

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, FEBRUARY 7, 1996

SESSION OF 1996

180TH OF THE GENERAL ASSEMBLY

No. 9

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

PRAYER

REV. DONALD KNAPP, Chaplain of the House of Representatives and Chaplain at Brittany Pointe Estates, Lansdale, Pennsylvania, offered the following prayer:

Mr. Speaker, assembled House members, honored guests, I call your attention to that which you know, the beauty of this room, but I think of it as a challenge for the goals that you seek to accomplish today, particularly these beautiful, variegated, marble, rose-gray-colored walls from the Pyrenees Mountains of Europe.

Let us pray together:

How many words have been spoken within these walls, O Lord? Like the hairs of our heads, only Thou knowest the number.

What have these walls listened to over the years since they came from across the ocean, to be found only in this room on these shores? What have they heard of discussion and debate?

This marvelous stone, through pressure and fire, by sun and cold, has changed. Quarried from the earth, the skill of the stonemason taught them the feeling of chisel and hammer. They learned the abrasion of polishing and have now assumed their timeless, sublime beauty.

May the beauty of this room challenge the members of this House in their work, for beauty does not come easily. It comes through sweat and toil, by effort and endeavor. It comes as we try and fail, as we learn and correct. It comes as we refuse to quit. It comes by care and consistency.

The members of this House in their own way take up the aprons of stonemasons. They grasp the tools of legislation. They feel both the sweat and chill of problems and circumstances. They spend hours in silent work but more time in committee work. Beauty for them does not come easily either. But the beauty they seek to achieve will not be in cold stone but in the lives of their constituents – in the human lives of the aged, the working person, the sick, the child. Inspire us again, in this place, toward the achievement of beauty.

We take up the raw materials You have given us. Help these Representatives to discover Your direction and to use their skills, experiences, knowledge, and effort to make the lives of our fellows equitable, more manageable, more a reflection of the beauty seen

around us. Let their work today be for that purpose. Challenge us by beauty.

Toward that end, may the words spoken today, heard again by these walls, add something more to this reflection of beauty, for this day and for the years to come. May the words of our mouths be acceptable before Thee, and toward that end we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, February 6, 1996, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2384 By Representatives CLYMER, GEIST, BAKER, MARKOSEK, TRELLO, SAYLOR, ROHRER, SATHER, BROWN, L. I. COHEN, FICHTER, YOUNGBLOOD and MERRY

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the exclusion from transfer tax for certain conveyances involving nonprofit industrial development agencies or authorities.

Referred to Committee on FINANCE, February 7, 1996.

No. 2385 By Representatives SCHRODER, BELARDI, STABACK, ITKIN, MUNDY, CLARK, FICHTER, HALUSKA, E. Z. TAYLOR, SATHER, PETTIT, BELFANTI, FARGO, MILLER, ROBERTS, LYNCH, HERSHEY, BAKER, RUBLEY, CORRIGAN, TIGUE, ADOLPH, HENNESSEY and MERRY

An Act amending the act of September 26, 1951 (P.L.1539, No.389), known as The Clinical Laboratory Act, further providing for report of laboratory findings.

Referred to Committee on HEALTH AND HUMAN SERVICES, February 7, 1996.

No. 2386 By Representatives O'BRIEN, LUCYK, KAISER, OLASZ, GEORGE, BEBKO-JONES, FICHTER, FAIRCHILD, COY, NYCE, L. I. COHEN, PESCI, PHILLIPS, MILLER, BAKER, WAUGH, BOSCOLA, McGEEHAN, STERN, COLAIZZO, ITKIN, STABACK, DEMPSEY, ROBERTS, MERRY, TRELLO, SANTONI, DiGIROLAMO, LEDERER, GEIST, SHEEHAN, HALUSKA, SAYLOR, B. SMITH, BROWN, ADOLPH, GODSHALL, PLATTS, McCALL, YOUNGBLOOD, J. TAYLOR, HENNESSEY, E. Z. TAYLOR, WOGAN and ALLEN

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for a veterans' ombudsman.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 7, 1996.

No. 2387 By Representatives DRUCE, M. N. WRIGHT, HERMAN, BATTISTO, L. I. COHEN, BELFANTI, CAWLEY, SATHER, E. Z. TAYLOR, HENNESSEY, J. TAYLOR, TRICH, TRELLO, ITKIN, GEIST and BUNT

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the neighborhood assistance tax credit.

Referred to Committee on FINANCE, February 7, 1996.

SENATE RESOLUTION FOR CONCURRENCE

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

SR 81, PN 1559

Referred to Committee on RULES, February 7, 1996.

BILLS REMOVED FROM TABLE

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

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

HB 216;
HB 256;
HB 1391;
HB 1513;
HB 2021;
HB 2118;
HB 2152;
HB 2210;
HB 2340; and
SB 633.

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

BILLS RECOMMITTED

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

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

HB 216;
HB 256;
HB 1391;
HB 1513;

HB 2021;
HB 2118;
HB 2152;
HB 2210;
HB 2340; and
SB 633.

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

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman, Mr. Barley, who requests leave of absence for the gentleman from Bucks, Mr. STEIL; the gentleman from Lehigh, Mr. DENT; the gentleman from Lancaster, Mr. ARMSTRONG. The Chair hears no objection, and leaves are granted.

The Chair recognizes the gentleman, Mr. Itkin, who requests that the gentlemen, Mr. PISTELLA, Mr. ROBERTS, and Mr. ROEBUCK, be granted leave of absence. Without objection, the leaves will be granted. The Chair hears no objection, and leaves are granted.

CALENDAR

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. The Chair turns to page 1 of today's calendar. Without objection, HB 1601 and SB 654 are over.

On page 2 of today's calendar, HB's 2275, 1896, and 2048 are over. The Chair hears no objection.

Page 3. SB 684 is over. The Chair hears no objection.

Page 4. Without objection, HB 2205 and the discharge resolutions are over. The Chair hears no objection.

Page 5. The discharge resolution on page 5 is over. The Chair hears no objection.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Barley, who requests leave of absence for the gentleman from Delaware, Mr. CIVERA. Without objection, leave will be granted. The Chair hears none.

MASTER ROLL CALL

The **SPEAKER**. The Chair is about to take today's master roll call. Members will proceed to vote on the master roll call.

The following roll call was recorded:

PRESENT—195

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—7

Armstrong	Dent	Roberts	Steil
Civera	Pistella	Roebuck	

LEAVES ADDED—1

Kirkland

LEAVES CANCELED—1

Dent

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 26, PN 2946**, entitled:

An Act amending the act of December 14, 1992 (P.L.866, No.137), known as the Optional County Affordable Housing Funds Act, extending the act to counties of the first class.

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

Ms. MUNDY offered the following amendment No. **A0098**:

Amend Title, page 1, line 5, by removing the period after "class" and inserting
; providing for a home purchase loan program to be administered by the Pennsylvania Housing Finance Agency; and creating the Affordable Housing Trust Fund.

Amend Bill, page 2, line 21, by striking out all of said line and inserting

Section 3. The act is amended by adding a section to read:

Section 6.1. Affordable Housing Trust Fund.

(a) Creation and administration of fund.—There is hereby created and established under the jurisdiction and control of the agency the Affordable Housing Trust Fund, as a permanent revolving fund of identifiable, renewable and segregated capital to be used by the agency in accordance with this section. The agency shall hold fund moneys separate and distinct from its other assets and other funds which it administers.

(b) Sources of fund.—There shall be paid into the fund:

(1) All moneys appropriated by the General Assembly for inclusion in the fund.

(2) Revenue collected from the imposition of the surcharge on recorded documents under subsection (j).

(3) Grants, donations, contributions or gifts from public or private sources specifically earmarked for deposit into the fund.

(4) The proceeds from the sale of property, real, personal or otherwise, which may be given or donated to the agency for use in connection with the fund.

(5) Any money made available to the agency under the provisions of the act of December 14, 1992 (P.L.866, No.137), known as the Optional County Affordable Housing Funds Act.

(6) All interest, dividends and pecuniary gains from investment of money in the fund.

(7) Repayments of principal and interest on loans provided from the fund.

(8) All other revenues, receipts and fees of whatever source derived from the operation of the fund.

(c) Use of fund.—The agency shall use moneys in the fund for the purpose of enabling low-income and moderate-income persons and families to attain home ownership through, but not limited to, any or all of the following programs:

(1) The Home Purchase Loan Program, which shall consist of second or subsequent mortgage loans and/or grants, the proceeds of which can be used to provide closing cost assistance and/or down payment assistance to eligible homebuyers. Repayment may be

deferred by the agency for a period up to the length of the first mortgage but shall be repaid at the time of a sale, transfer or nonowner occupancy of the property or upon payment in full or a refinance of the first mortgage. The agency may allow subordination of the mortgage loan where the first mortgage is being refinanced to produce more favorable repayment terms for the homeowner or to enable the homeowner to make repairs necessary to preserve the property.

(2) The Mortgage Interest Subsidy Program, which shall consist of second or subsequent mortgage loans and grants, the proceeds of which can be used to buy down interest rates for eligible homebuyers, thereby producing an affordable monthly mortgage payment. Repayment of the loans may be deferred by the agency for a period of up to the length of the first mortgage and shall be repaid in the same manner as set forth in paragraph (1).

(d) Eligibility criteria.—Persons or families must meet the following criteria to be eligible to participate in a program set forth in subsection (c):

(1) Applicants must be persons or families whose annual income adjusted for family size does not exceed 115% of median household income for the county in which the property is located. The agency may establish additional criteria limiting certain kinds of assistance to persons of low or very low income.

(2) Applicants must be persons or families who have not had an ownership interest in residential real property within the previous three years. This provision may be waived by the agency in the case of single-parent families.

(3) Applicants must have insufficient assets or income, as determined by the agency to be able to purchase the property without the assistance provided by this section.

(4) The agency shall require homebuyers to undergo home ownership counseling as approved by the agency as a condition of the receipt of a grant and/or loan.

(5) The agency shall establish limits on the amount of money available to each applicant.

(e) Distribution of moneys.—The agency shall use its best efforts to distribute moneys in the fund on a regional basis in the same proportion to where the moneys were derived; provided, however, that the distribution of moneys in the restricted account within the fund, created under subsection (l), shall not be considered when the agency distributes the remaining moneys in the fund in accordance with subsections (c) through (i). Any Federal funds or moneys donated to the fund from outside this Commonwealth can be used by the agency anywhere in this Commonwealth.

(f) Participating lenders.—The following lending institutions shall be eligible to participate in programs authorized by this section, subject to such standards, criteria and procedures as shall be established by the agency:

(1) Lending institutions that originate first mortgage loans in conjunction with any of the agency's single family home purchase programs.

(2) Lending institutions that originate first mortgage loans in conjunction with a home purchase program operated by a municipality, municipal authority or a residential finance authority.

(3) Other lending institutions approved by the agency which have agreed to comply with the homebuyer eligibility and other requirements of subsection (d).

Funds will be made available in such amounts as the agency shall determine in order to meet the requirements of subsection (e) and within the financial limitations of the fund.

(g) Matching funds.—The agency may use money from the fund to match Federal, State, local or private money to be used for programs which have the purpose of fostering home ownership by persons and families of low income and moderate income.

(h) Housing counseling programs.—The agency may use money from the fund to pay for technical assistance, design, finance and administrative services and housing counseling services provided to

applicants by nonprofit housing development corporations or other community-based or neighborhood-based organizations.

(i) Administrative expenses.—The agency may use money from the fund to pay reasonable expenses incurred in connection with administering the fund and operating the programs authorized under this section.

----- (j) Imposition of surcharge.—There is hereby imposed a real estate document surcharge in the amount of \$10 for every deed, mortgage or other instrument for which a recording fee is provided and which is recorded in the office of the recorder of deeds in each county of this Commonwealth. The surcharge shall be in addition to any other recording fee or other charge lawfully collected by the recorder of deeds and shall be paid by the recorder of deeds to the Department of Revenue at the same time and in the same manner as the realty transfer tax. The Department of Revenue shall remit forthwith to the agency for deposit to the fund all moneys received in connection with the real estate document surcharge.

(k) County participation.—The county commissioners or the governing body of a county with a down payment and/or closing cost assistance program established under the provisions of the act of December 14, 1992 (P.L.866, No.137), known as the Optional County Affordable Housing Funds Act, shall have the power and may elect to not participate in the Affordable Housing Trust Fund established under this section. The election to not participate in the fund shall be evidenced by an ordinance enacted by the county commissioners or the governing body of such county. The surcharge under subsection (j) shall be imposed and any moneys received shall be deposited into the fund until such an ordinance is enacted under this subsection. Any real estate document recorded in the office of the recorder of deeds in a county which has enacted an ordinance under this subsection shall not be subject to the surcharge imposed by subsection (j). The residents of a county which has enacted an ordinance under this subsection shall be ineligible to receive any moneys from the fund until the county commissioners or the governing body of the county repeals the ordinance. The recorder of deeds of the county shall begin collecting the surcharge imposed by subsection (j), 60 days after the repeal is effective.

(l) Third class cities program.—The county commissioners or the governing body of a county in which a city of the third class is located shall have the power and may elect by ordinance to impose a surcharge of \$1 on every deed, mortgage or other instrument for which a recording fee is provided and which is recorded in the office of the recorder of deeds. This surcharge shall be in addition to any other recording fee or other charge lawfully collected by the recorder of deeds. This surcharge shall be paid by the recorder of deeds to the Department of Revenue at the same time and in the same manner as the realty transfer tax. The Department of Revenue shall remit forthwith to the agency for deposit into a restricted account within the fund all moneys received in connection with the surcharge imposed under this subsection. In accordance with subsections (c) through (i), where applicable, the agency shall use the moneys in the restricted account only for the purpose of enabling low-income and moderate-income persons and families to attain home ownership within a city of the third class located within a county where the money was collected. If there is more than one city of the third class within a county imposing a surcharge under this subsection, the moneys distributed for use in a city of the third class shall be based upon the total population of all cities of the third class within the county where the money was collected divided by the total population of a city of the third class where the moneys will be distributed. If all of the moneys in the restricted account cannot be distributed under this subsection, the agency shall distribute the moneys in accordance with subsection (e).

(m) Semiannual report.—The agency shall report to the General Assembly and the Governor on a semiannual basis, corresponding with the beginning of each two-year legislative session, on the income and expenses of the fund and its uses, including the number and amounts of loans and grants made, the number and types of residential units assisted, the income levels of persons assisted and the geographical distribution of loans and grants made.

(n) Sunset.—The Affordable Housing Trust Fund created under this section, together with its statutory functions and duties, shall terminate on December 31, 2000, unless reestablished or continued by the General Assembly. The Legislative Budget and Finance Committee shall be required to present to the General Assembly a report evaluating the fund by December 31, 1999. This report shall provide the General Assembly with a recommendation as to whether the fund is to be continued and, if so, the changes which are suggested by the committee to improve the operation of the fund.

