which must be recognized.

(b) Result.—The tribunal that has issued an order recognized under subsection (a) is the tribunal having continuing, exclusive jurisdiction.

§ 7208. Multiple child support orders for two or more obligees.

In responding to multiple registrations or petitions for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees at least one of which was issued by a tribunal of another state, a tribunal of this State shall enforce those orders in the same manner as if the multiple orders had been issued by a tribunal of this State.

## § 7209. Credit for payments.

Amounts collected and credited for a particular period pursuant to a support order issued by a tribunal of another state must be credited against the amounts accruing or accrued for the same period under a support order issued by the tribunal of this State.

## CHAPTER 73

## CIVIL PROVISIONS OF GENERAL APPLICATION

## Sec.

7301. Proceedings under this part.

7302. Action by minor parent.

7303. Application of law of this State.

7304. Duties of initiating tribunal.

7305. Duties and powers of responding tribunal.

7306. Inappropriate tribunal.

7307. Duties of support enforcement agency.

7308. Duty of General Counsel.

7309. Private counsel.

7310. Duties of department.

7311. Pleadings and accompanying documents.

7312. Nondisclosure of information in exceptional circumstances.

7313. Costs and fees.

7314. Limited immunity of petitioner.

7315. Nonparentage as defense.

7316. Special rules of evidence and procedure.

7317. Communications between tribunals.

7318. Assistance with discovery.

7319. Receipt and disbursement of payments.

§ 7301. Proceedings under this part.

(a) Scope.—Except as otherwise provided in this part, this chapter applies to all proceedings under this part.

(b) Proceedings.—This part provides for the following proceedings:

(1) Establishment of an order for spousal support or child support pursuant to Chapter 74 (relating to establishment of support order).

(2) Enforcement of a support order and income-withholding order of another state without registration pursuant to Chapter 75 (relating to direct enforcement of order of another state without registration).

(3) Registration of an order for spousal support or child support of another state for enforcement pursuant to Chapter 76 (relating to enforcement and modification of support order after registration).

(4) Modification of an order for child support or spousal support issued by a tribunal of this State pursuant to Subchapter B of Chapter 72 (relating to proceedings involving two or more states).

(5) Registration of an order for child support of another state for modification pursuant to Chapter 76.

(6) Determination of parentage pursuant to Chapter 77 (relating to determination of parentage).

(7) Assertion of jurisdiction over nonresidents pursuant to Subchapter A of Chapter 72 (relating to extended personal jurisdiction).

(c) Commencement.—An individual petitioner or a support enforcement agency must commence a proceeding authorized under this part by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state which has or can obtain personal jurisdiction over the respondent.

§ 7302. Action by minor parent.

A minor parent or a guardian or other legal representative of a minor parent may maintain a proceeding on behalf of or for the benefit of the minor's child.

§ 7303. Application of law of this State.

Except as otherwise provided by this part, a responding tribunal of this State:

(1) shall apply the procedural and substantive law, including the rules on choice of law, generally applicable to similar proceedings originating in this State and may exercise all powers and provide all remedies available in those proceedings; and

(2) shall determine the duty of support and the amount payable in accordance with the law and support guidelines of this State.

§ 7304. Duties of initiating tribunal.

Upon the filing of a petition authorized by this part, an initiating tribunal of this State shall forward three copies of the petition and its accompanying documents:

(1) to the responding tribunal or appropriate support enforcement agency in the responding state; or

(2) if the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

§ 7305. Duties and powers of responding tribunal.

(a) Filing and notice.—If a responding tribunal of this State receives a petition or comparable pleading from an initiating tribunal or directly pursuant to section 7301(c) (relating to proceedings under this part), it shall cause the petition or pleading to be filed and notify the petitioner by first class mail where and when it was filed.

(b) Action.—A responding tribunal of this State, to the extent otherwise authorized by law, may do any of the following:

(1) Issue or enforce a support order, modify a child support order or render a judgment to determine parentage.

(2) Order an obligor to comply with a support order, specifying the amount and the manner of compliance.

(3) Order income withholding.

(4) Determine the amount of any arrearages and specify a method of payment.

(5) Enforce orders by civil or criminal contempt, or both.

(6) Set aside property for satisfaction of the support order.

(7) Place liens and order execution on the obligor's property.

(8) Order an obligor to keep the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment and telephone number at the place of employment.

(9) Issue a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant in any state and local computer systems for criminal warrants.

(10) Order the obligor to seek appropriate employment by specified methods.

(11) Award reasonable attorney fees and other fees and costs.

(12) Grant any other available remedy.

(c) Calculations.—A responding tribunal of this State shall include in a support order issued under this part, or in the documents accompanying the order, the calculations on which the support order is based.

(d) Visitation.—A responding tribunal of this State may not condition the payment of a support order issued under this part upon compliance by a party with provisions for visitation.

(e) Notice.—If a responding tribunal of this State issues an order under this part, the tribunal shall send a copy of the order by first class mail to the petitioner and the respondent and to the initiating tribunal, if any.

§ 7306. Inappropriate tribunal.

If a petition or comparable pleading is received by an inappropriate tribunal of this State, it shall forward the pleading and accompanying documents to an appropriate tribunal in this State or another state and

notify the petitioner by first class mail where and when the pleading was sent.

§ 7307. Duties of support enforcement agency.

(a) General duty.—A support enforcement agency of this State, upon request, shall provide services to a petitioner in a proceeding under this part.

(b) Specific duties.—A support enforcement agency that is providing services to the petitioner as appropriate shall do all of the following:

(1) Take steps necessary to enable an appropriate tribunal in this State or another state to obtain jurisdiction over the respondent.

(2) Request an appropriate tribunal to set a date, time and place for a hearing.

(3) Make a reasonable effort to obtain relevant information, including information as to income and property of the parties.

(4) Within two days, exclusive of Saturdays, Sundays and legal holidays, after receipt of a written notice from an initiating, responding or registering tribunal, send a copy of the notice by first class mail to the petitioner.

(5) Within two days, exclusive of Saturdays, Sundays and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication by first class mail to the petitioner.

(6) Notify the petitioner if jurisdiction over the respondent cannot be obtained.

(c) Fiduciaries.—This part does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

§ 7308. Duty of General Counsel.

If the General Counsel determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the General Counsel may order the agency to perform its duties under this part or may provide those services directly to the individual.

§ 7309. Private counsel.

An individual may employ private counsel to represent the individual in proceedings authorized by this part.

§ 7310. Duties of department.

(a) Designation.—The department is the State information agency under this part.

(b) Duties.—The department shall do all of the following:

(1) Compile and maintain a current list, including addresses, of the tribunals in this State which have jurisdiction under this part and any support enforcement agencies in this State and transmit a copy to the state information agency of every other state.

(2) Maintain a register of tribunals and support enforcement agencies received from other states.

(3) Forward to the appropriate tribunal in the place in this State in which the individual obligee or the obligor resides, or in which the obligor's property is believed to be located, documents concerning a proceeding under this part received from an initiating tribunal or the state information agency of the initiating state.

(4) Obtain information concerning the location of the obligor and the obligor's property within this State not exempt from execution by such means as postal verification; Federal or State locator services; examination of telephone directories; requests for the obligor's address from employers; and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses and Social Security.

§ 7311. Pleadings and accompanying documents.

(a) Verification and content.—A petitioner seeking to establish or modify a support order or to determine parentage in a proceeding under this part must verify the petition. Unless otherwise ordered under

section 7312 (relating to nondisclosure of information in exceptional circumstances), the petition or accompanying documents must provide, so far as known, the name, residential address and Social Security number of the obligor and the obligee and the name, sex, residential address, Social Security number and date of birth of each child for whom support is sought. The petition must be accompanied by a certified copy of any support order in effect. The petition may include any other information that may assist in locating or identifying the respondent.

(b) Relief.—The petition must specify the relief sought. The petition and accompanying documents must conform substantially with the requirements imposed by the forms mandated by Federal law for use in cases filed by a support enforcement agency.

§ 7312. Nondisclosure of information in exceptional circumstances.

Upon a finding, which may be made ex parte, that the health, safety or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this part.