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

“Agency.” The Pennsylvania Housing Finance Agency, a public corporation and government instrumentality, established under the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law.

“Annual income.” The total annual income of all members of a family from whatever source derived, including, but not limited to, pension, annuity, retirement and Social Security benefits, but may exclude the following as the Pennsylvania Housing Finance Agency may establish by rule or regulation:

- (1) Reasonable allowances for dependents.
- (2) Reasonable allowances for medical expenses.
- (3) All or a proportionate part of the earnings of dependent family members.
- (4) Income not received regularly.

“Fund.” The Affordable Housing Trust Fund created under this section.

“Lending institution.” Any of the following if it customarily provides residential mortgage services or otherwise aids in the financing of mortgages on residential housing in this Commonwealth:

- (1) Bank.
- (2) Bank and trust company.
- (3) Trust company.
- (4) Savings bank.
- (5) National banking association.
- (6) Federal National Mortgage Association.
- (7) Federal Home Loan Mortgage Corporation.
- (8) Government National Mortgage Association.
- (9) Pennsylvania Housing Finance Agency.
- (10) Mortgage banker.
- (11) FHA-approved mortgage service company.
- (12) Savings and loan association.
- (13) Federal savings and loan association.
- (14) Building and loan association.
- (15) Credit union.
- (16) A financial institution similar to those listed in paragraphs (1) through (15).

“Low-income and moderate-income persons” or “low-income and moderate-income families.” Individuals or families who cannot afford to pay the amounts at which private enterprise, without the assistance of this section, is providing a substantial supply of decent, safe and sanitary housing. The agency shall establish income limits for participation of such persons and families, based on countywide income statistics, where available.

“Mortgage.” A lien other than a judgment on a fee simple estate or leasehold in real property located in this Commonwealth, together with the credit instruments, if any, secured by it. The term shall include insured and uninsured mortgages.

“Mortgagor.” Individuals, joint ventures, partnerships, limited partnerships, trusts, corporations, cooperatives and condominiums, whether organized for profit or not for profit.

Section 4. This act shall take effect as follows:

- (1) The addition of section 6.1(j) of the act 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. On that question, the Chair recognizes the lady, Ms. Mundy.

Ms. MUNDY. Mr. Speaker, this amendment is one that passed earlier this session. It is the Affordable Housing Trust Fund bill. It passed almost unanimously. I believe there was one vote against it. I would ask your support once more. Thank you.

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

The following roll call was recorded:

YEAS—176

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

NAYS—17

Baker	Lawless	Nickol	Stern
Carone	Maitland	Sather	Stish
Godshall	Major	Schroder	Vance
Hutchinson	Merry	Smith, S. H.	Wauh
Krebs			

NOT VOTING—2

Harhart Serafini

EXCUSED—7

Armstrong Dent Roberts Steil
Civera Pistella Roebuck

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

On the question,

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

The SPEAKER. Is the gentleman, Mr. Sturla, on the floor of the House? Does the gentleman, Mr. Sturla, intend to offer this amendment, Mr. Itkin?

The gentleman, Mr. Itkin. Is Mr. Sturla on the floor? The gentleman, Mr. Itkin, is recognized.

Mr. ITKIN. We expect Mr. Sturla to be on the floor momentarily. Could we just pass over the amendment? Are there any other amendments to be considered to this bill?

The SPEAKER. No.

Mr. ITKIN. Could we pass over the bill temporarily?

The SPEAKER. It is the understanding of the Chair, Mr. Itkin, that a reconsideration motion will now be filed on the Mundy amendment, so we can dispose of the reconsideration motion and probably the Mundy amendment and come back to Sturla at that time.

Mr. ITKIN. That will be fine, Mr. Speaker.

The SPEAKER. Thank you.

Mr. Itkin, the reconsideration motion has been withheld. There will be no reconsideration of the Mundy amendment, so at this time — here is Mr. Sturla — the clerk will read the Sturla amendment.

On the question recurring,

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

Mr. STURLA offered the following amendment No. A0352:

Amend Title, page 1, line 4 (A0098), by striking out “and”

Amend Title, page 1, line 5 (A0098), by removing the period after “Fund” and inserting

; providing for a program of home mortgage insurance; and establishing the Housing Insurance Fund.

Amend Sec. 3 (Sec. 6.1), page 5, by inserting between lines 42 and 43 (A0098)

Section 4. Section 7 of the act is repealed.

Section 5. The act is amended by adding a section to read:

Section 8. Home mortgage insurance program.

(a) Housing insurance fund.—

(1) There is hereby created under the jurisdiction of the agency, or any nonprofit corporate subsidiary it may create for this purpose, an insurance reserve fund called the Housing Insurance Fund.

(2) There shall be paid into the fund:

(i) All money appropriated by the General Assembly for inclusion in the fund.

(ii) All proceeds from the issuance of bonds by the agency for inclusion in the fund.

(iii) All premiums collected under the home mortgage insurance program.

(iv) All interest, dividends and gains from investment of money of the fund.

(v) Any other money available to the agency which it determines to use for this purpose.

(3) Money held in the fund shall be used to make payments pursuant to home mortgage insurance contracts, to pay any or all expenses of administration and operation of the home mortgage insurance program and to maintain the fund at an amount equal to prudent minimum insurance reserves as determined by the agency. Any money in the fund in excess of that required for the aforesaid purposes may be allocated by the agency to the Affordable Housing Trust Fund, created under the act of (P.L. , No.), known as the Affordable Housing Trust Fund Act.

(b) Home mortgage insurance program.—The agency, or any nonprofit corporate subsidiary of the agency formed for this purpose, shall have the authority to create, develop, administer and supervise the administration of the home mortgage insurance program in cooperation with public or private mortgage insurers to encourage home ownership for low-income and moderate-income persons and families who are unable to purchase a home without mortgage insurance or similar credit enhancements. In this connection, the agency may:

(1) Enter into contracts to insure, reinsure or coinsure the repayment of loans secured by mortgages on single-family owner-occupied residences located in this Commonwealth.

(2) Procure reinsurance or coinsurance or enter into reciprocal or interinsurance contracts from and with any local agency, agency of the United States or any licensed private mortgage insurer or reinsurer.

(3) Negotiate, solicit, sell and otherwise deal with home mortgage loan insurance policies.

(4) Prescribe forms of policies, establish premiums and otherwise implement the home mortgage insurance program.

(c) Eligibility requirements.—

(1) To qualify for loan insurance pursuant to this section, a borrower shall be a purchaser of a single-family owner-occupied residence who is qualified and financially able to bear the usual expenses of maintaining such residences and repaying the loan. The agency may insure or issue commitments to insure loans upon certification of an officer of an approved lending institution that the borrower is qualified for the loan according to standard single-family lending practices and agency guidelines.

(2) The mortgage loan shall exceed a 95% loan-to-value ratio, but shall not exceed a 100% loan-to-value ratio.

(3) The mortgage loan and related documents shall contain such terms as are satisfactory to the agency.

(4) A borrower that is approved for mortgage insurance under this section shall be required to complete a home ownership counseling program as approved by the agency.

(d) Loan defaults.—The agency shall establish procedures to be followed by lending institutions in the event of a default on the loan insured under this section. The agency may require that, prior to submission and payment of a claim, the lending institution must foreclose and take possession of the property or otherwise acquire title and possession of the property within the time specified by the agency.

(e) Home mortgage insurance premiums.—The agency shall fix mortgage insurance premiums for the insurance of mortgage loans under the provisions of this section. The amount of premium need not be uniform for all insured loans.

(f) Status of mortgages as investments.—Loans secured by mortgages, the payment of which are insured by the agency, shall be legal investments for trust companies; banks; investment companies; savings banks; building and loan associations; executors, administrators, guardians, conservators, trustees and other fiduciaries; public and private pension, profit-sharing and retirement funds; the State Treasurer; and agencies of the Commonwealth.

(g) Licensure exemption.—The authority granted to the agency by this section, or to any nonprofit corporate subsidiary it may create for this purpose, is intended to be in complete substitution of all licensing, filing and other regulatory requirements otherwise applicable to insurance carriers doing business in this Commonwealth and the agency or its nonprofit corporate subsidiary.

(h) Expiration.—The Housing Insurance Fund created under this section, together with its statutory functions and duties, shall expire on December 31, 2000, unless reestablished or continued by the General Assembly. The Legislative Budget and Finance Committee shall present to the General Assembly a report evaluating the fund by December 31, 1999. This report shall provide the General Assembly with a recommendation as to whether the fund is to be continued and, if so, the changes which are suggested by the committee to improve the operation of the fund.

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

“Agency.” The Pennsylvania Housing Finance Agency.

“Fund.” The Housing Insurance Fund.

Amend Sec. 4, page 5, line 43 (A0098), by striking out “4” and inserting

6

Amend Sec. 4, page 5, line 44 (A0098), by striking out “section 6.1(j)” and inserting sections 6.1(j) and 8

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

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would allow banks which are currently holding mortgages where they have 100 percent invested in the mortgage to work with PHFA (Pennsylvania Housing Finance Agency) to help underwrite the mortgage insurance on those mortgages so they can put them on the secondary market.

Now, let me explain what currently happens. Mr. Speaker, currently, by law, mortgage insurance companies are only allowed to insure a mortgage for up to 95 percent of the loan-to-value ratio, and there are special programs that allow some PHFA loans to go out at 97 percent loan-to-value ratio, but there are many banks that, in order to meet their community reinvestment act requirements, do loans at 100 percent loan-to-value ratio. They cannot, however, turn around and sell those on the secondary market, because there is a portion of that loan, the last 3 to 5 percent, that is uninsured. What this will allow PHFA to do is to insure that last 3 to 5 percent. We are talking about a minimal amount of money. We are not talking about 3 to 5 percent of the loan; we are talking about insurance on 3 to 5 percent of the loan, which will then allow those banks to go out and sell those mortgages on the secondary market and go out and produce more loans in neighborhoods that require people to get home mortgages where they do not have a lot of down payment money.

This is something that has been supported by PHFA. It has passed before on the floor of the House with rather good numbers, and it is being offered today as an amendment so that we can help

homeowners in Pennsylvania and increase homeownership in Pennsylvania.

I would appreciate an affirmative vote. Thank you.

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

The following roll call was recorded:

YEAS—193

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

NAYS—2

Miller Pettit

NOT VOTING—0

EXCUSED--7

Armstrong	Dent	Roberts	Steil
Civera	Pistella	Roebuck	

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

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

AMENDMENT A0098 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman, Mr. Hasay, who moves that the vote by which amendment No. 98 was passed to HB 26, PN 2946, on the 7th day of February be reconsidered.

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

The following roll call was recorded:

YEAS--195

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

Dermody	Laughlin	Rohrer	Yewcic
DeWeese	Lawless	Rooney	Youngblood
DiGirolamo	Lederer	Rubley	Zimmerman
Donatucci	Leh	Rudy	Zug
Druce	Lescovitz	Sainato	
Durham	Levdansky	Santoni	Ryan,
Egolf	Lloyd	Sather	Speaker
Evans			

NAYS--0

NOT VOTING--0

EXCUSED--7

Armstrong	Dent	Roberts	Steil
Civera	Pistella	Roebuck	

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

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

The clerk read the following amendment No. **A0098**:

Amend Title, page 1, line 5, by removing the period after "class" and inserting
; providing for a home purchase loan program to be administered by the Pennsylvania Housing Finance Agency; and creating the Affordable Housing Trust Fund.

Amend Bill, page 2, line 21, by striking out all of said line and inserting

Section 3. The act is amended by adding a section to read:

Section 6.1. Affordable Housing Trust Fund.

(a) Creation and administration of fund.--There is hereby created and established under the jurisdiction and control of the agency the Affordable Housing Trust Fund, as a permanent revolving fund of identifiable, renewable and segregated capital to be used by the agency in accordance with this section. The agency shall hold fund moneys separate and distinct from its other assets and other funds which it administers.

(b) Sources of fund.--There shall be paid into the fund:

(1) All moneys appropriated by the General Assembly for inclusion in the fund.

(2) Revenue collected from the imposition of the surcharge on recorded documents under subsection (j).

(3) Grants, donations, contributions or gifts from public or private sources specifically earmarked for deposit into the fund.

(4) The proceeds from the sale of property, real, personal or otherwise, which may be given or donated to the agency for use in connection with the fund.

(5) Any money made available to the agency under the provisions of the act of December 14, 1992 (P.L.866, No.137), known as the Optional County Affordable Housing Funds Act.

(6) All interest, dividends and pecuniary gains from investment of money in the fund.

(7) Repayments of principal and interest on loans provided from the fund.

(8) All other revenues, receipts and fees of whatever source derived from the operation of the fund.

(c) Use of fund.--The agency shall use moneys in the fund for the purpose of enabling low-income and moderate-income persons and families to attain home ownership through, but not limited to, any or all of the following programs:

(1) The Home Purchase Loan Program, which shall consist of second or subsequent mortgage loans and/or grants, the proceeds of which can be used to provide closing cost assistance and/or down payment assistance to eligible homebuyers. Repayment may be deferred by the agency for a period up to the length of the first mortgage but shall be repaid at the time of a sale, transfer or nonowner occupancy of the property or upon payment in full or a refinance of the first mortgage. The agency may allow subordination of the mortgage loan where the first mortgage is being refinanced to produce more favorable repayment terms for the homeowner or to enable the homeowner to make repairs necessary to preserve the property.

(2) The Mortgage Interest Subsidy Program, which shall consist of second or subsequent mortgage loans and grants, the proceeds of which can be used to buy down interest rates for eligible homebuyers, thereby producing an affordable monthly mortgage payment. Repayment of the loans may be deferred by the agency for a period of up to the length of the first mortgage and shall be repaid in the same manner as set forth in paragraph (1).

(d) Eligibility criteria.—Persons or families must meet the following criteria to be eligible to participate in a program set forth in subsection (c):

(1) Applicants must be persons or families whose annual income adjusted for family size does not exceed 115% of median household income for the county in which the property is located. The agency may establish additional criteria limiting certain kinds of assistance to persons of low or very low income.

(2) Applicants must be persons or families who have not had an ownership interest in residential real property within the previous three years. This provision may be waived by the agency in the case of single-parent families.

(3) Applicants must have insufficient assets or income, as determined by the agency to be able to purchase the property without the assistance provided by this section.

(4) The agency shall require homebuyers to undergo home ownership counseling as approved by the agency as a condition of the receipt of a grant and/or loan.

(5) The agency shall establish limits on the amount of money available to each applicant.

(e) Distribution of moneys.—The agency shall use its best efforts to distribute moneys in the fund on a regional basis in the same proportion to where the moneys were derived; provided, however, that the distribution of moneys in the restricted account within the fund, created under subsection (l), shall not be considered when the agency distributes the remaining moneys in the fund in accordance with subsections (c) through (i). Any Federal funds or moneys donated to the fund from outside this Commonwealth can be used by the agency anywhere in this Commonwealth.

(f) Participating lenders.—The following lending institutions shall be eligible to participate in programs authorized by this section, subject to such standards, criteria and procedures as shall be established by the agency:

(1) Lending institutions that originate first mortgage loans in conjunction with any of the agency's single family home purchase programs.

(2) Lending institutions that originate first mortgage loans in conjunction with a home purchase program operated by a municipality, municipal authority or a residential finance authority.

(3) Other lending institutions approved by the agency which have agreed to comply with the homebuyer eligibility and other requirements of subsection (d).

Funds will be made available in such amounts as the agency shall determine in order to meet the requirements of subsection (e) and within the financial limitations of the fund.

(g) Matching funds.—The agency may use money from the fund to match Federal, State, local or private money to be used for programs which have the purpose of fostering home ownership by persons and families of low income and moderate income.

(h) Housing counseling programs.—The agency may use money from the fund to pay for technical assistance, design, finance and administrative services and housing counseling services provided to applicants by nonprofit housing development corporations or other community-based or neighborhood-based organizations.

(i) Administrative expenses.—The agency may use money from the fund to pay reasonable expenses incurred in connection with administering the fund and operating the programs authorized under this section.

(j) Imposition of surcharge.—There is hereby imposed a real estate document surcharge in the amount of \$10 for every deed, mortgage or other instrument for which a recording fee is provided and which is recorded in the office of the recorder of deeds in each county of this Commonwealth. The surcharge shall be in addition to any other recording fee or other charge lawfully collected by the recorder of deeds and shall be paid by the recorder of deeds to the Department of Revenue at the same time and in the same manner as the realty transfer tax. The Department of Revenue shall remit forthwith to the agency for deposit to the fund all moneys received in connection with the real estate document surcharge.

(k) County participation.—The county commissioners or the governing body of a county with a down payment and/or closing cost assistance program established under the provisions of the act of December 14, 1992 (P.L.866, No.137), known as the Optional County Affordable Housing Funds Act, shall have the power and may elect to not participate in the Affordable Housing Trust Fund established under this section. The election to not participate in the fund shall be evidenced by an ordinance enacted by the county commissioners or the governing body of such county. The surcharge under subsection (j) shall be imposed and any moneys received shall be deposited into the fund until such an ordinance is enacted under this subsection. Any real estate document recorded in the office of the recorder of deeds in a county which has enacted an ordinance under this subsection shall not be subject to the surcharge imposed by subsection (j). The residents of a county which has enacted an ordinance under this subsection shall be ineligible to receive any moneys from the fund until the county commissioners or the governing body of the county repeals the ordinance. The recorder of deeds of the county shall begin collecting the surcharge imposed by subsection (j), 60 days after the repeal is effective.

(l) Third class cities program.—The county commissioners or the governing body of a county in which a city of the third class is located shall have the power and may elect by ordinance to impose a surcharge of \$1 on every deed, mortgage or other instrument for which a recording fee is provided and which is recorded in the office of the recorder of deeds. This surcharge shall be in addition to any other recording fee or other charge lawfully collected by the recorder of deeds. This surcharge shall be paid by the recorder of deeds to the Department of Revenue at the same time and in the same manner as the realty transfer tax. The Department of Revenue shall remit forthwith to the agency for deposit into a restricted account within the fund all moneys received in connection with the surcharge imposed under this subsection. In accordance with subsections (c) through (i), where applicable, the agency shall use the moneys in the restricted account only for the purpose of enabling low-income and moderate-income persons and families to attain home ownership within a city of the third class located within a county where the money was collected. If there is more than one city of the third class within a county imposing a surcharge under this subsection, the moneys distributed for use in a city of the third class shall be based upon the total population of all cities of the third class within the county where the money was collected divided by the total population of a city of the third class where the moneys will be distributed. If all of the moneys in the restricted account cannot be distributed under this subsection, the agency shall distribute the moneys in accordance with subsection (e).

(m) Semiannual report.—The agency shall report to the General Assembly and the Governor on a semiannual basis, corresponding with the beginning of each two-year legislative session, on the income and expenses of the fund and its uses, including the number and amounts of loans and grants made, the number and types of residential units assisted,

the income levels of persons assisted and the geographical distribution of loans and grants made.

(n) Sunset.—The Affordable Housing Trust Fund created under this section, together with its statutory functions and duties, shall terminate on December 31, 2000, unless reestablished or continued by the General Assembly. The Legislative Budget and Finance Committee shall be required to present to the General Assembly a report evaluating the fund by December 31, 1999. This report shall provide the General Assembly with a recommendation as to whether the fund is to be continued and, if so, the changes which are suggested by the committee to improve the operation of the fund.

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

“Agency.” The Pennsylvania Housing Finance Agency, a public corporation and government instrumentality, established under the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law.

“Annual income.” The total annual income of all members of a family from whatever source derived, including, but not limited to, pension, annuity, retirement and Social Security benefits, but may exclude the following as the Pennsylvania Housing Finance Agency may establish by rule or regulation:

- (1) Reasonable allowances for dependents.
- (2) Reasonable allowances for medical expenses.
- (3) All or a proportionate part of the earnings of dependent family members.
- (4) Income not received regularly.

“Fund.” The Affordable Housing Trust Fund created under this section.

“Lending institution.” Any of the following if it customarily provides residential mortgage services or otherwise aids in the financing of mortgages on residential housing in this Commonwealth:

- (1) Bank.
- (2) Bank and trust company.
- (3) Trust company.
- (4) Savings bank.
- (5) National banking association.
- (6) Federal National Mortgage Association.
- (7) Federal Home Loan Mortgage Corporation.
- (8) Government National Mortgage Association.
- (9) Pennsylvania Housing Finance Agency.
- (10) Mortgage banker.
- (11) FHA-approved mortgage service company.
- (12) Savings and loan association.
- (13) Federal savings and loan association.
- (14) Building and loan association.
- (15) Credit union.
- (16) A financial institution similar to those listed in paragraphs (1) through (15).

“Low-income and moderate-income persons” or “low-income and moderate-income families.” Individuals or families who cannot afford to pay the amounts at which private enterprise, without the assistance of this section, is providing a substantial supply of decent, safe and sanitary housing. The agency shall establish income limits for participation of such persons and families, based on countywide income statistics, where available.

“Mortgage.” A lien other than a judgment on a fee simple estate or leasehold in real property located in this Commonwealth, together with the credit instruments, if any, secured by it. The term shall include insured and uninsured mortgages.

“Mortgagor.” Individuals, joint ventures, partnerships, limited partnerships, trusts, corporations, cooperatives and condominiums, whether organized for profit or not for profit.

Section 4. This act shall take effect as follows:

- (1) The addition of section 6.1(j) of the act shall take effect in 60 days.
- (2) The remainder of this act shall take effect immediately.

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

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

Mr. HASAY. For the information of the members, this amendment sets up another fee in addition to this bill, another \$10 fee. I just wanted to bring that to the attention of the members. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS-100

Battisto	DeWeese	Levdansky	Sainato
Bebko-Jones	Donatucci	Lloyd	Santoni
Belardi	Evans	Lucyk	Scrimenti
Belfanti	Fajt	Maderino	Shaner
Bishop	Gamble	Markosek	Staback
Blaum	George	Mayernik	Steelman
Boscola	Gigliotti	McCall	Stetler
Browne	Gordner	McGeehan	Sturla
Butkovitz	Gruitza	Melio	Surra
Buxton	Habay	Michlovic	Tangretti
Caltagirone	Haluska	Mihalich	Taylor, J.
Cappabianca	Hanna	Mundy	Thomas
Carn	Horsey	Myers	Tigue
Cawley	Itkin	Olasz	Travaglio
Cohen, M.	James	Oliver	Trello
Colafella	Jarolin	Pesci	Trich
Colaizzo	Josephs	Petrarca	Van Horne
Corpora	Kaiser	Petrone	Veon
Corrigan	Keller	Preston	Walko
Cowell	Kirkland	Ramos	Washington
Coy	Kukovich	Readshaw	Williams
Curry	LaGrotta	Rieger	Wozniak
Daley	Laughlin	Robinson	Wright, D. R.
DeLuca	Lederer	Rooney	Yewcic
Dermody	Lescovitz	Rudy	Youngblood

NAYS-95

Adolph	Feese	Major	Schuler
Allen	Fichter	Marsico	Semmel
Argall	Fleagle	Masland	Serafini
Baker	Flick	McGill	Sheehan
Bard	Gannon	Merry	Smith, B.
Barley	Geist	Micozzie	Smith, S. H.
Birmelin	Gladeck	Miller	Snyder, D. W.
Boyes	Godshall	Nailor	Stairs
Brown	Gruppo	Nickol	Stern
Bunt	Harhart	Nycc	Stish
Carone	Hasay	O'Brien	Strittmatter
Chadwick	Hennessey	Perzel	Taylor, E. Z.
Clark	Herman	Pettit	True
Clymer	Hershey	Phillips	Tulli
Cohen, L. I.	Hess	Pitts	Vance
Conti	Hutchinson	Platts	Vitali
Cornell	Jadlowiec	Raymond	Waugh
Dempsey	Kenney	Reber	Wogan
DiGirolamo	King	Reinard	Wright, M. N.

Druce	Krebs	Rohrer	Zimmerman
Durham	Lawless	Rublely	Zug
Egolf	Leh	Sather	
Fairchild	Lynch	Saylor	Ryan,
Fargo	Maitland	Schroder	Speaker
Farmer			

NOT VOTING—0

EXCUSED—7

Armstrong	Dent	Roberts	Steil
Civera	Pistella	Roebuck	

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—133

Adolph	Dermody	Lloyd	Shaner
Allen	DeWeese	Lucyk	Staback
Argall	DiGirolamo	Manderino	Steelman
Bard	Donatucci	Markosek	Stetler
Barley	Durham	Masland	Stish
Battisto	Evans	Mayernik	Strittmatter
Bebko-Jones	Fajt	McCall	Sturla
Belardi	Farmer	McGeehan	Surra
Belfanti	Gamble	Melio	Tangretti
Bishop	George	Michlovic	Taylor, E. Z.
Blaum	Gigliotti	Mihalich	Taylor, J.
Boscola	Godshall	Mundy	Thomas
Boyes	Gordner	Myers	Tigue
Browne	Gruitza	O'Brien	Travaglio
Butkovitz	Haluska	Olasz	Trello
Buxton	Hanna	Oliver	Trich
Caltagirone	Harhart	Perzel	True
Cappabianca	Hennessey	Pesci	Tulli
Carn	Hershey	Petrarca	Van Horne
Cawley	Horshey	Petrone	Veon
Clymer	Itkin	Pettit	Walko
Cohen, L. I.	James	Pitts	Washington
Cohen, M.	Jarolin	Preston	Williams
Colaella	Josephs	Ramos	Wogan
Colaizzo	Kaiser	Readshaw	Wozniak
Conti	Keller	Reinard	Wright, D. R.
Cornell	Kenney	Rieger	Wright, M. N.
Corpora	Kirkland	Robinson	Yewcic
Corrigan	Kukovich	Rooney	Youngblood
Cowell	LaGrotta	Rublely	Zimmerman
Coy	Laughlin	Rudy	
Curry	Lederer	Sainato	Ryan,
Daley	Lescovitz	Santoni	Speaker
DeLuca	Levdansky	Scrimenti	

NAYS—56

Baker	Gannon	Lynch	Sather
Birmelin	Geist	Maitland	Schroder
Brown	Gladeck	Major	Schuler
Bunt	Gruppo	Marsico	Semmel
Carone	Habay	McGill	Serafini
Chadwick	Hasay	Merry	Sheehan
Clark	Herman	Micozzie	Smith, B.
Dempsey	Hess	Miller	Smith, S. H.
Egolf	Hutchinson	Nailor	Snyder, D. W.
Fairchild	Jadlowiec	Nickol	Stairs
Fargo	King	Nyce	Stern
Feese	Krebs	Phillips	Vance
Fichter	Lawless	Reber	Vitali
Fleagle	Leh	Rohrer	Zug

NOT VOTING—6

Druce	Platts	Saylor	Waugh
Flick	Raymond		

EXCUSED—7

Armstrong	Dent	Roberts	Steil
Civera	Pistella	Roebuck	

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

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

GUEST INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guest of Representative Nick Colafella, Warren Carmichael, who is the president and chief executive officer of the Three Rivers Health Plan of Pittsburgh. He is here today, as I said, as the guest of Nick Colafella. Would the gentleman, Mr. Carmichael, please rise.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader, Mr. Perzel, who asks for an immediate meeting of the Rules Committee at the majority leader's desk.

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.)

**BILL ON CONCURRENCE
REPORTED FROM COMMITTEE**

SB 432, PN 1615

By Rep. PERZEL

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

RULES.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2140, PN 2674**, entitled:

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

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

Mr. **NICKOL** offered the following amendment No. **A0168**:

Amend Sec. 1 (Sec. 8), page 4, line 3, by inserting after "shell."
This paragraph does not apply to a cooked food product that is prepared using proper control and safety procedures, including a disinfecting prerinse of whole eggs, proper sanitation and heating at a temperature and for a period of exposure necessary to destroy objectionable organisms.

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

The **SPEAKER**. On that question, the Chair recognizes the gentleman.

Mr. **NICKOL**. Thank you, Mr. Speaker.

All debate might not be great in this House, but we have a front-row seat on some debates on great issues of the day, whether it be gun control with Tom Michlovic and Bob Godshall; the constitutionality of school choice with Kathy Manderino and Colleen Sheehan; environmental issues with Bob Reber and Bud George; crime and punishment with Tony Williams, Curt Thomas, Al Masland, Jeff Piccola, and many others. Today we will debate on how to crack eggs.

HB 2140 seeks to ban all centrifuge-type egg-breaking machines in not just Pennsylvania but the Nation, or at least proclaim anything made using these egg-breaking machines to be adulterated. Anyone who makes, delivers, or sells food produced using the machine could be prosecuted and fined under the laws of this Commonwealth.

What does this evil machine do? This machine is essentially two cylinders. The inner cylinder is a wire mesh. You can put up to 20 dozen eggs in the inner cylinder, and when you spin it, it cracks the eggs, and the shell stays within the grate and the egg comes out and could be collected to be used.

What are the alternatives to using this machine? You have pasteurized eggs you can buy; you have dried eggs; you have another much more expensive egg-cracking machine that cracks eggs more individually; and you have hand cracking.