§ 7313. Costs and fees.

(a) Petitioner.—The petitioner may not be required to pay a filing fee or other costs.

(b) Obligor.—If an obligee prevails, a responding tribunal may assess against an obligor filing fees, reasonable attorney fees, other costs and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs or expenses against the obligee or the support enforcement agency of either the initiating state or the responding state except as provided by other law. Attorney fees may be taxed as costs and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs and expenses.

(c) Dilatory actions.—The tribunal shall order the payment of costs and reasonable attorney fees if it determines that a hearing was requested primarily for delay. In a proceeding under Chapter 76 (relating to enforcement and modification of support order after registration), a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

§ 7314. Limited immunity of petitioner.

(a) Jurisdiction over person.—Participation by a petitioner in a proceeding before a responding tribunal, whether in person, by private attorney or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

(b) Service.—A petitioner is not amenable to service of civil process while physically present in this State to participate in a proceeding under this part.

(c) Exception.—The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this part committed by a party while present in this State to participate in the proceeding.

§ 7315. Nonparentage as defense.

A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under this part.

§ 7316. Special rules of evidence and procedure.

(a) Physical presence.—The physical presence of the petitioner in a responding tribunal of this State is not required for the establishment, enforcement or modification of a support order or the rendition of a judgment determining parentage.

(b) Hearsay exception.—A verified petition, affidavit or document, substantially complying with federally mandated forms, and a document incorporated by reference in any of them, not excluded under the hearsay rule if given in person, is admissible in evidence if given under oath by a party or witness residing in another state.

(c) Payment record.—A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it and is admissible to show whether payments were made.

(d) Bills.—Copies of bills for testing for parentage and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least ten days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.

(e) Transmission of documentary evidence.—Documentary evidence transmitted from another state to a tribunal of this State by telephone, telecopier or other means that do not provide an original writing may not be excluded from evidence on an objection based on the means of transmission.

(f) Testimony.—In a proceeding under this part, a tribunal of this State may permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means or other electronic means at a designated tribunal or other location in that state. A tribunal of this State shall cooperate with a tribunal of another state in designating an appropriate location for the deposition or testimony.

(g) Self-incrimination.—If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

(h) Spousal communications.—A privilege against disclosure of communications between spouses does not apply in a proceeding under this part.

(i) Family immunity.—The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this part.

#### § 7317. Communications between tribunals.

A tribunal of this State may communicate with a tribunal of another state in writing or by telephone or other means to obtain information concerning the laws of that state; the legal effect of a judgment, decree or order of that tribunal; and the status of a proceeding in the other state. A tribunal of this State may furnish similar information by similar means to a tribunal of another state.

#### § 7318. Assistance with discovery.

A tribunal of this State may do all of the following:

- (1) Request a tribunal of another state to assist in obtaining discovery.
- (2) Upon request, compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal of another state.

#### § 7319. Receipt and disbursement of payments.

A support enforcement agency or tribunal of this State shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received.

### CHAPTER 74

#### ESTABLISHMENT OF SUPPORT ORDER

Sec.

7401. Petition to establish support order.

#### § 7401. Petition to establish support order.

(a) Jurisdiction.—If a support order entitled to recognition under this part has not been issued, a responding tribunal of this State may issue a support order if any of the following apply:

- (1) The individual seeking the order resides in another state.
- (2) The support enforcement agency seeking the order is located in another state.

(b) Temporary orders.—The tribunal may issue a temporary child support order if any of the following apply:

- (1) The respondent has signed a verified statement acknowledging parentage.

(2) The respondent has been determined by or pursuant to law to be the parent.

(3) There is other clear and convincing evidence that the respondent is the child's parent.

(c) Relief.—Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to section 7305 (relating to duties and powers of responding tribunal).

### CHAPTER 75

#### DIRECT ENFORCEMENT OF ORDER OF ANOTHER STATE WITHOUT REGISTRATION

Sec.

7501. Recognition of income-withholding order of another state.

7502. Administrative enforcement of orders.

#### § 7501. Recognition of income-withholding order of another state.

(a) Authorization.—An income-withholding order issued in another state may be sent by first class mail to the person or entity defined as the obligor's employer under section 4348 (relating to attachment of income) without first filing a petition or comparable pleading or registering the order with a tribunal of this State. Upon receipt of the order, the employer shall do all of the following:

- (1) Treat an income-withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this State.
- (2) Immediately provide a copy of the order to the obligor.
- (3) Distribute the funds as directed in the withholding order.

(b) Contests.—An obligor may contest the validity or enforcement of an income-withholding order issued in another state in the same manner as if the order had been issued by a tribunal of this State. Section 7604 (relating to choice of law) applies to the contest. The obligor must give notice of the contest to any support enforcement agency providing services to the obligee and to:

- (1) the person or agency designated to receive payments in the income-withholding order; or
- (2) if no person or agency is designated, the obligee.

#### § 7502. Administrative enforcement of orders.

(a) Initiation.—A party seeking to enforce a support order or an income-withholding order issued by a tribunal of another state may send the documents required for registering the order to a support enforcement agency of this State.

(b) Procedure.—Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this State to enforce a support order or an income-withholding order. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this part.

### CHAPTER 76

#### ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER AFTER REGISTRATION

Subchapter

- A. Registration and Enforcement of Support Order
- B. Contest of Validity or Enforcement
- C. Registration and Modification of Child Support Order

#### SUBCHAPTER A

#### REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER

Sec.

7601. Registration of order for enforcement.

7602. Procedure to register order for enforcement.

7603. Effect of registration for enforcement.

7604. Choice of law.

#### § 7601. Registration of order for enforcement.

A support order or an income-withholding order issued by a tribunal of another state may be registered in this State for enforcement.

§ 7602. Procedure to register order for enforcement.

(a) General rule.—A support order or income-withholding order of another state may be registered in this State by sending the following documents and information to the appropriate tribunal in this State:

(1) A letter of transmittal to the tribunal requesting registration and enforcement.

(2) Two copies, including one certified copy, of the order to be registered, including any modification of the order.

(3) A sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage.

(4) The name of the obligor and, if known:

(i) the obligor's address and Social Security number;

(ii) the name and address of the obligor's employer and any other source of income of the obligor; and

(iii) a description and the location of property of the obligor in this State not exempt from execution.

(5) The name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.

(b) Docketing.—On receipt of a request for registration, the registering tribunal shall file the order as a foreign judgment, together with one copy of the documents and information, regardless of their form.

(c) Simultaneous relief.—A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this State may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

§ 7603. Effect of registration for enforcement.

(a) Procedure.—A support order or income-withholding order issued in another state is registered when the order is filed in the registering tribunal of this State.

(b) Enforcement.—A registered order issued in another state is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this State.

(c) Faith and credit.—Except as otherwise provided in this chapter, a tribunal of this State shall recognize and enforce, but may not modify, a registered order if the issuing tribunal had jurisdiction.

§ 7604. Choice of law.

(a) General rule.—The law of the issuing state governs the nature, extent, amount and duration of current payments and other obligations of support and the payment of arrearages under the order.

(b) Proceeding for arrearages.—In a proceeding for arrearages, the statute of limitation under the laws of this State or of the issuing state, whichever is longer, applies.

#### SUBCHAPTER B

#### CONTEST OF VALIDITY OR ENFORCEMENT

Sec.

7605. Notice of registration of order.

7606. Procedure to contest validity or enforcement of registered order.

7607. Contest of registration or enforcement.

7608. Confirmed order.

§ 7605. Notice of registration of order.

(a) Requirement.—If a support order or income-withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. Notice must be given by first class, certified or registered mail or by any means of personal service authorized by the law of this State. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(b) Contents. The notice must inform the nonregistering party of all of the following:

(1) That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this State.

(2) That a hearing to contest the validity or enforcement of the registered order must be requested within 20 days after the date of mailing or personal service of the notice.

(3) That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and will preclude further contest of that order with respect to any matter that could have been asserted.

(4) The amount of any alleged arrearages.

(c) Employer.—Upon registration of an income-withholding order for enforcement, the registering tribunal shall notify the obligor's employer pursuant to section 4348 (relating to attachment of income).