What are the objections to the use of this machine? In theory, one bad egg could spoil the whole batch. In practice, one case of food poisoning. I believe a 60-year-old woman in Colorado has made this machine suspect, but even that case was not proved. Also, as far as the "one bad egg" theory goes, the larger, more costly machines do not keep the individual cracked eggs separate, although there is less contact with the shell. Hand cracking adds another hazard – cleanliness of the hands.

This machine has been used with great problems in the food service industry, in restaurants. Usually there is less care taken in terms of quality control in those establishments, but the machine is also used by many food processors. These food processors have adopted a HACCP system. That is H-A-C-C-P, which stands for Hazard Analysis Critical Control Points. What that means is they are very carefully used machines. The eggs are kept cold. Before they are used, they are put into a wash that is heated with chlorine to kill any organisms. The machine is cleaned before and after use. The eggs are put in the machine. When the egg is extracted, it is kept under temperature control before it is used, and it is only used in products that are heated to higher temperatures for long periods of time. The concern with this machine is salmonella and listeria. Both of these organisms, if heated to at least 140 degrees for at least 3 1/2 minutes, it will kill them. This is exactly how the pasteurized eggs are produced. For example, Pepe's Waffle Company in Philadelphia uses these machines. They heat the product over 200 degrees for much longer than 3 1/2 minutes. Practically speaking, there is no chance of salmonella or listeria in many of these products.

Why is a centrifuge-type machine needed? Number one, quality. Knaub's Cakes in York County has experimented with dried eggs; they have experimented with pasteurized eggs, and they find that they cannot get the same rise in their cakes by using those products. So this is the alternative they have chosen. Also, the cost of a small new machine, a small one, is at least \$80,000 for the other type of machine.

I have no problem banning the machine for restaurant use. They typically do not employ the HACCP system, and this is where the problems have occurred.

Due to industry efforts, I am told often pushed by firms that sell pasteurized eggs, I do not believe the centrifuge machine is even marketed anymore in this country.

Let us look at the caucus report from my caucus with regard to positions taken by various interest groups. Listed as "no position at this time" on this bill – the Pennsylvania Farm Bureau, the Pennsylvania Grange, and the Pennsylvania Farmers Union. Listed as "pro" – Pennsylvania Poultry Federation, Pennsylvania Poultry Coalition, and the Pennsylvania and National Restaurant Associations.

I called one of the principal members of the Poultry Coalition, Mr. Paul Sauder. He said the coalition had concerns about the bill but did not want to look like they were opposed to public health legislation. He said that the machine should be banned in food service, where there is a problem, but food processors with good safety controls should not be forced to scrap their units. He supports my amendment and says the coalition really has taken no firm position one way or another on the bill despite the stated position in our caucus bulletin.

I also called the Poultry Federation and talked to the executive director. They have reiterated their support of the bill. The director said he understands the points I have made and he could logically agree. Some of their members had concerns that this bill was an

overreaction to one case, but others were more supportive and prevailed. But until they could get their egg council together, he had to stay with support of the bill.

As for the other supporter, let me read a letter signed by the Secretary of Agriculture.

"I am writing in response to a request for our position of the proposed amendment to House Bill 2140 by Representative Nickol.

"The Department of Agriculture supports the provisions of House Bill 2140. It is our view that use of centrifuge machines allows the egg shell exterior to come in contact with the edible portion of the egg; therefore, chicken feces may adhere to the exterior of the shell and then be incorporated into the edible portion of the egg. As you can deduce, this creates an unsanitary product for the consumer.

"With regards to the proposed amendment, we agree that high temperatures for an adequate length of time will kill pathogenic organisms; however, we cannot agree to allow the human consumption of pasteurized chicken manure. Therefore, we respectfully ask the House of Representatives to oppose this additional language to House Bill 2140."

Mr. Speaker, I know the Secretary is a mushroom producer, and I have great personal respect for him. I must presume this letter was prepared for him by a staff member for his signature. If the letter is true, we have even bigger problems than this machine in Pennsylvania.

Eggs sold in the retail market in Pennsylvania are regulated by the Pennsylvania Department of Agriculture. The companies using this machine buy their eggs in the retail market just like you and I. If we have manure clinging to our eggs in Pennsylvania, we better scrap this bill and launch public hearings looking into the department's operations.

Another problem: We probably have many out-of-State products sold into Pennsylvania and on our grocery shelves, that exist on our grocery shelves, that passage of HB 2140 in its present form would proclaim adulterated.

How does the department intend to proceed with these products? Are they going to allow adulterated food on our grocery shelves? Will food distributors and retailers be prosecuted for selling these adulterated foods? Will food distributors and retailers be forced to check with every company that uses eggs in their food to make sure they have not used centrifuge-type machines?

I personally feel more thought needs to be given to what we do here today. My amendment will make the bill better. It was introduced to help bring these issues to a head, and I told supporters I was less interested in my language than finding a solution, but I have been stonewalled and my concerns ignored.

Maybe we should ban the machine for restaurants, where there is broad agreement. Maybe we should ban future sales of the machine in Pennsylvania and grandfather companies using department-approved HACCP systems, but we should not simply throw a torpedo into many small- and medium-sized businesses in Pennsylvania where the continued use of the machine is not a hazard.

I have not attempted to organize the companies which use these machines or contacted food distributors or retailers about the bill, but I would suspect they will soon hear that the bill is not all it is cracked up to be, and you may soon start hearing from them yourselves.

The Pennsylvania Department of Agriculture has tried to push me with their off-the-wall, sensationalized arguments. It reminds me of the tactics used by others in the Alar scare that so devastated

the fruit industry in my area some years ago. You would think the department would be more sensitive.

They have tried to push me off the wall and hope that all the king's horses and all the king's men could not put my arguments back together again.

I can only hope my objections to this bill go over easy and my logic is not too hard-boiled, but I fear some of the thinking was a bit scrambled when this bill was hatched from the start. Not that it is one bit dippy to ban the machine for foo young, the eggs could be raw and bedeviled. Someone could even quiche salmonella. But when eggs are handled with care and a cake is fully baked, I feel the thinking a bit cracked to suggest the machine is a yoke. In my amendment, omeleting some companies keep baking top-quality custards, waffles, and pies, and I just simply do not see we need poach their machines, because their cakes will not have near the same rise.

Be a good egg. Please vote "yes" on my amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Lehigh County, Mr. Semmel.

Mr. SEMMEL. Thank you, Mr. Speaker.

I rise in opposition to the amendment, and I will give you the scenario.

Earlier in this session it was brought to my attention by representatives of the shell egg industry that use of a centrifuge-type egg-breaking machine presents a severe risk of exposure to food-borne illness caused by salmonella. It is their position that, regardless of the efforts and substantial dollars expended on the control of salmonella at the egg-producer level, use of this machine, which allows the comingling of the shell and the liquid interior of the egg during processing, presents an unacceptable risk that could negate all producer efforts.

This legislation amends section 8 of the Food Act by adding the provision that food prepared using eggs broken by this type of machine is deemed to be adulterated. Section 3 of the act prohibits the manufacture, sale, delivery of adulterated food. Thus, use of this machine is effectively prohibited. In doing so, Pennsylvania will join the National Sanitation Foundation, USDA-FDA (United States Department of Agriculture-Food and Drug Administration), and at least 17 other States in banning use of this machine.

In conclusion, I do want to respond to one or two comments of the maker of the amendment. In Pennsylvania at this point in time the centrifuge is banned in restaurants already if they have that National Sanitation seal, and I want to point out, the Department of Agriculture, the Pennsylvania Restaurant Association, Poultry Federation and Coalition are in support of this legislation, and we do not want to adulterate the bill. Thank you.

The SPEAKER. The gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, for members on our side of the aisle, I would encourage you to vote against this amendment.

The Department of Agriculture through the Secretary has written to me indicating that he believes that this amendment will compromise food safety. It is also my understanding that an operation which is subject to Federal inspection is now prohibited from using the kind of machine or kind of process which Mr. Nickol is advocating.

So I would ask you to oppose the amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Montgomery, Mr. Bunt.
Mr. BUNT. Thank you, Mr. Speaker.

Mr. Speaker, for our side of the aisle as well, as chairman of the Agriculture Committee, I, too, rise to ask for a rejection of the Nickol amendment.

Mr. Nickol did read a letter from the Department of Agriculture, and frankly, Mr. Speaker, there is absolutely no way using this machine that we can ever have a sanitized product.

While it is true that the food safety risk the use of this type of egg-breaking machine presents was brought to our attention by the poultry industry and also true that the bill itself was referred to and, I might add, passed out unanimously by the Ag Committee, it would be a very serious mistake for members of this General Assembly to look at this as simply an ag bill of very little general importance. This bill addresses a very real food safety and consumer protection issue of importance to all citizens of the Commonwealth.

Food-borne illnesses, in most cases, are preventable. By effectively banning the use of this machine — because the process it performs allows the comingling of the egg's exterior shell and any contaminants on this shell with the edible interior contents of the egg — we are taking another huge step in the battle to prevent cases of food-borne illness.

As the Pennsylvania Restaurant Association and National Restaurant Association have testified, the use of this machine is a recipe for salmonella soup.

I reject the concept that we continue to use this machine and ask for unanimous support from this General Assembly in rejecting the Nickol amendment. Thank you.

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

The following roll call was recorded:

YEAS—22

Birmelin	Maitland	Saylor	Vance
Egolf	Masland	Serafini	Waugh
Fargo	Merry	Smith, S. H.	Wright, M. N.
Fleagle	Nailor	Steelman	
Hutchinson	Nickol	Strittmatter	Ryan,
Jarolin	Platts	Tulli	Speaker

NAYS—170

Adolph	DiGirolamo	Lawless	Rooney
Allen	Donatucci	Lederer	Rubley
Argall	Druce	Leh	Rudy
Baker	Durham	Lescovitz	Sainato
Bard	Evans	Levdansky	Santoni
Barley	Fairchild	Lloyd	Sather
Battisto	Fajt	Lucyk	Schroder
Bebko-Jones	Farmer	Lynch	Schuler
Belardi	Feese	Major	Scrimenti
Belfanti	Fichter	Manderino	Semmel
Bishop	Flick	Markosek	Shaner
Blaum	Gamble	Marsico	Sheehan
Boscola	Gannon	Mayernik	Smith, B.
Boyes	Geist	McCall	Snyder, D. W.
Brown	George	McGeehan	Staback
Browne	Gigliotti	McGill	Stairs
Bunt	Gladeck	Melio	Stern
Butkovitz	Godshall	Michlovic	Stetler
Buxton	Gordner	Micozzie	Stish
Caltagirone	Gruitza	Mihalich	Sturla

Cappabianca	Gruppo	Miller	Surra
Carn	Habay	Mundy	Tangretti
Carone	Haluska	Myers	Taylor, E. Z.
Cawley	Hanna	Nyce	Taylor, J.
Chadwick	Harhart	O'Brien	Thomas
Clark	Hasay	Olasz	Tigue
Clymer	Hennessey	Oliver	Travaglio
Cohen, L. I.	Herman	Perzel	Trello
Cohen, M.	Hershey	Pesci	Trich
Colafrilla	Hess	Petrarca	True
Colaizzo	Horsey	Petrone	Van Horne
Conti	Itkin	Pettit	Veon
Cornell	Jadlowiec	Phillips	Vitali
Corpora	James	Pitts	Walko
Corrigan	Josephs	Preston	Williams
Cowell	Kaiser	Raymond	Wogan
Coy	Keller	Readshaw	Wozniak
Curry	Kenney	Reber	Wright, D. R.
Daley	King	Reinard	Yewcic
DeLuca	Krebs	Rieger	Youngblood
Dempsey	Kukovich	Robinson	Zimmerman
Dermody	LaGrotta	Rohrer	Zug
DeWeese	Laughlin		

NOT VOTING—3

Kirkland	Ramos	Washington
----------	-------	------------

EXCUSED—7

Armstrong	Dent	Roberts	Steil
Civera	Pistella	Roebuck	

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

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

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

The question is, shall the bill pass finally?

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

YEAS—194

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

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

NAYS-1

Nickol

NOT VOTING-0

EXCUSED-7

Armstrong	Dent	Roberts	Steil
Civera	Pistella	Roebuck	

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

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

* * *

BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 2065, on page 2, is over temporarily.

* * *

The House proceeded to third consideration of **HB 950, PN 3072**, entitled:

An Act amending the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, imposing a limitation on the right of a municipality to petition the court for an increase in the rate of taxation.

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

Mr. YEWICIC offered the following amendment No. **A0357**:

Amend Sec. 1 (Sec. 123), page 2, line 15, by inserting after "A"
or a city of the third class

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

The SPEAKER. On that question, the Chair recognizes the gentleman.

Mr. YEWICIC. Thank you, Mr. Speaker.

Mr. Speaker, my amendment simply expands the bill to include third-class cities such as the city of Johnstown.

The bill places limitations on a commuter tax for a city of the second class A, Scranton. It does not abolish the commuter tax, but once a city puts a petition through the court and gives a definite plan on what the commuter tax is used for, they should stick to that plan and not deviate.

For instance, if the plan is for capital projects, it cannot come back a year or two later and say we now need a commuter tax to fund pensions or later for parks and recreations. I think it is only fair, and my constituents are incensed that they are being taxed without representation.

I ask for a favorable vote on the amendment. Thank you, Mr. Speaker.

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

Mr. WOZNIAK. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment.

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

Mr. WOZNIAK. Thank you very much.

Mr. Speaker, obviously I am from Johnstown. I think this is very important for the members who have third-class cities in their district. Logistically, half of my community is the city of Johnstown; the other half is the suburbs who are a part of the commuter tax.

Very quickly, I want to walk through a scenario. A commuter tax is levied. The city of Johnstown is distressed. Working with the Department of Community Affairs, they develop a master plan of how to recover; they implement that plan, and they have the commuter tax. Under that circumstance, the commuter tax can go to the courts if necessary, and they will be able to maintain that under the decision by the courts to maintain a commuter tax because they are sticking to a basic plan and they have not changed it from their original document. Is that correct, Mr. Speaker?

Mr. YEWICIC. That is correct as far as I know.

Mr. WOZNIAK. Okay.

I would think that is fair, because I am hearing stories that there are places that are distressed that are using the commuter tax to build swimming pools and other nice programs, and while that is nice, I think it is more important to try to get communities back on the financial track.

The other side of that coin is that by having this amendment placed in, it is forcing communities to be very adroit in sticking to their recovery plan and sort of using this as sort of a small hammer over them to continue forward without deviating. Many times local politics get into play and people want to move into other arenas instead of trying to find themselves back on a financial strength that will eventually lead to the elimination of this commuter tax.

I do not think there is a fundamental problem with this. I am sure the third-class cities probably do not want to have this additional amendment placed into their bailiwick, but I think it is fair, and I think it is reasonable. And it does not eliminate the tax; it just makes it quite clear as to under what authority they are allowed to levy it on.