§ 7606. Procedure to contest validity or enforcement of registered order.

(a) Action.—A nonregistering party seeking to contest the validity or enforcement of a registered order in this State must request a hearing within 20 days after the date of mailing or personal service of notice of the registration. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order or to contest the remedies being sought or the amount of any alleged arrearages pursuant to section 7607 (relating to contest of registration or enforcement).

(b) Inaction.—If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law.

(c) Hearing.—If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties by first class mail of the date, time and place of the hearing.

§ 7607. Contest of registration or enforcement.

(a) Defenses.—A party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving one of the following defenses:

(1) The issuing tribunal lacked personal jurisdiction over the contesting party.

(2) The order was obtained by fraud.

(3) The order has been vacated, suspended or modified by a later order.

(4) The issuing tribunal has stayed the order pending appeal.

(5) There is a defense under the law of this State to the remedy sought.

(6) Full or partial payment has been made.

(7) The statute of limitation under section 7604 (relating to choice of law) precludes enforcement of some or all of the arrearages.

(b) Relief.—If a party presents evidence establishing a full or partial defense under subsection (a), a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence and issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available under the law of this State.

(c) Affirmance.—If the contesting party does not establish a defense under subsection (a) to the validity or enforcement of the order, the registering tribunal shall issue an order confirming the order.

§ 7608. Confirmed order.

Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

#### SUBCHAPTER C

#### REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER

Sec.

7609. Procedure to register child support order of another state for modification.

7610. Effect of registration for modification.

7611. Modification of child support order of another state.

7612. Recognition of order modified in another state.

§ 7609. Procedure to register child support order of another state for modification.

A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state must register that order in this State in the same manner provided in Subchapter A (relating to registration and enforcement of support order) if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

§ 7610. Effect of registration for modification.

A tribunal of this State may enforce a child support order of another state registered for purposes of modification in the same manner as if the order had been issued by a tribunal of this State, but the registered order may be modified only if the requirements of section 7611 (relating to modification of child support order of another state) have been met.

§ 7611. Modification of child support order of another state.

(a) Authority.—After a child support order issued in another state has been registered in this State, the responding tribunal of this State may modify that order only if, after notice and hearing, it finds any of the following:

- (1) The following requirements are met:
  - (i) the child, the individual obligee and the obligor do not reside in the issuing state;
  - (ii) a petitioner who is a nonresident of this State seeks modification; and
  - (iii) the respondent is subject to the personal jurisdiction of the tribunal of this State.

(2) An individual party or the child is subject to the personal jurisdiction of the tribunal and all of the individual parties have filed a written consent in the issuing tribunal providing that a tribunal of this State may modify the support order and assume continuing, exclusive jurisdiction over the order.

(b) General rule.—Modification of a registered child support order is subject to the same requirements, procedures and defenses that apply to the modification of an order issued by a tribunal of this State; and the order may be enforced and satisfied in the same manner.

(c) Restriction.—A tribunal of this State may not modify any aspect of a child support order that may not be modified under the law of the issuing state.

(d) Continuing, exclusive jurisdiction.—On issuance of an order modifying a child support order issued in another state, a tribunal of this State becomes the tribunal of continuing, exclusive jurisdiction.

(e) Filing.—Within 30 days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal which had continuing, exclusive jurisdiction over the earlier order and in each tribunal in which the party knows that earlier order has been registered.

§ 7612. Recognition of order modified in another state.

A tribunal of this State shall recognize a modification of its earlier child support order by a tribunal of another state which assumed jurisdiction pursuant to a law substantially similar to this part and, upon request, except as otherwise provided in this part, shall do all of the following:

- (1) Enforce the order that was modified only as to amounts accruing before the modification.
- (2) Enforce only nonmodifiable aspects of that order.
- (3) Provide other appropriate relief only for violations of that order which occurred before the effective date of the modification.
- (4) Recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

#### CHAPTER 77

#### DETERMINATION OF PARENTAGE

Sec.

7701. Proceeding to determine parentage.

§ 7701. Proceeding to determine parentage.

(a) Jurisdiction.—A tribunal of this State may serve as an initiating or responding tribunal in a proceeding brought under this part or a law substantially similar to this part, the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child.

(b) Choice of law.—In a proceeding to determine parentage, a responding tribunal of this State shall apply the procedural and substantive law of this State and the rules of this State on choice of law.

#### CHAPTER 78

#### INTERSTATE RENDITION

Sec.

7801. Grounds for rendition.

7802. Conditions of rendition.

§ 7801. Grounds for rendition.

(a) Definition of governor.—For purposes of this chapter, “governor” includes an individual performing the functions of governor or the executive authority of a state covered by this part.

(b) Authority of governor.—The governor of this State may do all of the following:

(1) Demand that the governor of another state surrender an individual found in the other state who is charged criminally in this State with having failed to provide for the support of an obligee.

(2) On the demand by the governor of another state, surrender an individual found in this State who is charged criminally in the other state with having failed to provide for the support of an obligee.

(c) Extended extradition.—A provision for extradition of individuals not inconsistent with this part applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled from the demanding state.

§ 7802. Conditions of rendition.

(a) Extradition to this State.—Before making demand that the governor of another state surrender an individual charged criminally in this State with having failed to provide for the support of an obligee, the governor of this State may require a prosecutor of this State to demonstrate that at least 60 days previously the obligee had initiated proceedings for support pursuant to this part or that the proceeding would be of no avail.

(b) Extradition from this State.—If, under this part or a law substantially similar to this part, the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act, the governor of another state makes a demand that the governor of this State surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(c) Declining to honor demand.—If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may decline to honor the demand. If the petitioner prevails and the individual whose rendition is demanded is subject to a support order, the governor may decline to honor the demand if the individual is complying with the support order.

#### CHAPTER 79

#### MISCELLANEOUS PROVISIONS

Sec.

7901. Uniformity of application and construction.

§ 7901. Uniformity of application and construction.

This part shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this part among states enacting it.



PART VIII-A  
INTRASTATE FAMILY SUPPORT

## Chapter

81. General Provisions  
82. Jurisdiction and Venue  
83. *Civil Provisions of General Application*  
84. Enforcement and Modification of Support Order after Registration

CHAPTER 81  
GENERAL PROVISIONS

## Sec.

8101. Short title of part and definitions.

8102. Scope.

8103. Remedies cumulative.

§ 8101. Short title of part and definitions.

(a) Short title of part.—This part shall be known and may be cited as the Intrastate Family Support Act.

(b) Definitions.—Subject to additional definitions contained in subsequent provisions of this part which are applicable to specific provisions of this part, the following words and phrases when used in this part shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Child.” An individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual’s parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

“Child support order.” A support order for a child, including a child who has attained the age of majority.

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

“Duty of support.” An obligation imposed or imposable by law to provide support for a child, spouse or former spouse. The term includes an unsatisfied obligation to provide support.

“Income.” The term includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the laws of this Commonwealth.

“Income-withholding order.” An order or other legal process directed to an obligor’s employer, as defined in section 4348 (relating to attachment of income), to withhold support from the income of the obligor.

“Initiating county.” A county in which a proceeding under this part or a law substantially similar to this part, the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act is filed for forwarding to a responding county.

“Initiating tribunal.” The authorized tribunal in an initiating county.

“Issuing county.” The county in which a tribunal issues a support order or renders a judgment determining parentage.

“Issuing tribunal.” *The tribunal that issues a support order or renders a judgment determining parentage.*

“Law.” The term includes decisional and statutory law and rules and regulations having the force of law.

“Obligee.” Any of the following:

(1) An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered.

(2) A political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee.

(3) An individual seeking a judgment determining parentage of the individual’s child.

“Obligor.” An individual, or the estate of a decedent, that:

(1) owes or is alleged to owe a duty of support;  
(2) is alleged but has not been adjudicated to be a parent of a child; or

(3) is liable under a support order.

“Register.” To record a support order or judgment determining parentage in the office designated by a court of common pleas.

“Registering tribunal.” A tribunal in which a support order is registered.

“Responding county.” A county to which a proceeding is forwarded under this part.