So I would ask my members of the third-class cities to support this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Michlovic, of Allegheny County.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Will the gentleman, the maker of the amendment, stand for interrogation?

The SPEAKER. The gentleman indicates he will. You may begin.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, you are amending subsection (3) of the bill, on page 2, to include third-class cities. Further under that subsection, there are some conditions that must be met. On line 30 of page 2, among those conditions is that the local electors or the collective-bargaining units have to agree to the plan as submitted to DCA (Department of Community Affairs) and to the municipality. How does that mechanism work? How do you get the electors to vote on the plan?

Mr. YEWCIC. That is a good question.

Mr. MICHLOVIC. Okay.

If the electors submit some sort of disapproval or file a petition with the court, it is conceivable then that for nonresidents, the commuter tax, as it was referred to, may not be applied. Is that a possibility?

Mr. YEWCIC. My reading of the bill is that the approval of the court, local electors or any collective bargaining within that municipality of—

Mr. MICHLOVIC. Correct.

So it is quite conceivable that the citizens do not agree with the plan that restricts their local elected officials, raises their own taxes. And somehow if any one of those citizens files a court action, that stops the power of the municipality to file a commuter tax and at the same time their people have to pay an even greater burden to meet the demands of the Distressed Municipalities Act, Act 47.

Mr. YEWCIC. It is my understanding what this bill says is that the municipality has to first look at its own local resource before it can go outside the distressed municipalities.

Mr. MICHLOVIC. That is true.

Thank you, Mr. Speaker. I am finished with my interrogation.

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

The SPEAKER pro tempore. Would the gentleman care to speak on the amendment?

Mr. MICHLOVIC. Yes, I would.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. MICHLOVIC. Madam Speaker, in my discourse with the gentleman, I tried to elicit in our discussion the reasons why this could be a real foul ball.

I disagree with the chairman of the third-class city caucus who supports this amendment. I think all the members of the third-class city caucus ought to be very, very wary of this amendment.

After all, it is the third-class cities that have a lot of the old mills. It is the third-class cities, the citizens in them that have to put up with the noise, with the truck traffic, with the pollution from those mills, and we all know that live there, we all know that does indeed occur, and we also know that many of our constituents—

Last night I was at the steelworkers. They handed me a package trying to relieve them of this, quote, "commuter tax." But the truth of the matter is, if you relieve those nonresidents of that tax, the additional burden is going to fall on those people in that municipality, those people who cannot, in many cases, escape from that municipality. We are talking about the older towns here with the older populations.

We have set up a mechanism at the State, Act 47, to help those people try to get out of their situation. And who ought to help the most? Who ought to help the most? The people that come to that municipality and work in that mill, that come— And many times in those older third-class cities, those are where the good-paying manufacturing jobs are. Those folks are getting, in many cases, good money. Those are where the steel mills are. And then those folks get in their car at 3:30; they leave; they are gone 20 miles away in another municipality. They do not live in that municipality. Very few of them do, because they are making good wages. They are making enough money to move out of those older distressed municipalities and they want out of any burden. As soon as they leave when that clock and that whistle blows, they want to get out of town, and they do not want any of the burdens or any of the problems that their job in that municipality may cause.

Now, you might say, well, hey, that municipality ought to be doing pretty well; there are jobs there and they are getting assessments from those mills. Well, I beg to differ on that. Our experience with the big, large steel-making corporations and those manufacturing industries is every year they are in court trying to lower those assessments. Every year they have got a whole phalanx of lawyers in court trying to lower their burden. And it should be no surprise then that those municipalities, even where there are mills working and people working making more in my town in Braddock, making more steel than that steel mill ever made, making more profits out of that mill than they ever made, yet they are paying less taxes to that municipality, less property taxes.

All of their property, indeed all of their buildings are no longer buildings; they list them as equipment. You cannot even tax the equipment. They got out of that years ago. So how are you going to pay? How are these people that are left in that town — when there is an inversion you can hardly breathe in the town sometimes, with the truck traffic running up and down with cinders and everything else; with the noise at night, you cannot even go to sleep half the time because the bells are clanging and the intercom is running right next door to your house — how are those people going to pay? If they could, they would move out of there, but they cannot.

So you put a measly half a percent of wage taxes on the people that are coming in, that commuter tax. I love that name. When we think of commuters, you think of high-tech jobs and some computer guys. These are many times commuters that commute in for manufacturing jobs — steelworkers and other kinds of folks that work in those distressed municipalities, in the mills in those distressed municipalities — and you put another half a percent on them, and I think they ought to pay it. After all, in Act 47 you are already making the local residents' earned income tax, those residents that live in that town—

The SPEAKER pro tempore. Will the gentleman cease.

The Chair asks the gentleman to stick to the amendment, please, and not the bill.

Mr. MICHLOVIC. Madam Speaker, I am sticking to the amendment, because it applies to third-class cities. Every third-class city — and there are some 40 or 50 across the Commonwealth — they are mill towns, every one of them, and if we do not tax those folks that work in the town, the only people left are the people that are working in that town, that are already required under Act 47 to pay a higher level than the so-called commuters, and the people left, the other people, the elderly, simply cannot afford the taxes they are paying on their property now.

For all of those reasons, Madam Speaker, I urge all of my colleagues to take those matters into consideration and vote against this amendment. Thank you, Madam Speaker.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Washington County, Mr. Daley.

Mr. DALEY. Thank you, Madam Speaker.

I rise to support this amendment. I find the comments of the previous speaker as rather amusing. I guess that he wants us to live in a perfect world in which we have our employees live in the town where they work. Well, that day is long gone. Employees live where they want to. They do not live in Braddock if they work at the mill in Braddock, or Clairton if they work at the mill in Clairton, or in Duquesne; they moved out, and why should they be penalized because they moved out?

What the previous speaker is saying is that the burden should shift from the local taxpayers to those people that work in the mills, and I think that is simply not fair, because what has happened in Clairton at USX, and what Mr. Michlovic was saying was absolutely true about the reevaluation of the buildings and now it is called equipment, but for many years the city of Clairton reaped the benefits of United States Steel or USX being in Clairton — 8,000 employees; for many years the town thrived; 30,000 people. But today is a different day, and people live outside of Clairton. They did not come from the old country and stay there; they moved to other parts of Allegheny County and Washington County and Fayette County.

But in the city of Clairton what they did was — and the previous speaker did not tell you — when they became distressed, the burden shifted to the employees under this commuter tax, and then what did the city of Clairton do? They lowered the tax for their residents, but they kept the tax on the commuters the same. So the burden really shifted to the commuters. That is simply not fair. Why should people that work in the community pay more taxes than the people that live in the community, and they cannot even vote for those taxes. They cannot even vote for those council people, the mayor of Clairton, and the mayor of these communities. They do not have the right to vote, but they have the taxation placed upon them by these municipalities.

And what did Clairton do? They had no police department; they had the State Police come in. They had no fire department; they had to get coverage. They had such a windfall from this commuter tax that simply what they did was they built their swimming pool, they refurbished their swimming pool, while they still did not have a police department. They got their chief of police a \$35,000 vehicle while they still did not have a police department. Something is wrong with this picture. Why should the employees working at a factory in Clairton have to pay more taxes than the residents of Clairton? It just does not make sense.

I rise in support of this amendment.

LEAVE OF ABSENCE

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

The gentleman, Mr. Itkin, requests that the gentleman from Delaware County, Mr. KIRKLAND, be placed on leave.

CONSIDERATION OF HB 950 CONTINUED

The SPEAKER pro tempore. The Chair recognizes Representative Michlovic for the second time.

Mr. MICHLOVIC. Thank you, Madam Speaker.

Just to correct the record.

The previous gentleman referred to a case in Allegheny County involving the city of Clairton. The residents of the city of Clairton are not paying less than the nonresidents. They cannot under Act 47. You have to charge your residents more than the nonresidents. The thing that Clairton did do was when they lowered both the nonresident tax and the resident — They lowered them both, but the steelworkers that filed an action or investigated the case wanted the nonresident tax to be reduced entirely before they reduced any of the resident taxes, and that is not fair either.

So I just wanted to correct that for the record, Madam Speaker, and just point to people that it would be awfully difficult to meet the requirements of the law entirely. I think what we are going to see from this amendment in all of our second-class cities, we are going to see a lot of litigation from a lot of different groups trying to get out of a commuter tax that is absolutely necessary if these local older communities are going to survive, and for that reason I oppose the amendment. I ask my colleagues to oppose the amendment as well.

The SPEAKER pro tempore. Does the gentleman, Mr. Yewcic, from Cambria County wish to be recognized? The gentleman may proceed.

Mr. YEWIC. Thank you, Madam Speaker.

This does not abolish the commuter tax. All it does is, the municipality, all it has to do is certify to the court that there has been a measurable fiscal impact. We are not abolishing a tax; we are saying let us stick to the plan, and if the municipality has to substantially implement provisions of the plan, that is all that is necessary. They cannot come back a year or two later and say, we want to change our plan to include bailing out our pension fund; we want to build swimming pools; we want to build parks and recreation. We have to stick to a plan here. I think that is only fair to the commuters and to the people that live in that municipality.

Once you formulate a plan, you should stick to that plan and not change it every other year. That is irresponsible, and the people in my district are opposed to the commuter tax the way it is now. Thank you, Madam Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—169

Adolph	Durham	Lucyk	Saylor
Allen	Egolf	Lynch	Schroder
Argall	Evans	Maitland	Schuler
Baker	Fairchild	Major	Scrimanti

Bard	Fajt	Manderino	Semmel
Barley	Fargo	Markosek	Serafini
Battisto	Farmer	Marsico	Shaner
Bebko-Jones	Feese	Masland	Sheehan
Belardi	Fichter	Mayernik	Smith, B.
Belfanti	Fleagle	McCall	Smith, S. H.
Birmelin	Flick	McGeehan	Staback
Bishop	Gannon	McGill	Stairs
Blaum	George	Melio	Stern
Boscola	Gigliotti	Micozzie	Stetler
Boyes	Gladeck	Miller	Stish
Brown	Gordner	Mundy	Strittmatter
Bunt	Gruitza	Myers	Surra
Butkovitz	Gruppo	Nailor	Tangretti
Buxton	Haluska	Nickol	Taylor, E. Z.
Caltagirone	Hanna	Nyce	Taylor, J.
Cappabianca	Harhart	O'Brien	Thomas
Carn	Hasay	Olasz	Tigue
Cawley	Herman	Oliver	Travaglio
Chadwick	Hershey	Perzel	True
Clark	Hess	Pesci	Tulli
Clymer	Horsey	Petrarca	Vance
Cohen, L. I.	Hutchinson	Pettit	Veon
Cohen, M.	Jadlowiec	Phillips	Vitali
Colafrella	James	Pitts	Washington
Colaizzo	Jarolin	Platts	Waugh
Conti	Kaiser	Ramos	Williams
Cornell	Keller	Raymond	Wogan
Corrigan	Kenney	Reber	Wozniak
Cowell	King	Reinard	Wright, D. R.
Coy	Kukovich	Rieger	Wright, M. N.
Curry	LaGrotta	Robinson	Yewcic
Daley	Laughlin	Rohrer	Youngblood
DeLuca	Lawless	Rooney	Zimmerman
Dempsey	Lederer	Rublely	Zug
DeWeese	Leh	Rudy	
DiGirolamo	Lescovitz	Sainato	Ryan,
Donatucci	Levdansky	Santoni	Speaker
Druce	Lloyd	Sather	

NAYS-25

Browne	Habay	Michlovic	Steelman
Carone	Hennessey	Mihalich	Sturla
Corpora	Itkin	Petrone	Trello
Dermody	Josephs	Preston	Trich
Gamble	Krebs	Readshaw	Van Horne
Geist	Merry	Snyder, D. W.	Walko
Godshall			

NOT VOTING-0

EXCUSED-8

Armstrong	Dent	Pistella	Roebuck
Civera	Kirkland	Roberts	Steil

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Cawley.

Mr. CAWLEY. Thank you, Madam Speaker.

Madam Speaker, I would like to interrogate the maker of the bill, please.

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. CAWLEY. Madam Speaker, on this bill I just have a couple questions. I would like a specific answer.

Does this bill eliminate the commuter tax for cities of the second class A?

Mr. SERAFINI. No, Madam Speaker. This legislation does not eliminate the tax. The only thing this legislation does, essentially, is delay the tax for 1 year based upon the fact that all items of a measurable fiscal impact that are included in the plan for bailing out that distressed municipality are put into place, and once the financial effect of those measures is determined, then after that year it will be determined whether a commuter tax is necessary or not. This merely requires the distressed municipality to try to take care of itself and clean up its own house before it starts taxing nonresidents.

Mr. CAWLEY. Okay. And I have another question.

I know you are not obligated, Madam Speaker, but have you spoken to anyone from the Governor's Office regarding this bill and have you spoken to anyone from the Pennsylvania Economy League regarding this bill?

Mr. SERAFINI. I have spoken to those individuals from the Pennsylvania State Association of Boroughs, but I have not discussed this legislation with the Governor's Office nor the Pennsylvania Economy League, who designed the plan for the city of Scranton, a second class, 2-A city.

Mr. CAWLEY. Thank you, Madam Speaker. That ends my interrogation.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Serafini, from Lackawanna County.

Mr. SERAFINI. Madam Speaker, this legislation is essentially an attempt to keep a distressed municipality from implementing only one part of a bailout plan, which could be a commuter tax.

What we are finding is that quite often when a plan for financially saving a distressed municipality is paid for, designed, and implementation is to occur, the only part of that plan that is instituted is the commuter tax. The city, instead of trying to bail itself out by increasing those other fees or taxes which it has available to them, refuses to do so, because the easier way out is to tax those individuals who do not have a say in that local government's handling of the finances. So the commuter tax is then effectively put into place as a replacement of trying to save itself by implementing its own internal taxes.

This legislation delays the commuter tax for 1 year, giving that city, that distressed municipality, an opportunity to clean its own house and save itself. Thank you.

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

Mr. STABACK. Thank you, Madam Speaker.

Madam Speaker, I rise in support of HB 950.

There are some 21,000 people who live outside of the city of Scranton but who work in the city, Madam Speaker. A good number of these folks live in my legislative district. They pay an occupational tax to the city. In addition, they spend their money in city parking lots; they buy their lunches; they buy their dinners; and they shop, as well, in the Scranton stores. As a result,

Madam Speaker, they are already making a substantial contribution to the city.

A couple of years ago, Madam Speaker, the city of Scranton found itself in a financial dilemma, and because of a Commonwealth Court ruling, our people were told, you will now pay a second wage tax or a commuter tax, if you will, that equated to six-tenths of a percent. Madam Speaker, that is higher than they are already paying in their respective municipalities. Even though you will have no vote on how your money is spent or who will spend it, you will pay.