“Responding tribunal.” The authorized tribunal in a responding county.

“Spousal-support order.” A support order for a spouse or former spouse of the obligor.

“Support enforcement agency.” A public official or agency authorized to seek:

(1) enforcement of support orders or laws relating to the duty of support;

(2) establishment or modification of child support;

(3) determination of parentage; or

(4) location of obligors or their assets.

“Support order.” A judgment, decree or order, whether temporary, final or subject to modification, whether incidental to a pending divorce, for the benefit of a child, a spouse or a former spouse, which provides for monetary support, health care, arrearages or reimbursement. The term includes related costs and fees, interest, income withholding, attorney fees and other relief.

“Title IV-D attorney.” The official in the appropriate county who, by contract or appointment, has the duty to represent obligees in support actions brought in the county.

“Tribunal.” A court, administrative agency or quasi-judicial entity authorized to establish, enforce or modify support orders or to determine parentage.

§ 8102. Scope.

This part applies to actions between parties from different counties in this Commonwealth. This part does not apply to actions under Part VIII (relating to uniform interstate family support).

§ 8103. Remedies cumulative.

Remedies provided by this part are cumulative and do not affect the availability of remedies under other law.

## CHAPTER 82

## JURISDICTION AND VENUE

## Sec.

8201. Continuing, exclusive jurisdiction.

8202. Recognition of support orders.

8203. Credit for payments.

8204. Venue.

§ 8201. Continuing, exclusive jurisdiction.

(a) Extent.—A tribunal issuing a support order has continuing, exclusive jurisdiction over a support order unless the order is registered pursuant to Part VIII (relating to Uniform Interstate Family Support) or this part.

(b) Faith and credit.—A tribunal shall recognize the continuing, exclusive jurisdiction of another tribunal which has issued a support order.

§ 8202. Recognition of support orders.

(a) Principles.—If a proceeding is brought under this part and more than one support order has been issued in this Commonwealth with regard to the same obligation, a tribunal shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

(1) If two or more tribunals have issued support orders for the same obligation and only one of the tribunals would have continuing, exclusive jurisdiction under this part, the order of that tribunal must be recognized.

(2) If two or more tribunals have issued support orders for the same obligation and more than one of the tribunals would have continuing, exclusive jurisdiction under this part, an order issued by a tribunal in the county where the obligee resides must be recognized; but, if an order has not been issued in the county where the obligee resides, the order most recently issued must be recognized.

(3) If two or more tribunals have issued support orders for the same obligation and none of the tribunals would have continuing, exclusive jurisdiction under this part, the tribunal may issue a support order, which must be recognized.

(b) Result.—The tribunal that has issued an order recognized under subsection (a) is the tribunal having continuing, exclusive jurisdiction.

§ 8203. Credit for payments.

Amounts collected and credited for a particular period pursuant to a support order issued by one tribunal must be credited against the amounts accruing or accrued for the same period under a support order issued by another tribunal.

§ 8204. Venue.

(a) General rule.—Except as provided in subsection (b), venue for an action under this part lies in the county where the petitioner resides, regardless of whether the parties maintained a family domicile in that county.

(b) Exceptions.—

(1) Subsection (a) shall not apply if any of the following apply:

(i) After diligent effort, the petitioner is unable to effect service upon the respondent in the county where the petitioner resides.

(ii) It is not legally possible to enter an order against the respondent in the county where the petitioner resides.

(iii) The respondent is already subject to an order for support, in the case at bar or in any other case.

(2) If paragraph (1) applies, venue for an action under this part lies in any of the following:

(i) The county in which the respondent resides.

(ii) The county in which the respondent is regularly employed.

(iii) The county in which the respondent is subject to an order under paragraph (1)(iii).

(3) If paragraph (2) applies, the county in which the petitioner resides shall act only as a facilitating county.

#### CHAPTER 83

#### CIVIL PROVISIONS OF GENERAL APPLICATION

Sec.

8301. Proceedings under this part.

8302. Action by minor parent.

8303. Duties of initiating tribunal.

8304. Duties and powers of responding tribunal.

8305. Inappropriate tribunal.

8306. Duties of support enforcement agency.

8307. Duty of General Counsel.

8308. Private counsel.

8309. Nondisclosure of information in exceptional circumstances.

8310. Nonparentage not a defense.

8311. Special rules of evidence and procedure.

8312. Assistance with discovery.

§ 8301. Proceedings under this part.

(a) Scope.—This part provides for the following proceedings:

(1) Establishment of an order for spousal support or child support.

(2) Registration of an order for spousal support or child support of another county for enforcement or modification pursuant to Chapter 84 (relating to enforcement and modification of support order after registration).

(b) Commencement.—An individual petitioner or a support enforcement agency must commence a proceeding authorized under this part by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another county which has or can obtain personal jurisdiction over the respondent.

§ 8302. Action by minor parent.

A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

§ 8303. Duties of initiating tribunal.

Upon the filing of a petition authorized by this part, an initiating tribunal shall forward one copy of the petition and its accompanying documents to the responding tribunal.

§ 8304. Duties and powers of responding tribunal.

(a) Filing and notice.—If a responding tribunal receives a petition or comparable pleading from an initiating tribunal or directly pursuant to section 8301(b) (relating to proceedings under this part), it shall file the petition or pleading and notify the petitioner by first class mail where and when it was filed.

(b) Action.—A responding tribunal, to the extent otherwise authorized by law, may do any of the following:

(1) Issue or enforce a support order, modify a support order or render a judgment to determine parentage.

(2) Order an obligor to comply with a support order, specifying the amount and the manner of compliance.

(3) Order income withholding.

(4) Determine the amount of any arrearages and specify a method of payment.

(5) Enforce orders by civil or criminal contempt, or both.

(6) Set aside property for satisfaction of the support order.

(7) Place liens and order execution on the obligor's property.

(8) Order an obligor to keep the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment and telephone number at place of employment.

(9) Issue a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant in any state and local computer systems for criminal warrants.

(10) Order the obligor to seek appropriate employment by specified methods.

(11) Award reasonable attorney fees and other fees and costs.

(12) Grant any other available remedy.

(c) Findings of fact.—A responding tribunal shall include in a support order issued under this part, or in the documents accompanying the order, the findings of fact on which the support order is based.

(d) Visitation.—A responding tribunal may not condition the payment of a support order issued under this part upon compliance by a party with provisions for visitation.

(e) Notice.—If a responding tribunal issues an order under this part, the tribunal shall send a copy of the order by first class mail to the petitioner and the respondent and to the initiating tribunal, if any.

§ 8305. Inappropriate tribunal.

If a petition or comparable pleading is received by an inappropriate tribunal, it shall forward the pleading and accompanying documents to an appropriate tribunal and notify the petitioner by first class mail where and when the pleading was sent.

§ 8306. Duties of support enforcement agency.

(a) General duty.—A support enforcement agency, upon request, shall provide services to a petitioner in a proceeding under this part.

(b) Specific duties.—A support enforcement agency that is providing services to the petitioner as appropriate shall do all of the following:

(1) Take all steps necessary to enable an appropriate tribunal to obtain jurisdiction over the respondent.

(2) Request an appropriate tribunal to set a date, time and place for a hearing.

(3) Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties.

(4) Within two days, exclusive of Saturdays, Sundays and legal holidays, after receipt of a written notice from an initiating, responding or registering tribunal, send a copy of the notice by first class mail to the petitioner.

(5) Within two days, exclusive of Saturdays, Sundays and legal holidays, after receipt of a written communication from the respondent, send a copy of the communication by first class mail to the petitioner.

(6) Provide to the petitioner and respondent notice of all proceedings within two days, exclusive of Saturdays, Sundays and legal holidays, of setting a date for proceedings pursuant to this part.

(7) Provide to the petitioner and respondent a copy of all recommendations and court orders, including findings of fact, within two days, exclusive of Saturdays, Sundays and legal holidays, of issuing the recommendations or court order.

(8) Provide to the petitioner and respondent a copy of the court's procedure to file a demand for a de novo hearing or to file exception to the recommendation of the hearing officer.

(9) Notify the petitioner if jurisdiction over the respondent cannot be obtained.