The people who live outside of the city of Scranton, Madam Speaker, did not contribute to the fiscal woes experienced by the city. The people outside of the city did not cause the problems, Madam Speaker. They should not have been forced to be – to be – the sole solution. They should not be viewed as the line of least resistance by city officials in trying to resolve their financial problems.

HB 950 will help to correct the situation. The bill simply mandates that the city of Scranton demonstrate a willingness to help themselves financially before they look for help financially from those folks who live outside of the city. The bill does not prohibit the possibility of a wage tax but requires the city to more fully justify a reason for enacting it.

I think this is a commonsense approach to the problem, and with that thought in mind, Madam Speaker, I would ask for an affirmative vote on the bill. I think it is the right thing to do. Thank you.

LEAVE OF ABSENCE CANCELED

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

The gentleman, Mr. Barley, requests that the gentleman from Lehigh, Mr. Dent, be returned to the master roll. He is back with us after becoming the father of an 8-pound-1-ounce baby boy.

CONSIDERATION OF HB 950 CONTINUED

On the question recurring,
Shall the bill pass finally?

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

YEAS-189

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

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

NAYS-6

Browne	Dent	Itkin	Sturla
Corpora	Hanna		

NOT VOTING-0

EXCUSED-7

Armstrong	Kirkland	Roberts	Steil
Civera	Pistella	Roebuck	

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

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

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the lady, Mrs. Cohen, from Montgomery County.

Mrs. COHEN. Thank you, Madam Speaker.

I rise to correct the record, please.

On HB 26 my finger malfunctioned. I was recorded as voting "yes," and I would like to be recorded as voting "no."

The SPEAKER pro tempore. The Chair thanks the gentlelady. Mrs. COHEN. Thank you.

HB 26 RECONSIDERED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Saylor, who requests a reconsideration of a vote on a bill, the vote by which HB 26, PN 2946, was passed on the 7th day of February.

This is a reconsideration vote. Those voting "yes," proceed to vote, or vote "no."

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

The following roll call was recorded:

YEAS—193

Adolph	Evans	Lynch	Schroder
Allen	Fairchild	Maitland	Schuler
Argall	Fajt	Major	Scrimenti
Baker	Fargo	Manderino	Semmel
Bard	Farmer	Markosek	Serafini
Barley	Feese	Marsico	Shaner
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	Stern
Boyes	Gladeck	Micozzie	Stetler
Brown	Godshall	Mihalich	Stish
Browne	Gordner	Miller	Strittmatter
Bunt	Gruitza	Mundy	Sturla
Butkovitz	Gruppo	Myers	Surra
Caltagirone	Habay	Nailor	Tangretti
Cappabianca	Haluska	Nickol	Taylor, E. Z.
Carn	Hanna	Nyce	Taylor, J.
Carone	Harhart	O'Brien	Thomas
Cawley	Hasay	Olasz	Tigue
Chadwick	Hennessey	Oliver	Travaglio
Clark	Herman	Perzel	Trello
Clymer	Hershey	Pesci	Trich
Cohen, L. I.	Hess	Petrarca	True
Cohen, M.	Horsey	Petrone	Tulli
Colafiglia	Hutchinson	Pettit	Vance
Colaizzo	Itkin	Phillips	Van Horne
Conti	Jadlowiec	Pitts	Veon
Cornell	James	Platts	Vitali
Corpora	Jarolin	Preston	Walko
Corrigan	Josephs	Ramos	Washington
Cowell	Kaiser	Raymond	Waugh
Coy	Keller	Readshaw	Williams
Curry	Kenney	Reber	Wogan
Daley	King	Reinard	Wozniak
DeLuca	Krebs	Rieger	Wright, D. R.
Dempsey	LaGrotta	Robinson	Wright, M. N.
Dent	Laughlin	Rohrer	Yewcic
Dermody	Lawless	Rooney	Youngblood
DeWeese	Lederer	Rublely	Zimmerman
DiGirolamo	Leh	Rudy	Zug
Donatucci	Lescovitz	Sainato	
Druce	Levdansky	Santoni	Ryan, Speaker
Durham	Lloyd	Sather	
Egolf	Lucyk	Saylor	

NAYS—1

Kukovich

NOT VOTING—1

Buxton

EXCUSED—7

Armstrong	Kirkland	Roberts	Steil
Civera	Pistella	Roebuck	

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

On the question recurring,
Shall the bill pass finally?

FORMER MEMBER WELCOMED

The SPEAKER pro tempore. The Chair would like to recognize former member Paul McHale, now Congressman McHale, who is seated to the left of the Speaker.

CONSIDERATION OF HB 26 CONTINUED

On the question recurring,
Shall the bill pass finally?

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

YEAS—105

Bard	Evans	Markosek	Shaner
Battisto	Fajt	Mayernik	Staback
Bebko-Jones	Farmer	McCall	Steelman
Belardi	Gamble	McGeehan	Stetler
Belfanti	George	Melio	Sturla
Bishop	Gigliotti	Michlovic	Surra
Blaum	Gordner	Mihalich	Tangretti
Boscola	Gruitza	Mundy	Taylor, J.
Butkovitz	Haluska	Myers	Thomas
Buxton	Hanna	O'Brien	Tigue
Caltagirone	Horsey	Olasz	Travaglio
Cappabianca	Itkin	Oliver	Trello
Carn	James	Perzel	Trich
Cawley	Jarolin	Pesci	Van Horne
Cohen, M.	Josephs	Petrarca	Veon
Colafiglia	Kaiser	Petrone	Walko
Colaizzo	Keller	Pettit	Washington
Corpora	Kenney	Preston	Williams
Corrigan	Kukovich	Ramos	Wogan
Cowell	LaGrotta	Readshaw	Wozniak
Coy	Laughlin	Rieger	Wright, D. R.
Curry	Lederer	Robinson	Yewcic
Daley	Lescovitz	Rooney	Youngblood
DeLuca	Levdansky	Rudy	
Dermody	Lloyd	Sainato	Ryan, Speaker
DeWeese	Lucyk	Santoni	
Donatucci	Manderino	Scrimenti	

NAYS—90

Adolph	Fairchild	Leh	Saylor
Allen	Fargo	Lynch	Schroder
Argall	Feese	Maitland	Schuler
Baker	Fichter	Major	Semmel
Barley	Fleagle	Marsico	Serafini
Birmelin	Flick	Masland	Sheehan
Boyes	Gannon	McGill	Smith, B.
Brown	Geist	Merry	Smith, S. H.
Browne	Gladeck	Micozzie	Snyder, D. W.
Bunt	Godshall	Miller	Stairs
Carone	Gruppo	Nailor	Stern

Chadwick	Habay	Nickol	Stish
Clark	Harhart	Nyce	Strittmatter
Clymer	Hasay	Phillips	Taylor, E. Z.
Cohen, L. I.	Hennessey	Pitts	True
Conti	Herman	Platts	Tulli
Cornell	Hershey	Raymond	Vance
Dempsey	Hess	Reber	Vitali
Dent	Hutchinson	Reinard	Waugh
DiGirolamo	Jadlowiec	Rohrer	Wright, M. N.
Druce	King	Rubley	Zimmerman
Durham	Krebs	Sather	Zug
Egolf	Lawless		

NOT VOTING—0

EXCUSED—7

Armstrong	Kirkland	Roberts	Steil
Civera	Pistella	Roebuck	

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

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2305, PN 3073**, entitled:

An Act amending the act of December 15, 1982 (P.L.1266, No.287), entitled "An act conferring limited residency status on military personnel and their dependents assigned to an active duty station in Pennsylvania," providing for the status of certain personnel.

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

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

The question is, shall the bill pass finally?

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

YEAS—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Armstrong	Kirkland	Roberts	Steil
Civera	Pistella	Roebuck	

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.

RESOLUTION PURSUANT TO RULE 35

Mr. McCALL called up **HR 282, PN 3096**, entitled:

A Resolution honoring volunteer forest firefighters by setting aside March 20, 1996, as "Volunteer Forest Firefighter Day" in this Commonwealth.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

Adolph	Evans	Lucyk	Saylor
Allen	Fairchild	Lynch	Schroder
Argall	Fajt	Maitland	Schuler
Baker	Fargo	Major	Scrimenti

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

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Does the gentleman, Mr. Habay, desire recognition?

Mr. HABAY. Thank you, Mr. Speaker.

I would like to submit remarks on HB 2305 for the record.

The SPEAKER. The gentleman will send his remarks to the desk. They will be made part of the record.

Mr. HABAY submitted the following remarks for the Legislative Journal:

The purpose of this legislation is to grant limited residency status to civilian Department of Defense workers who live and are stationed in Pennsylvania.

The purpose is to grant this limited residency status for tuition purposes at our Commonwealth universities.

Due to recent base closures and realignments, Pennsylvania has been targeted to receive several D.O.D. civilian units.

This legislation will show the Commonwealth's commitment to our military installations and hopefully discourage any future BRAC Commissions from closing more Pennsylvania bases.

SUPPLEMENTAL CALENDAR A

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 432, PN 1615**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for grounds for involuntary termination of parental rights; 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 concur in Senate amendments to House amendments?

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

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask the House to nonconcur in the Senate amendments.

The members of the House may remember that several weeks ago we included in SB 432 the model legislation for child support, and the members of this House voted for it in very large numbers and sent it to the Senate. The Senate took it out, and it came back and we had, I believe, a lengthy debate on whether or not to concur at that point in time, and with the cooperation of the majority leader, he agreed to a postponement so that we could get everyone comfortable with this language.

I believe that is the case now in both chambers. We are nonconcurring to send it to a conference committee where the language will be put back in, and I believe that we have the concurrence of the Senate as well as the leaders of the House.

This has been an important piece of legislation that was put forward with the support of the members of the House, and I think

NAYS-0

NOT VOTING-1

Battisto

EXCUSED-7

Armstrong	Kirkland	Roberts	Steil
Civera	Pistella	Roebuck	

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

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

we are on the brink of including this because of a great deal of bipartisan cooperation which at this point, and I think when it comes back on final passage I would want to mention, and that is the cooperation of the majority leader's office and his staff, the chairman of Judiciary, Representative Gannon, and his counsel, Brian Preski — people who kept the playing field level throughout these talks — and I think we are going to have something very good for the children and the families of Pennsylvania thanks to the cooperation.

So I would ask for a nonconcurrency, and I believe everyone is in agreement on that, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

I want to thank Representative Blaum for his remarks and urge nonconcurrency on SB 432.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

(Members proceeded to vote.)

Mrs. HARHART. Excuse me, Mr. Speaker? My button does not seem to want to work. It is malfunctioning, my red button.

The SPEAKER. The remarks of the lady are noted, and your vote will be recorded in the negative.

Mrs. HARHART. Thank you.

The SPEAKER. Mr. Pettit, is your switch having a similar problem?

Mr. PETTIT. Yes.

The SPEAKER. Would you indicate which way you intended to vote.

Mr. PETTIT. I would vote "no."

The SPEAKER. Your vote will be recorded in the negative.

Are there any other malfunctioning machines?

On the question recurring,

Will the House concur in Senate amendments to House amendments?

The following roll call was recorded:

YEAS—0

NAYS—195

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

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

NOT VOTING—0

EXCUSED—7

Armstrong	Kirkland	Roberts	Steil
Civera	Pistella	Roebuck	

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

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. The lady, Mrs. Harhart, the machine did in fact register here. The gentleman, Mr. Pettit, your vote did not register, so keep an eye on the machines in future votes.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2065, PN 2569**, entitled:

An Act amending the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act, adding a definition; and further providing for admission of minors to inpatient facilities.

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

Mrs. VANCE offered the following amendment No. A0373:

Amend Title, page 1, lines 11 and 12, by striking out “and further providing for admission of” in line 11, all of line 12 and inserting providing for commitment of minors; and further providing for financial obligations.

Amend Sec. 2, page 2, line 5, by striking out “Section 5 of the act is” and inserting

Sections 5 and 12 of the act are

Amend Bill, page 2, lines 12 through 30; page 3, lines 1 through 19, by striking out all of said lines on said pages

Amend Bill, page 4, by inserting between lines 25 and 26

Section 3. the act is amended by adding a section to read:

Section 12.1. Commitment of Minors.—(a) A parent or legal guardian who has legal or physical custody of a minor may petition the court of common pleas of the judicial district where the minor is domiciled for commitment of the minor to inpatient drug and alcohol treatment services if the minor is incapable of accepting or unwilling to accept voluntary admission to a drug or alcohol treatment facility.

(b) Upon petition pursuant to subsection (a), the court shall appoint counsel for the minor. A minor who is alleged to have a dependency on drugs or alcohol shall be ordered to undergo a drug and alcohol assessment performed by a certified addiction counselor. The court shall hear the testimony of the certified addiction counselor at the hearing on the petition for involuntary commitment.

(c) The court may order the minor committed to inpatient services for ninety days if all of the following apply:

(1) The court finds, beyond a reasonable doubt, that: (i) the minor is a drug-dependent person; and (ii) the minor is incapable of accepting or unwilling to accept voluntary admission to a drug or alcohol treatment facility.

(2) The court finds that the minor will benefit from involuntary inpatient services.

(d) A minor ordered to undergo treatment due to a determination pursuant to subsection (c) shall remain under the treatment designated by the court for a period of ninety days unless sooner discharged. At the end of the ninety-day period, the court shall conduct a review hearing for the purpose of determining whether further treatment is necessary. If the court determines that further treatment is needed, the court may order the minor recommitted to inpatient services for an additional period of treatment not to exceed ninety days unless sooner discharged. The court may continue the minor in treatment for successive ninety-day periods pursuant to determinations that the minor will benefit from inpatient services for an additional ninety days.

Section 4. Section 13 of the act is amended to read:

Section 13. Financial Obligations.—(a) Except for minors, all persons receiving treatment under this act shall be subject to the provisions of Article V of the act of October 20, 1966 (P.L.96), known as the “Mental Health and Mental Retardation Act of 1966,” in so far as it relates to liabilities and payments for services rendered by the Commonwealth.

(b) In the case of proceedings under section 12.1 of this act, unless the court finds that the parent or legal guardian is without financial resources, the parent or legal guardian shall be obligated for all of the following:

(1) Court costs.

(2) Counsel fees for the minor.

(3) The cost of inpatient services.

Amend Sec. 6, page 4, line 28, by striking out all of said line and inserting

Section 6. This act shall take effect as follows:

(1) The amendment or addition of sections 12.1 and 13 of the act shall take effect in 60 days.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect in 90 days.