(c) Fiduciaries.—This part does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

#### § 8307. Duty of General Counsel.

If the General Counsel determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the General Counsel may order the agency to perform its duties under this part or may provide those services directly to the individual.

#### § 8308. Private counsel.

An individual may employ private counsel to represent the individual in proceedings authorized by this part.

#### § 8309. Nondisclosure of information in exceptional circumstances.

Upon a finding, which may be made ex parte, that the health, safety or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this part.

#### § 8310. Nonparentage not a defense.

A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under this part.

#### § 8311. Special rules of evidence and procedure.

(a) Physical presence.—The physical presence of the petitioner in a responding tribunal is not required for the establishment, enforcement or modification of a support order or the rendition of a judgment determining parentage.

(b) The obligee shall be represented, where appropriate, by the county Title IV-D attorney in a proceeding brought before the responding tribunal.

(c) Hearsay exception.—A verified petition, affidavit or document, and a document incorporated by reference in any of them, not excluded under the hearsay rule if given in person, is admissible in evidence if given under oath by a party or witness.

(d) Payment record.—A copy of the record of support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it and is admissible to show whether payments were made.

(e) Bills.—Copies of bills for testing for parentage and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least ten days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.

(f) Transmission of documentary evidence.—Documentary evidence transmitted to a tribunal by telephone, telecopier or other means that do

not provide an original writing may not be excluded from evidence on an objection based on the means of transmission.

(g) Testimony.—In a proceeding under this part, a tribunal may permit a party or witness to be deposed or to testify by telephone, audiovisual means or other electronic means at a designated tribunal or other location. Tribunals shall cooperate in designating an appropriate location for the deposition or testimony.

#### § 8312. Assistance with discovery.

A tribunal may do any of the following:

(1) Request another tribunal to assist in obtaining discovery.

(2) Upon request, compel a person over whom it has jurisdiction to respond to a discovery order issued by another tribunal.

### CHAPTER 84

#### ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER AFTER REGISTRATION

##### Subchapter

A. Registration of Support Order

B. Contest of Validity or Enforcement

##### SUBCHAPTER A

#### REGISTRATION OF SUPPORT ORDER

##### Sec.

8401. Registration of order.

8402. Procedure to register order.

#### § 8401. Registration of order.

A support order issued by a tribunal may be registered in any tribunal of competent jurisdiction.

#### § 8402. Procedure to register order.

(a) General rule.—A support order may be registered by sending the following documents and information to the appropriate tribunal:

(1) A letter of transmittal to the tribunal requesting registration and enforcement.

(2) Two copies, including one certified copy, of the order to be registered, including any modification of the order.

(3) A sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage.

(4) The name of the obligor and, if known:

(i) the obligor's address and Social Security number;

(ii) the name and address of the obligor's employer and any other source of income of the obligor; and

(iii) a description and the location of property of the obligor not exempt from execution.

(5) The name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.

(b) Docketing.—On receipt of a request for registration, the registering tribunal shall file the order as a foreign judgment, together with one copy of the documents and information, regardless of their form.

##### SUBCHAPTER B

#### CONTEST OF VALIDITY OR ENFORCEMENT

##### Sec.

8411. Notice of registration of order.

8412. Procedure to contest validity of registered order.

8413. Contest of registration or enforcement.

8414. Confirmed order.

8415. Effect of a confirmed order.

#### § 8411. Notice of registration of order.

(a) Requirement.—If a support order or order issued by another tribunal is registered, the registering tribunal shall notify the nonregistering party. Notice must be given by first class, certified or registered mail or by any means of personal service authorized by the law. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(b) Contents.—The notice must inform the nonregistering party of all of the following:

(1) A registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal.

(2) A hearing to contest the validity of the registered order must be requested within 20 days after the date of mailing or personal service of the notice.

(3) Failure to contest the validity of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and will preclude further contest of that order with respect to any matter that could have been asserted.

(4) The amount of any alleged arrearages.

§ 8412. Procedure to contest validity of registered order.

(a) Action.—A nonregistering party seeking to contest the validity of a registered order must request a hearing within 20 days after the date of mailing or personal service of notice of the registration. The nonregistering party may seek to vacate the registration or the amount of any alleged arrearages pursuant to section 8413 (relating to contest of registration or enforcement).

(b) Inaction.—If the nonregistering party fails to contest the validity of the registered order in a timely manner, the order is confirmed by operation of law.

(c) Hearing.—If a nonregistering party requests a hearing to contest the validity of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties by first class mail of the date, time and place of the hearing.

§ 8413. Contest of registration or enforcement.

(a) Defenses.—A party contesting the validity of a registered order or seeking to vacate the registration has the burden of proving one of the following defenses:

(1) The issuing tribunal lacked personal jurisdiction over the contesting party.

(2) The order was obtained by fraud.

(3) The order has been vacated, suspended or modified by a later order.

(4) The issuing tribunal has stayed the order pending appeal.

(5) Full payment has been made and there is no continuing support obligation.

(b) Relief.—If a party presents evidence establishing a full or partial defense under subsection (a), a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence and issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available.

(c) Affirmance.—If the contesting party does not establish a defense under subsection (a) to the validity of the order, the registering tribunal shall issue an order confirming the order.

§ 8414. Confirmed order.

Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

§ 8415. Effect of a confirmed order.

A confirmed order has the following effect:

(1) It confers continuing exclusive jurisdiction to the responding tribunal which registered the order.

(2) It eliminates the jurisdiction of the tribunal which issued the order or requested that the order be registered.

Section 6. This act shall apply to actions initiated on or after the effective date of this act.

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

7

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

Mr. BLAUM. Thank you, Mr. Speaker.

This, too, I believe, is an important amendment to this legislation which will improve child support enforcement throughout the Commonwealth and bring us into compliance with Federal requirements so that we have a uniform law throughout the country to better enable families in need of child support to obtain it.

We have found over the years that there are so many obstacles when a parent will leave the home and move to another State that obtaining child support, in many cases, becomes very difficult if not impossible. Because of that, the Federal Government has required the States to enact legislation to make it uniform throughout the Nation.

This bill was introduced at the beginning of the session with bipartisan support, and now I offer it as an amendment to this legislation so that Pennsylvania can join some 20 other States that have moved forward in this regard to make it easier for families — again, in different States — to obtain the necessary child support for their kids.

This bill also encourages the 67 counties in Pennsylvania to also better cooperate under a uniform system so that they can obtain the necessary child support payments when the parents of that particular child live in different counties.

This legislation has been worked out with the domestic relations offices of the 67 counties and is supported by these professionals who, again, work with this legislation and this law on a daily basis.

It is estimated that some 44 percent of children on AFDC (aid to families with dependent children) and 19 percent of all other children do not receive the child support to which they are entitled. Moreover, according to recent data, we have found that families where the father was absent from the home, 57 percent — only 57 percent — had legally enforceable child support awards, and out of that number, only half received the full amount, and indeed one-quarter received absolutely nothing because of the geographic distance involved between the two parents.

So this legislation, this model legislation, was adopted and approved for the States to enact, and I ask that Pennsylvania do so now. It eliminates a great deal of confusion and a great deal of loopholes in the existing system and again is supported by the Domestic Relations Association of Pennsylvania which operates and deals with this law in all of our 67 counties.

Let me just go through very quickly what it does, because this is a rather lengthy amendment which is very simple to understand when it is outlined, as I will try to do for the members.

What it says, first of all, is that only one support order will be in effect at any one time, and the State where the child resides will be the dominant State in establishing priority in the competing courts. Too often when motions are filed in the courts of Pennsylvania, the father will file another motion in the court where he resides with the result that nothing gets done for the child.

Secondly, extended personal or long-arm jurisdiction allows the court to retain exclusive jurisdiction over both parties in the support order even if one or both of the parties live outside of the Commonwealth.

Thirdly, for the first time, an income withholding order can be mailed directly to a person's employer when in another State. Currently we are not able to do this when a parent of a Pennsylvania kid lives outside of the State.

On the question,

Will the House agree to the amendment?

Fourth, the State with continuing exclusive jurisdiction to modify the order will be the State that issues the order.