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

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

Mrs. VANCE. I am sure that most of you are familiar with what the bill does. It actually helps parents to regain control of their children. Current law in Pennsylvania says that once a child reaches the age of 14 years of age, a parent can have no input into their drug and alcohol treatment. I have heard absolute horror stories about children who have been out of control on drug and alcohol, yet the parents are still legally and financially responsible but cannot make sure that their child has treatment.

This amendment seeks to clarify and protect the rights of the child as well. We want to make sure that the child has due process, so there is a court procedure that would be followed where the court would have a drug assessment. We do not ever want children to be used as a pawn in a custody suit or anything like that, so we really do want to be very careful that we protect the rights of the child.

The second part of the amendment also very carefully takes into account the costs on the system and says that if the parents are able, the costs would be borne by the parents, not the system, unless the parents are indigent. So we have tried very hard not to overburden the system, to protect the rights of the minor as well, but yet to give some parents control over their children.

The SPEAKER. The lady, Ms. Manderino, on the amendment.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, the prime sponsor indicated that it is the intent of the amendment to provide for the due process of the child, and that was an issue that did come up in committee, and I am glad that there are amendments to attempt to address that. But I want to call to the attention of the House that there are actually two amendments that have been drafted to deal with that, and in comparing the two amendments and looking at the whole notion of due process and providing due process to children, unfortunately, I do not think that amendment 373, which is before us right now, adequately provides the due process protections that we need for children. I just want to point out a few items in areas where I think that we are going to get ourselves into a complicated administrative or otherwise court litigation where we do not need to because of the drafting.

One of my concerns deals with a part of the amendment that draws a distinction between the noncustodial and custodial parents and gives only the custodial parent the ability to deal with getting their child into treatment. There are a lot of parents who have joint decisionmaking powers that have been granted by the court. They jointly make the decisions about what happens to their child's life, even though the child may be custodial, may live with just one of the parents, and I do not think that we need to make a decision, because the noncustodial parent is an involved decisionmaker, and they, too, should have the right, the question of having standing, to come before the court and bring the issue of the child's drug dependency and need for treatment before the court, and I really would like us not to make that distinction and exclude the noncustodial parent.

The other problem that I have deals with when in the procedure this amendment provides for the due process of the child. It does provide for a hearing procedure, but it only provides for a hearing

procedure after there has been an assessment ordered by the court and an assessment determined, and I think that comes too late in the process. Where you want to have the due process hearing rights for the child is from the very beginning, and if we do not do it from the very beginning, then you are going to have challenges to whether or not you have abrogated that child's due process rights.

The last distinction that I want to point out is that in section 12.1, subsection (c)(1), the clarifying language in the amendment does not relate the incapability of accepting treatment to the issue of drug dependency. In our Mental Health Procedures Act's due process, we are very careful to make the connection to the mental health illness that the person has, and I think we should be equally careful in this case to make the connection, when a judge has to determine the incapability of the child, that that distinction is clearly drawn to the drug dependency of the child, and that is not in there.

So for that reason I would respectfully ask the members to vote "no" on this due process amendment, because there is going to be another amendment offered later, A0258 by Representative Blaum, that addresses that issue, and my concern is that if we put this amendment in now, the Blaum amendment, which I think addresses those due process concerns that I have raised, will not be able to be inserted.

I am glad that we are addressing the due process issue. I would respectfully ask that we look very closely at the Blaum amendment. I think it addresses the due process needs of the child in a way that is more consistent with the system and in a way that will get the due process issue raised from the very beginning of the proceeding. Thank you.

The SPEAKER. The Chair thanks the lady.

Does the lady, Ms. Bebk-Jones, desire recognition on this amendment?

Ms. BEBKO-JONES. Yes. Thank you, Mr. Speaker.

The SPEAKER. The lady is recognized.

Ms. BEBKO-JONES. Mr. Speaker, I rise in support of this amendment, and I guess what I would like to know from my colleague who just spoke on the amendment, Ms. Manderino, is if once again she can explain to me the problems with the due process. I, like Representative Vance, have dealt with many, many parents of children with drug and alcohol problems, and because of the age, they have a very, very difficult time committing their child to treatment, and I am very concerned about that, and I want to support this amendment because I believe in it. I think we have to have it, but I am a little confused with Ms. Manderino's remarks compared to Representative Blaum's amendment that is going to take care of all of this. Thank you.

The SPEAKER. The lady, Ms. Manderino, indicates she will stand for interrogation. The lady may proceed.

Ms. MANDERINO. Thank you, Mr. Speaker.

Let me clarify, first of all, that it is the bill itself on final passage that will deal with the issue, if it passes on final passage, of the ability to commit, and I understand the issue, too. I have also had those calls. And I am a cosponsor of the bill, so I am not against the idea, and I am for doing exactly what you said, giving the parents that ability.

We all recognized that there was a problem with how HB 2065 was drafted, and so there were several attempts to fix that problem by the drafting of amendments. Representative Vance is offering one. Representative Blaum is offering another. Both of them are offered to try to make sure we provide a due process procedure in the bill so that we are doing things right and we are not abrogating

the child's due process, and neither of those due process procedures will interfere with the intent of the bill.

The distinction that I was trying to make is that with the due process procedure, you want to start that at the earliest possible phase. You want to start that at the first level of the hearing when the parent files the petition with the court trying to seek the involuntary commitment to treatment, and one of the distinctions I made is the Blaum amendment does that. It starts the procedure at that first petition phase and gets the due process ball rolling with the assignment of counsel for the child and a hearing before the judge. The Vance amendment does not start it there. It waits until the judge orders an assessment, has an assessment made, and brings the assessment back to the court to start the due process clause, and I am just saying, it makes more sense, I believe, if we want to protect the due process rights of the child, to start that process at the beginning of the phase.

The other point that I forgot to make that goes to the due process issue is in the Vance amendment, at the end, I pointed to section 12.1(c), but in 12.1(d) there is another part where if after the first 90 days you want to recommit, you have to come back to the court; after the second 90 days, if you still want the child in treatment, you have to come back to the court; but if after those two 90-day periods or that 6 months goes on, there is no provision in the Vance amendment for any further hearings or anything to check on the—

The SPEAKER. The lady, Ms. Manderino, you really should stick to the Vance amendments rather than—

Ms. MANDERINO. Thank you, Mr. Speaker.

I think I am on the Vance amendment. What I am saying is, the Vance amendment, after the two hearings, two 90-day hearings, provides no further hearings in the future, which means that a person can stay committed forever, theoretically. It does not say we are going to have a hearing on another 90-day period. It does not say that once the child reaches the age of majority, this no longer applies. The Blaum amendment, again, protecting a little bit better, I think, the due process rights, provides for a hearing every 90 days and does not let it drop off the face of the earth after 6 months.

So my point is that both of them are trying to address giving children due process rights. Neither of them interferes with the parent's ability to commit, but I think the Blaum amendment approaches the due process issue in a better procedural way for the interest of both the parent and the child.

Ms. BEBKO-JONES. I have no further questions. I am still confused.

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

Mrs. VANCE. Thank you, Mr. Speaker.

Very quickly, I would like to reiterate that upon petition, the court appoints counsel for the minor and then an assessment is ordered, so due process rights are taken care of.

We have talked to juvenile court judges and also a lot of drug and alcohol providers, trying to be very careful to protect the rights of the minor, and I ask for a "yes" vote on this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—133

Adolph	Fichter	Major	Smith, B.
Allen	Fleagle	Marsico	Smith, S. H.
Argall	Flick	Masland	Stairs
Baker	Gamble	McGeehan	Stern
Bard	Gannon	McGill	Stetler
Barley	Geist	Merry	Stish
Battisto	George	Micozzie	Strittmatter
Birmelin	Gigliotti	Miller	Sturla
Boyes	Gladeck	Nailor	Surra
Brown	Godshall	Nickol	Tangretti
Browne	Gruppo	Nyce	Taylor, E. Z.
Bunt	Habay	O'Brien	Taylor, J.
Buxton	Haluska	Olasz	Tigue
Carone	Harhart	Perzel	Travaglio
Chadwick	Hasay	Pettit	Trello
Clark	Hennessey	Phillips	Trich
Clymer	Herman	Pitts	True
Cohen, L. I.	Hershey	Platts	Tulli
Colafella	Hess	Raymond	Vance
Colaizzo	Hutchinson	Readshaw	Vitali
Conti	Jadlowiec	Reber	Walko
Cornell	Jarolin	Reinard	Waugh
DeLuca	Kaiser	Rohrer	Williams
Dempsey	Keller	Rooney	Wogan
Dent	Kenney	Rubley	Wozniak
DiGirolamo	King	Rudy	Wright, D. R.
Druce	Krebs	Santoni	Wright, M. N.
Durham	Lawless	Sather	Yewcic
Egolf	Lederer	Saylor	Zimmerman
Fairchild	Leh	Schroder	Zug
Fajt	Lescovitz	Schuler	
Fargo	Lucyk	Semmel	Ryan,
Farmer	Lynch	Serafini	Speaker
Feese	Maitland	Sheehan	

NAYS—59

Bebko-Jones	Coy	LaGrotta	Preston
Belardi	Curry	Laughlin	Ramos
Belfanti	Daley	Levdansky	Rieger
Bishop	Dermody	Lloyd	Robinson
Blaum	DeWeese	Manderino	Sainato
Boscola	Donatucci	Markosek	Scrimenti
Butkovitz	Evans	McCall	Shaner
Caltagirone	Gordner	Melio	Staback
Cappabianca	Gruitza	Michlovic	Steelman
Carn	Hanna	Mihalich	Thomas
Cawley	Horsley	Mundy	Van Horne
Cohen, M.	Itkin	Myers	Veon
Corpora	James	Oliver	Washington
Corrigan	Josephs	Petrarca	Youngblood
Cowell	Kukovich	Petrone	

NOT VOTING—3

Mayernik	Pesci	Snyder, D. W.
----------	-------	---------------

EXCUSED—7

Armstrong	Kirkland	Roberts	Steil
Civera	Pistella	Roebuck	

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

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

Mr. STURLA offered the following amendment No. A0226:

Amend Title, page 1, line 11, by striking out "and"

Amend Title, page 1, line 12, by removing the period after "facilities" and inserting

; and providing for a juvenile inmate substance abuse program.

Amend Sec. 3, page 2, line 12, by striking out "a section" and inserting

sections

Amend Sec. 3, page 3, by inserting between lines 18 and 19

Section 9.1. State Juvenile Substance Abuse and Chemical

Dependency Assessment and Treatment Program.—(a) The Office of Drug and Alcohol Programs within the Department of Health, working in cooperation with the Department of Public Welfare is hereby authorized to establish a pilot substance abuse and chemical dependency assessment program for the purpose of assessing and treating substance-abusing and chemically dependent juvenile inmates while incarcerated in State facilities. The program shall be contracted with a private drug and alcohol treatment provider. The Department of Health and the Department of Public Welfare shall select a pilot juvenile facility or facilities to implement the program and shall collaborate with the courts, other criminal justice agencies and drug and alcohol treatment programs to develop written guidelines and procedures governing the selection of the juvenile facility or facilities, operation of the program, eligibility of treatment programs to apply to provide this service and eligibility of inmates for the assessment and treatment program. The pilot program established under this section shall not take the place of any other existing therapeutic community drug and alcohol program in any State juvenile facility.

(b) Assessments of drug and alcohol abuse and dependency shall be performed by drug and alcohol counselors who have been certified by the Pennsylvania Chemical Abuse Certification Board (PCACB) or who hold a reciprocity-level certification by the International Certification Reciprocity Consortium (ICRC).

(c) If the assessment determines that the incarcerated juvenile is in need of alcohol or other drug treatment, the juvenile shall be referred to the treatment program provided within the juvenile facility.

(d) The alcohol and drug treatment program or programs within the juvenile institution shall be established and administered in a separate area of the prison by private alcohol and drug treatment programs licensed by the Office of Drug and Alcohol Programs within the Department of Health. In addition to licensure, drug and alcohol treatment programs eligible to apply to provide this service must have at least five years' experience in treating chemically dependent individuals involved with the criminal justice system, five years' experience running a therapeutic community and be able to provide a long-term residential therapeutic community within the juvenile facility. In addition, as part of the application process, the treatment program must demonstrate the ability to provide post-prison aftercare and continuing care treatment facilities.

(e) The substance abuse and chemical dependency assessments under this section shall incorporate methods for detection and determination of chronic drug and alcohol addiction and shall include, but not be limited to, drug and alcohol counseling and evaluation, chemical testing and any other acceptable means for detection and determination of substance abuse and chemical dependency.

(f) The Office of Drug and Alcohol Treatment Programs within the Department of Health shall conduct an ongoing, comprehensive evaluation program to determine the effectiveness of the substance abuse assessment pilot program in reducing criminal behavior, recidivism, arrest and commitments to juvenile institutions. In addition, the Office of

Drug and Alcohol Treatment Programs shall collaborate with the Department of Public Welfare to secure medical assistance payments to cover the cost of drug and alcohol detoxification and rehabilitation services for any person eligible for the payments.

(g) On or before March 1 of each year, the Department of Health shall submit a report to the General Assembly which shall include, but not be limited to, a comprehensive evaluation to determine the effectiveness of the substance abuse assessment pilot program in reducing criminal behavior, recidivism, arrest and commitments to juvenile institutions.

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

The SPEAKER. The Chair recognizes Mr. Sturla.
Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, amendment A0226 creates a pilot program within the State juvenile system for a substance abuse and chemical dependency assessment and treatment program. This is a pilot program. It allows for private contractors to be contracted to do this drug and alcohol treatment assessment.

I would just like to refer to the copy of the report, which, I am sure, all members recently got it on their desks, which was sent by the Legislative Budget and Finance Committee, which was in response to HR 48, which later was HR 241, which was a review of juvenile justice programs and services in Pennsylvania. On page 29 of that report, they talk about "Factors Contributing to Violence and Delinquency," and it says, "A 1994 report by the Pennsylvania House of Representatives' Select Committee on Violence concluded that juvenile violence is the result of a complex collection of risk factors, such as personal life, family circumstances, and the community environment." They go on to say that part of that is that a U.S. Health and Human Services survey in 1993 of juvenile offenders in long-term facilities reports that 32 percent of all violent offenses were committed under the influence of alcohol. A 1994 study of Philadelphia juvenile offenders who were committed to juvenile programs that contract with the Philadelphia Department of Human Services found that of the approximately 1,200 cases reviewed in the study, almost half of the juveniles had abused drugs.

What we are talking about here is trying to get at a way to stop some of the crimes by allowing drug and alcohol assessment for juveniles that are getting involved in this system. I commend Representative Vance for pushing this bill because she wants parents to be able to commit kids to some of these treatment programs. I think, equally, we should be giving those kids who have already gotten beyond their parents and into the juvenile justice system that same ability to have drug and alcohol assessment and treatment.