Five, certain improvements are made in the terms of evidentiary rules to permit the use of faxes, facsimile materials, to be placed in evidence and that allow depositions to occur by telephone or conference call. This protects a single parent, a single mother, who simply does not have the wherewithal to travel to another State, many times to another county, to appear at endless court dates in order to obtain the necessary support payments.

In terms of enforcement of support orders, a court can order withholding of income and hold an individual in civil or criminal contempt, set aside property for payment of support— Mr. Speaker, can I have some quiet, please?

The SPEAKER. Now, there is a hope that we will get out of here in a reasonable amount of time. That hope dims as the noise level increases.

The gentleman, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

In terms of intercounty cases – that being within Pennsylvania – again, when the parents reside in two different counties, the amendment clarifies which county has priority in terms of issuing the support orders and establishing a venue jurisdiction, again to make it very clear what courts are in charge of that particular case.

The bill streamlines the intercounty support procedures by making the support case a one-county action, which does not allow, again, the courts in various counties to delay the payments.

These county support procedures are made consistent with the Pennsylvania automated child support enforcement system, and again, something that is supported by the Domestic Relations Association of Pennsylvania representing our 67 counties.

It is time that we pass this kind of legislation to prohibit deadbeat fathers from escaping the natural responsibility they have to the child which they brought into this world. This legislation, again, begins to break down the barriers and close the loopholes by which deadbeat parents seek to escape their responsibilities.

Mr. Speaker, I ask for the members' approval of the amendment.

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

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, although DPW (Department of Public Welfare) does support the concept, they want some time to take a look at this, Mr. Speaker. They are not 100 percent for this rewrite that Mr. Blaum has put before us.

It is 28 pages long, Mr. Speaker. Pennsylvania already has an interstate enforcement act, and this is a massive rewrite of that act. And the Feds are also, right now as we speak, currently making changes that might make this ineffective.

So I would urge a “no” vote at this time, Mr. Speaker.

The SPEAKER. On the question, the gentleman, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, the Department of Welfare helped us write this legislation. The fact that the gentleman argues that the Feds are changing it is not corroborated by anything that we are aware of or the 20 other States that have adopted this.

There is no reason, there is no reason for this to delay. This was introduced very early in this session by myself and the gentleman, Mr. Piccola, who has now moved over to the Senate, and it is legislation which is needed, again, so that deadbeat parents will not escape their responsibilities.

The distinguished majority leader is correct. We are currently operating under a collection system. It does not work. There are too many loopholes in it and too many advantages which parents who want to escape their responsibilities use, legal maneuvers which they use, and I think we have all heard of cases in our offices that will corroborate this, where deadbeat parents use these kinds of loopholes and legal maneuvers which this legislation is designed to prohibit.

I think this is an important piece of legislation, it is timely, and it is one that is necessary to bring Pennsylvania's law into the 21st century, Mr. Speaker, and I ask that it be adopted.

The SPEAKER. The gentleman, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this piece of legislation is the product of the National Conference of Commissioners on Uniform State Laws. I am one of Pennsylvania's four members of that commission, and I was at the meeting where this was approved at the national level.

Mr. Speaker, a few weeks ago I got contacted by the national conference headquarters in Chicago indicating that this legislation was addressed in the welfare reform legislation moving through the Congress in Washington, and in fact that legislation contained a mandate that the State enact this uniform act on support. Mr. Speaker, I do not know what happened in the final conference committee report in Washington, which I gather is going to be vetoed, but the one thing that I have heard consistently from people who understand this subject is that regardless of the politics, of who the President is and who controls Congress, a mandate to implement this legislation is going to be imposed on us.

Mr. Speaker, the purpose of this legislation is to try to reform the welfare system by making parents who happen to be living in some other State easier to reach in terms of getting them to meet their support obligations. To the extent that we can improve the collections from parents who are out of State, that means that money which is currently paid out in aid to families with dependent children and perhaps money which is paid out in medical assistance can be reduced, so that the fiscal impact of this legislation will be to save the State money. Mr. Speaker, if we are really interested in welfare reform, we ought to be interested in trying to make sure that those people who have brought children into this world take care of their obligations to those children.

Mr. Speaker, this legislation is endorsed by all of the major national organizations which have been involved in child support, has been adopted in numerous States. It will have to be adopted in this State. It was staffed through the Department of Public Welfare, and I think we ought to put it into the bill today. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Williams, from Philadelphia.

Mr. WILLIAMS. Thank you, Mr. Speaker.

I believe that the previous speaker also captured several of the comments that I was going to make, but the obvious one is that if we have imperfections within our own State system, it is clear and obvious that if we do not have a mechanism to capture outside of our system, that we should do and move with all expeditious efforts to that end.

I have in my district, unfortunately, encountered a mother who has on occasion not received a check in a timely manner within the State of Pennsylvania. Clearly those who do not have the support and wherewithal that we do who live here, those of us who do not come from families that have a father or a mother at home, those of us who do not have at this particular festive time during the

course of the year the means to buy a turkey or the means to buy even groceries to put on their table should not be cold-spirited or afraid of anything of this mild a manner to put in this particular bill.

This makes it a better bill, and not a questionable bill; it makes a much more compassionate bill. And it is obvious that if we do not have that in place, people will flee to outside areas of Pennsylvania to avoid their responsibilities.

It is beyond me that we would even consider not putting this amendment in place, and therefore, Mr. Speaker, I rise in support of his amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

A couple points.

Number one, we fully intend to take this issue up, Mr. Speaker.

It is not like we are putting this issue behind us and saying we will not look at it again for the future.

The mandate that Representative Lloyd spoke about does not take effect for 2 more years, Mr. Speaker. The Secretary of the Department of Welfare told us they are not ready for this piece of legislation yet, Mr. Speaker. And it was also mentioned that there are a number of loopholes, and that is the problem, Mr. Speaker. We only want the Judiciary Committee to have a chance to really take a full look at this issue and bring back a completed product.

I would urge a "no" vote at this time, Mr. Speaker.

The SPEAKER. On the question of adopting the Blaum amendment— The gentleman, Mr. Blaum, is not recognized for the third time.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—120

Argall	DeWeese	Lescovitz	Roebuck
Baker	Donatucci	Levdansky	Rooney
Battisto	Evans	Lloyd	Rudy
Bebko-Jones	Fajt	Lucyk	Sainato
Belardi	Feese	Lynch	Santoni
Belfanti	Gamble	Manderino	Scrimenti
Bishop	George	Markosek	Serafini
Blaum	Gigliotti	Mayernik	Staback
Boscola	Gordner	McCall	Steelman
Browne	Gruitza	McGeehan	Stetler
Butkovitz	Haluska	Melio	Strittmatter
Buxton	Hanna	Merry	Sturla
Caltagirone	Harhart	Michlovic	Surra
Cappabianca	Hasay	Miller	Tangretti
Carn	Horsey	Mundy	Thomas
Carone	Hutchinson	Myers	Tigue
Cawley	Itkin	Nyce	Trello
Cohen, M.	James	O'Brien	Trich
Colafiglia	Jarolin	Oliver	True
Colaizzo	Josephs	Pesci	Van Horne
Corpora	Kaiser	Petrarca	Veon
Corrigan	Keller	Petrone	Vitali
Cowell	Kenney	Pistella	Walko
Coy	King	Preston	Washington
Curry	Kirkland	Ramos	Williams
Daley	Krebs	Readshaw	Wogan
DeLuca	Kukovich	Reinard	Wozniak
Dempsey	LaGrotta	Rieger	Wright, D. R.

Dent	Laughlin	Roberts	Yewic
Dermody	Lederer	Robinson	Youngblood

NAYS—76

Adolph	Fairchild	Marsico	Semmel
Allen	Fargo	Masland	Sheehan
Armstrong	Farmer	McGill	Smith, B.
Bard	Fichter	Micozzie	Smith, S. H.
Barley	Fleagle	Nailor	Snyder, D. W.
Birmelin	Flick	Nickol	Stairs
Boyes	Gannon	Perzel	Steil
Brown	Geist	Pettit	Stern
Bunt	Gladeck	Phillips	Stish
Chadwick	Godshall	Pitts	Taylor, E. Z.
Civera	Habay	Platts	Tulli
Clark	Hennessey	Raymond	Vance
Clymer	Herman	Reber	Waugh
Cohen, L. I.	Hershey	Rohrer	Wright, M. N.
Conti	Hess	Rubley	Zimmerman
Cornell	Jadlowiec	Sather	Zug
DiGirolamo	Lawless	Saylor	
Druce	Leh	Schroder	Ryan,
Durham	Maitland	Schuler	Speaker
Egolf	Major		

NOT VOTING—1

Taylor, J.

EXCUSED—5

Gruppo	Olasz	Shaner	Travaglio
Mihalich			

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—197

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	Sheehan
Bebko-Jones	Fichter	Masland	Smith, B.
Belardi	Fleagle	Mayernik	Smith, S. H.
Belfanti	Flick	McCall	Snyder, D. W.
Birmelin	Gamble	McGeehan	Staback
Bishop	Gannon	McGill	Stairs
Blaum	Geist	Melio	Steelman
Boscola	George	Merry	Steil
Boyes	Gigliotti	Michlovic	Stern
Brown	Gladeck	Micozzie	Stetler

Browne	Godshall	Miller	Stish
Bunt	Gordner	Mundy	Strittmatter
Butkovitz	Gruitza	Myers	Sturla
Buxton	Habay	Nailor	Surra
Caltagirone	Haluska	Nickol	Tangretti
Cappabianca	Hanna	Nyce	Taylor, E. Z.
Carn	Harhart	O'Brien	Taylor, J.
Carone	Hasay	Oliver	Thomas
Cawley	Hennessey	Perzel	Tigue
Chadwick	Herman	Pesci	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Truc
Clymer	Horsey	Pettit	Tulli
Cohen, L. I.	Hutchinson	Phillips	Vance
Cohen, M.	Itkin	Pistella	Van Horne
Colafella	Jadlowiec	Pitts	Veon
Colaizzo	James	Platts	Vitali
Conti	Jarolin	Preston	Walko
Cornell	Josephs	Ramos	Washington
Corpora	Kaiser	Raymond	Waugh
Corrigan	Keller	Readshaw	Williams
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	Roebuck	Youngblood
Dent	Laughlin	Rohrer	Zimmerman
Dermody	Lawless	Rooney	Zug
DeWeese	Lederer	Rubley	
DiGirolamo	Leh	Rudy	Ryan,
Donatucci	Lescovitz	Sainato	Speaker
Druce	Levdansky	Santoni	

NAYS-0

NOT VOTING-0

EXCUSED-5

Gruppo	Olasz	Shaner	Travaglio
Mihalich			

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

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

**RULES SUSPENDED**

The SPEAKER. Page 5 of today's calendar - this will be the last series of votes - page 5 of today's calendar, HR 250, PN 2824. It will be necessary to suspend rules prior to the adoption of this resolution.

Accordingly, the Chair recognizes the lady, Mrs. Cohen.

Mrs. COHEN. Mr. Speaker, I ask that the rules of the House be suspended to permit the immediate consideration of HR 250.

On the question.

Will the House agree to the motion?

The following roll call was recorded:

YEAS-194

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	Sheehan
Bebko-Jones	Fichter	Masland	Smith, B.
Belardi	Fleagle	Mayernik	Smith, S. H.
Belfanti	Flick	McCall	Snyder, D. W.
Birmelin	Gamble	McGeehan	Staback
Bishop	Gannon	McGill	Stairs
Blaum	Geist	Melio	Steelman
Boscola	George	Merry	Steil
Boyes	Gigliotti	Michlovic	Stern
Brown	Gladeck	Micozzie	Stetler
Browne	Godshall	Miller	Stish
Bunt	Gordner	Mundy	Strittmatter
Butkovitz	Gruitza	Myers	Sturla
Buxton	Habay	Nailor	Surra
Caltagirone	Haluska	Nickol	Tangretti
Cappabianca	Harhart	Nyce	Taylor, E. Z.
Carone	Hasay	O'Brien	Taylor, J.
Cawley	Hennessey	Oliver	Thomas
Chadwick	Herman	Perzel	Tigue
Civera	Hershey	Pesci	Trello
Clark	Hess	Petrarca	Trich
Clymer	Horsey	Petrone	Truc
Cohen, L. I.	Hutchinson	Pettit	Tulli
Cohen, M.	Itkin	Phillips	Vance
Colafella	Jadlowiec	Pistella	Van Horne
Colaizzo	James	Pitts	Veon
Conti	Jarolin	Platts	Vitali
Cornell	Josephs	Preston	Walko
Corpora	Kaiser	Ramos	Washington
Corrigan	Keller	Raymond	Waugh
Cowell	Kenney	Readshaw	Williams
Coy	King	Reber	Wogan
Curry	Kirkland	Reinard	Wozniak
Daley	Krebs	Rieger	Wright, D. R.
DeLuca	Kukovich	Roberts	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-2

Hanna	Robinson
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NOT VOTING-1

Carn
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EXCUSED-5

Gruppo	Olasz	Shaner	Travaglio
Mihalich			

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

**RESOLUTION**

Mrs. COHEN called up **HR 250, PN 2824**, entitled:

A Resolution expressing condolences to the people of Israel on the occasion of the violent assassination of their valiant and heroic son, Yitzhak Rabin, one of the greatest men of history, and confirming hope for the continuation of efforts to achieve security for Israel through peace in the Middle East.

On the question,  
Will the House adopt the resolution?

The SPEAKER. On the question of the adoption of the resolution, the Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, may I have the attention of the House just for 15 seconds, please?

The SPEAKER. This is a very serious resolution, serious in its content. The gentleman is positively entitled to the strict attention of the House.

Mr. DeWEESE. Mr. Speaker, I will submit remarks for the record; I only wanted 10 or 15 seconds.

But Representative Cohen and I had chatted. I have had the privilege of working and living in Israel for over 2 months on four different occasions, had the privilege of having dinner with Mr. Peres, never Mr. Rabin, but I have some personal reflections on the gentleman's life and career. I did want to make these observations for the record, and I thank the gentleman for gaining the attention of the House.

The SPEAKER. The Chair thanks the gentleman.

**REMARKS SUBMITTED FOR THE RECORD**

Mr. DeWEESE submitted the following remarks for the Legislative Journal:

IN MEMORIAM CITATION FOR YITZHAK RABIN  
(MARCH 1, 1922-November 4, 1995)

My point of reference is as someone who has traveled to Israel on numerous occasions and lived on the Ramot Hakovesh kibbutz. My wonderful experiences in Israel only bring me greater sorrow when I learned of Prime Minister Rabin's brutal assassination.

The Prime Minister of the State of Israel, His Excellency Yitzhak Rabin, was suddenly and by an insensate deed of violence gathered unto his fathers on November 4, 1995. Yitzhak Rabin was someone who devoted his life to his nation and to his people, so that his native land would not only assume its rightful place amongst the nations of the Earth but also glow amidst the darkness of a violent age as to a beacon of hope and stability in a region of our world far too often bereft of cautious counsels and of wise prudence.

We — the citizenry of the Commonwealth of Pennsylvania — whose distant ancestors ventured across the tempestuous salt wastes of the North Atlantic, hoping to find in a New World that precious amalgam of peace and prosperity that had eluded them in whatever Old Country from which they sprung, are proud to acknowledge an adamant bond of spiritual kinship and perdurable affection with our Nation's cousins who in similar fashion have forged a modern nation-state in the bitter aftermath of World War II.

Yitzhak Rabin was one of the principal laborers at that arresting task so eloquently delineated by the prophet Isaiah that shall ever resonate across

the immense march of the millennia which separates his listeners from our readers, "They shall beat their swords into plowshares, and their spears into pruninghooks: nation shall not lift up sword against nation, neither shall they learn war any more" (2:4).

The unstinting and unwearying example of Prime Minister Rabin's life, which spanned a mighty arc from sabra to commando in Haganah to tenure as Chief of Staff of the Israeli Defense Force in the June 1967 War to his twin tenures as Prime Minister (1974-1977 and 1992 until his premature demise), shall forever endure as his monument and as a testament of his creed initially enunciated by one of the greatest declamatory voices of his people, Isaiah.

All thoughtful men and women will take heed of the splendid example he set for us all of unyielding courage in the teeth of titanic obstacles, of unstinting steadfastness of heart when engaged in conquering these very same obstructions set to bar the way to his people's happiness and sense of nationhood, and of a rapidity of mind matched with a surety of judgment.

I send my heartfelt condolences to the People of the Book, in the Land promised to them from olden times unto Abraham and his seed in perpetuity, and especially to Leah Rabin and to her children in a grievous hour, as we join her and her family in commemorating a most substantial loss and in ever remembering the propulsive force and creative energies of this man who indeed died in harness for us all.

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

The following roll call was recorded:

YEAS-197

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	Sheehan
Bebko-Jones	Fichter	Masland	Smith, B.
Belardi	Fleagle	Mayernik	Smith, S. H.
Belfanti	Flick	McCall	Snyder, D. W.
Birmelin	Gamble	McGeehan	Staback
Bishop	Gannon	McGill	Stairs
Blaum	Geist	Melio	Steelman
Boscola	George	Merry	Steil
Boyes	Gigliotti	Michlovic	Stern
Brown	Gladeck	Micozzie	Stetler
Browne	Godshall	Miller	Stish
Bunt	Gordner	Mundy	Strittmatter
Butkovitz	Gruitza	Myers	Sturla
Buxton	Habay	Nailor	Surra
Caltagirone	Haluska	Niekol	Tangretti
Cappabianca	Hanna	Nyce	Taylor, E. Z.
Carn	Harhart	O'Brien	Taylor, J.
Carone	Hasay	Oliver	Thomas
Cawley	Hennessey	Perzel	Tigue
Chadwick	Herman	Pesci	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	True
Clymer	Horsey	Pettit	Tulli
Cohen, L. I.	Hutchinson	Phillips	Vance
Cohen, M.	Itkin	Pistella	Van Horne
Colafrella	Jadlowiec	Pitts	Veon
Colaizzo	James	Platts	Vitali
Conti	Jarolin	Preston	Walko
Cornell	Josephs	Ramos	Washington



Corpora	Kaiser	Raymond	Waugh
Corrigan	Keller	Readshaw	Williams
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	Roebuck	Youngblood
Dent	Laughlin	Rohrer	Zimmerman
Dermody	Lawless	Rooney	Zug
DeWeese	Lederer	Rubley	
DiGirolamo	Leh	Rudy	Ryan,
Donatucci	Lescovitz	Sainato	Speaker
Druce	Levdansky	Santoni	

NAYS-0

NOT VOTING-0

EXCUSED-5

Gruppo	Olasz	Shaner	Travaglio
Mihalich			

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

**RESOLUTION ON CONCURRENCE  
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HR 235, PN 2700**, entitled:

A Concurrent Resolution amending House Resolution No. 2 (Concurrent), approved by the Governor March 9, 1995, entitled "A concurrent resolution to create a commission of public and private cost-minded leaders of this Commonwealth to study the management of current government operations and make recommendations of cost-cutting measures," changing the date of the report; and further providing for funding of the commission.

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

The following roll call was recorded:

YEAS-196

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

Butkovitz	Habay	Nailor	Sturla
Buxton	Haluska	Nickol	Surra
Caltagirone	Hanna	Nyce	Tangretti
Cappabianca	Harhart	O'Brien	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	Pistella	Vance
Colafella	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	Williams
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
Durham	Lloyd		

NAYS-0

NOT VOTING-1

EXCUSED-5

Carn			
Gruppo	Olasz	Shaner	Travaglio
Mihalich			

The majority 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. That was the last vote of the day. Drive safely; have a good Thanksgiving.

The Chair will keep the House open for a short period of time. When we adjourn, we will adjourn until December 11.

**TRANSPORTATION COMMITTEE MEETING**

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

Mr. GEIST. Thank you.

For the Transportation Committee members, we will meet immediately in the majority caucus room; the meeting will be continued then until tomorrow morning. But members should report now to the majority caucus room and then tomorrow morning at 10 a.m. Thank you.

**VOTE CORRECTION**

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

Mr. DONATUCCI. Mr. Speaker, to correct the record.

On the conference report, SB 282, my vote malfunctioned. I would like to be recorded in the negative.

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

**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:

**SB 282, PN 1563**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining "police officer"; defining "law enforcement officer" and "loaded" for purposes of the Uniform Firearms Act of 1995; further providing for certain prohibited criminal conduct, for administration, for fees and for notification; prohibiting the provision of butane to minors; further providing for buying or exchanging Federal food order coupons, stamps, authorization cards or access devices and for fraudulent traffic in food orders; prohibiting the operation of certain establishments; providing for local option; and making repeals.

**SB 879, PN 1576**

An Act amending Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes, further providing for members of the Pennsylvania Historical and Museum Commission; providing for archaeological field investigations; and further providing for cooperation by public officials with the Pennsylvania Historical and Museum Commission.

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

**VOTE CORRECTION**

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

Mr. EGOLF. Mr. Speaker, on SB 282, I would like to be recorded in the affirmative. I made a mistake on the vote.

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

**WRIT OF SPECIAL ELECTION**

The SPEAKER. The Chair at this time submits for the record a writ for a special election in the 104th Legislative District.

For the information of the members, I have called a special election to fill the seat of Representative Piccola for January 30.

The following writ of special election was submitted:

COMMONWEALTH OF PENNSYLVANIA, SS:

TO THE HONORABLE YVETTE KANE, SECRETARY OF THE COMMONWEALTH, AND TO RUSSELL L. SHEAFFER, SALLY S. KLEIN, AND ANTHONY M. PETRUCCI, CONSTITUTING THE BOARD OF ELECTIONS OF DAUPHIN COUNTY:

GREETINGS: WHEREAS, A vacancy exists in the office of Representative of the Commonwealth of Pennsylvania for the One-hundred and Fourth Legislative District of the County of Dauphin caused by the reason of the resignation of Jeffrey E. Piccola, the Representative from said District, on the 21st day of November, one thousand nine hundred ninety-five.

NOW, THEREFORE, I, Matthew J. Ryan, Speaker of the House of Representatives, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania, and by the Act of Assembly in such case made and provided, do hereby command you:

That you cause an election to be held in the said County of Dauphin on the 30th of January, A.D., one thousand nine hundred ninety-six to choose a person to represent said Legislative District in the House of Representatives of Pennsylvania, for the remainder of the term expiring December first, one thousand nine hundred ninety-six, and that you give due and public notice of said election throughout said District, in the form and manner directed by law.

Given under my hand and the seal of the House of Representatives, this 21st day of November, A.D., one thousand nine hundred ninety-five.

ATTEST:

Ted Mazia

Chief Clerk of the House of Representatives

(SEAL)

Matthew J. Ryan

Speaker of the House of Representatives

Service of the written writ and receipt of same is hereby acknowledged this 21st day of November, 1995.

By William P. Boehm.

**REPORT OF  
COMMITTEE ON COMMITTEES**

The SPEAKER. The clerk will read the following resolution with respect to the appointment of Mr. Myers to certain committees.

The following report was read:

Committee on Committees  
Supplemental Report

In the House of Representatives  
November 21, 1995

RESOLVED, That

Representative John Myers, Philadelphia County, is elected a member of the Agriculture and Rural Affairs Committee, vice Representative Dan A. Surra resigned.

Representative John Myers, Philadelphia County, is elected a member of the Liquor Control Committee, vice Representative Edward G. Staback resigned.

Respectfully submitted,  
Richard D. Olasz, Chairman  
Committee on Committees

On the question,  
Will the House adopt the resolution?  
Resolution was adopted.

#### **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. Do the Republican floor leaders have any further business? Do the Democratic floor leaders have any further business?

Hearing none, the Chair recognizes the gentleman from Chester County, Mr. Schroder.

Mr. SCHRODER. Mr. Speaker, I move that this House do now adjourn until Monday, December 11, 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 5:11 p.m., e.s.t., the House adjourned.