So I would urge a vote in the affirmative. This is, again, as I said, a pilot program which would allow the department to contract with private contractors to do this drug and alcohol assessment, and I think we can move forward with helping youth in the State of Pennsylvania.

The SPEAKER. The Chair recognizes the gentleman from Bucks County, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

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

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

Mr. CLYMER. Thank you, Mr. Speaker.
This is strictly for clarification.

Mr. Speaker, are we talking about one pilot program?

Mr. STURLA. The way it is written, it just says "a pilot program." Whether that pilot program is a program that the department determines they want to do three small, little projects – say, one in an urban area, one in a suburban area, one in a rural area – it is really up to the department. It is simply a pilot that they would establish so that they can give us some sort of feedback on it. The reason I did not specify anything was that I wanted the department to determine best how they could handle this and what would accommodate them in the best fashion.

Mr. CLYMER. In the amendment, you make mention of the fact that the report on this pilot program must be submitted to the General Assembly by March. Is there a timeframe in which this pilot program would end though? The report does not say that ends the pilot program. How long are you looking for this program to run?

Mr. STURLA. Well, I would hope that after we would get a report back, we would review this. Again, it is up to the Department of Corrections. Once the pilot program is established and they have run it, I believe they have met the demand here. I believe it would be up to the department as to how long they would want to continue it. I would hope, if it was successful, that they would continue it and come back and ask us to actually expand it.

Mr. CLYMER. Mr. Speaker, thank you. He has answered my questions. Thank you.

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

The following roll call was recorded:

YEAS—191

Adolph	Evans	Lloyd	Sather
Allen	Fairchild	Lucyk	Saylor
Argall	Fajt	Lynch	Schroder
Baker	Fargo	Maitland	Schuler
Bard	Farmer	Major	Scrimenti
Barley	Feese	Manderino	Semmel
Battisto	Fichter	Markosek	Serafini
Bebko-Jones	Fleagle	Marsico	Shaner
Belardi	Flick	Masland	Smith, B.
Belfanti	Gamble	Mayernik	Smith, S. H.
Birmelin	Gannon	McCall	Snyder, D. W.
Bishop	Geist	McGeehan	Staback
Blaum	George	McGill	Stairs
Boscola	Gigliotti	Melio	Steelman
Brown	Gladeck	Michlovic	Stern
Browne	Godshall	Micozzie	Stetler
Bunt	Gordner	Mihalich	Stish
Butkovitz	Gruitza	Miller	Strittmatter
Buxton	Gruppo	Mundy	Sturla
Caltagirone	Habay	Myers	Surra
Cappabianca	Haluska	Nailor	Tangretti
Carn	Hanna	Nickol	Taylor, E. Z.
Carone	Harhart	Nyce	Thomas
Cawley	Hasay	O'Brien	Tigue
Chadwick	Hennessey	Olasz	Travaglio
Clark	Herman	Oliver	Trello
Clymer	Hershey	Perzel	Trich
Cohen, L. I.	Hess	Pesci	True
Cohen, M.	Horsey	Petrarca	Tulli
Colafella	Hutchinson	Petrone	Vance
Colaizzo	Itkin	Pettit	Van Horne
Conti	Jadlowiec	Phillips	Veon

Cornell	James	Pitts	Vitali
Corpora	Jarolin	Platts	Walko
Corrigan	Josephs	Preston	Washington
Cowell	Kaiser	Ramos	Waugh
Coy	Keller	Raymond	Williams
Curry	Kenney	Readshaw	Wogan
Daley	King	Reber	Wozniak
DeLuca	Krebs	Reinard	Wright, D. R.
Dempsey	Kukovich	Rieger	Wright, M. N.
Dent	LaGrotta	Robinson	Yewcic
Dermody	Laughlin	Rohrer	Youngblood
DeWeese	Lawless	Rooney	Zimmerman
DiGirolamo	Lederer	Rublely	Zug
Donatucci	Leh	Rudy	
Druce	Lescovitz	Sainato	Ryan,
Durham	Levdansky	Santoni	Speaker
Egolf			

NAYS-3

Boyes	Merry	Sheehan
-------	-------	---------

NOT VOTING-1

Taylor, J.

EXCUSED-7

Armstrong	Kirkland	Roberts	Steil
Civera	Pistella	Roebuck	

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

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

Mr. PETTIT. Thank you, Mr. Speaker.

My switch did not work again. I would have cast an affirmative vote.

The SPEAKER. The clerk is instructed to mark the gentleman down as a "yes" vote.

Mr. PETTIT. Thank you, Mr. Speaker.

The SPEAKER. Mr. Pettit, the clerk is instructed to watch for a hand signal from you on each vote and to record your vote according to your signal, until we get the machines attended to.

On the question recurring,

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

The SPEAKER. Does the gentleman, Mr. Blaum, have an amendment? The amendment is withdrawn.

On the question recurring,

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

Mr. KENNEY offered the following amendment No. A0271:

Amend Bill, page 4, by inserting between lines 25 and 26

Section 5. Nothing in this amendatory act shall relieve an insurer, health maintenance organization, managed care firm or third party administrator operating in this State of its responsibilities to provide inpatient drug and alcohol services pursuant to Article VI-A of the act of

May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, or section 2334 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, or any other law governing drug and alcohol benefits in this State. A commitment order issued by a court of common pleas committing a minor to inpatient drug and alcohol services shall be forwarded to the insurer, health maintenance organization, managed care firm or third party administrator by the parent of the minor in conjunction with filing any claim relating to benefits. Failure of an insurer, health maintenance organization, managed care firm or third party administrator operating in this State to comply with Article VI-A of The Insurance Company Law of 1921, or section 2334 of The Administrative Code of 1929 in respect to coverage of mandated benefits that has been ordered by a court shall constitute an unfair insurance practice and be subject to the provisions of the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act.

Amend Sec. 5, page 4, line 26, by striking out "5" and inserting 6

Amend Sec. 6, page 4, line 28, by striking out "6" and inserting 7

On the question,

Will the House agree to the amendment?

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

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, amendment A0271 adds a section to the bill that states that a commitment order issued by a court committing a minor to inpatient drug and alcohol services shall be forwarded to the insurer, HMO (health maintenance organization), managed-care firm, or third party — those that are ultimately responsible for paying the benefit. This amendment, Mr. Speaker, will clarify the responsibilities of the insurer, and more importantly, avoid any delay in getting these much-needed services to the child.

The amendment is supported by the District Attorneys Association and also by the prime sponsor of the bill, Representative Vance, and I would ask that the House vote in the affirmative on this amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-195

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

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Armstrong	Kirkland	Roberts	Steil
Civera	Pistella	Roebuck	

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

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

AMENDMENT A0226 RECONSIDERED

The SPEAKER. The Chair recognizes the majority leader, who moves that the vote by which amendment 0226 was passed to HB 2065, PN 2569, on the 7th day of February be reconsidered.

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

The following roll call was recorded:

YEAS-195

Adolph	Evans	Lucyk	Saylor
Allen	Fairchild	Lynch	Schroder
Argall	Fajt	Maitland	Schuler
Baker	Fargo	Major	Scrimenti
Bard	Farmer	Manderino	Semmel

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Armstrong	Kirkland	Roberts	Steil
Civera	Pistella	Roebuck	

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

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

The clerk read the following amendment No. **A0226**:

Amend Title, page 1, line 11, by striking out "and"
Amend Title, page 1, line 12, by removing the period after "facilities" and inserting
; and providing for a juvenile inmate substance abuse program.

Amend Sec. 3, page 2, line 12, by striking out "a section" and inserting

sections

Amend Sec. 3, page 3, by inserting between lines 18 and 19

Section 9.1. State Juvenile Substance Abuse and Chemical Dependency Assessment and Treatment Program.—(a) The Office of Drug and Alcohol Programs within the Department of Health, working in cooperation with the Department of Public Welfare is hereby authorized to establish a pilot substance abuse and chemical dependency assessment program for the purpose of assessing and treating substance-abusing and chemically dependent juvenile inmates while incarcerated in State facilities. The program shall be contracted with a private drug and alcohol treatment provider. The Department of Health and the Department of Public Welfare shall select a pilot juvenile facility or facilities to implement the program and shall collaborate with the courts, other criminal justice agencies and drug and alcohol treatment programs to develop written guidelines and procedures governing the selection of the juvenile facility or facilities, operation of the program, eligibility of treatment programs to apply to provide this service and eligibility of inmates for the assessment and treatment program. The pilot program established under this section shall not take the place of any other existing therapeutic community drug and alcohol program in any State juvenile facility.

(b) Assessments of drug and alcohol abuse and dependency shall be performed by drug and alcohol counselors who have been certified by the Pennsylvania Chemical Abuse Certification Board (PCACB) or who hold a reciprocity-level certification by the International Certification Reciprocity Consortium (ICRC).

(c) If the assessment determines that the incarcerated juvenile is in need of alcohol or other drug treatment, the juvenile shall be referred to the treatment program provided within the juvenile facility.

(d) The alcohol and drug treatment program or programs within the juvenile institution shall be established and administered in a separate area of the prison by private alcohol and drug treatment programs licensed by the Office of Drug and Alcohol Programs within the Department of Health. In addition to licensure, drug and alcohol treatment programs eligible to apply to provide this service must have at least five years' experience in treating chemically dependent individuals involved with the criminal justice system, five years' experience running a therapeutic community and be able to provide a long-term residential therapeutic community within the juvenile facility. In addition, as part of the application process, the treatment program must demonstrate the ability to provide post-prison aftercare and continuing care treatment facilities.

(e) The substance abuse and chemical dependency assessments under this section shall incorporate methods for detection and determination of chronic drug and alcohol addiction and shall include, but not be limited to, drug and alcohol counseling and evaluation, chemical testing and any other acceptable means for detection and determination of substance abuse and chemical dependency.

(f) The Office of Drug and Alcohol Treatment Programs within the Department of Health shall conduct an ongoing, comprehensive evaluation program to determine the effectiveness of the substance abuse assessment pilot program in reducing criminal behavior, recidivism, arrest and commitments to juvenile institutions. In addition, the Office of Drug and Alcohol Treatment Programs shall collaborate with the Department of Public Welfare to secure medical assistance payments to cover the cost of drug and alcohol detoxification and rehabilitation services for any person eligible for the payments.

(g) On or before March 1 of each year, the Department of Health shall submit a report to the General Assembly which shall include, but not be limited to, a comprehensive evaluation to determine the effectiveness of the substance abuse assessment pilot program in reducing criminal behavior, recidivism, arrest and commitments to juvenile institutions.

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

The following roll call was recorded:

YEAS—191

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

NAYS—4

Boyes	Carone	Druce	Merry
-------	--------	-------	-------

NOT VOTING—0

EXCUSED—7

Armstrong	Kirkland	Roberts	Steil
Civera	Pistella	Roebuck	

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?

The gentleman, Mr. Melio, desires recognition?
 Mr. MELIO. Mr. Speaker, may I interrogate the prime sponsor, please?

The SPEAKER. The lady, Mrs. Vance, indicates she will stand for interrogation. You may begin.

Mr. MELIO. Madam Speaker, I received a letter from the Bucks County Council—

The SPEAKER. Mr. Melio, I am still Mr. Speaker.

Mr. MELIO. I would like to interrogate the prime sponsor, Mr. Speaker.

The SPEAKER. Well, you are addressing me. I am still Mr. Speaker. Just take my word for it. Just say "Mr. Speaker."

Mr. MELIO. Okay, Mr. Speaker.

I just received a letter from the Bucks County Council on Alcohol, and they were concerned about the funding, about the mandate, and after listening to Representative Kenney's amendment, does that take care of the funding?

Mrs. VANCE. I think that it takes care of it in several ways. First, my amendment said that the cost would be borne by the parents rather than by the government; and secondly, then Mr. Kenney clarified that if in fact there was insurance available, that that would pay for it. So I think that does answer their concerns.

Mr. MELIO. Okay. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Tulli.

Mr. TULLI. Thank you, Mr. Speaker.

I rise to support this bill and urge a "yes" vote on HB 2065.

This is a family issue. Government in the past has kept families from being in control of the direction families take, and it is important that we take this step. Government has generally failed in stopping the spread of drugs and alcohol. This is one step to put it back in the hands of the family, and I believe this will be a successful one. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

YEAS—195

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

Boscola	Gigliotti	Merry	Steelman
Boyes	Gladeck	Michlovic	Stern
Brown	Godshall	Micozzie	Stetler
Browne	Gordner	Mihalich	Stish
Bunt	Gruitza	Miller	Strittmatter
Butkovitz	Gruppo	Mundy	Sturla
Buxton	Habay	Myers	Surra
Caltagirone	Haluska	Nailor	Tangretti
Cappabianca	Hanna	Nickol	Taylor, E. Z.
Carn	Harhart	Nyce	Taylor, J.
Carone	Hasay	O'Brien	Thomas
Cawley	Hennessey	Olasz	Tigue
Chadwick	Herman	Oliver	Travaglio
Clark	Hershey	Perzel	Trello
Clymer	Hess	Pesci	Trich
Cohen, L. I.	Cohen, L. I.	Horsey	Petrarca
Cohen, M.	Hutchinson	Hutchinson	Petrone
Colafella	Itkin	Itkin	Pettit
Colaizzo	Jadlowiec	Jadlowiec	Phillips
Conti	James	James	Pitts
Cornell	Jarolin	Jarolin	Platts
Corpora	Josephs	Josephs	Preston
Corrigan	Kaiser	Kaiser	Ramos
Cowell	Keller	Keller	Raymond
Coy	Kenney	Kenney	Readshaw
Curry	King	King	Reber
Daley	Krebs	Krebs	Reinard
DeLuca	Kukovich	Kukovich	Rieger
Dempsey	LaGrotta	LaGrotta	Robinson
Dent	Laughlin	Laughlin	Rohrer
Dermody	Lawless	Lawless	Rooney
DeWeese	Lederer	Lederer	Rubley
DiGirolamo	Leh	Leh	Rudy
Donatucci	Lescovitz	Lescovitz	Sainato
Druce	Levdansky	Levdansky	Santoni
Durham	Lloyd	Lloyd	Sather
Egolf			

NAYS—0

NOT VOTING—0

EXCUSED—7

Armstrong	Kirkland	Roberts	Steil
Civera	Pistella	Roebuck	

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

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

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

HB 2038, PN 3104 (Amended) By Rep. DURHAM

An Act regulating telemarketing practices; providing for violations of the Unfair Trade Practices and Consumer Protection Law and for private causes of action; and providing penalties.

CONSUMER AFFAIRS.

TRANSPORTATION COMMITTEE MEETING

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

Mr. GEIST. Thank you, Mr. Speaker.

There will be an immediate meeting of the Transportation Committee here at the side of the House upon the recess or adjournment.

TOURISM AND RECREATIONAL DEVELOPMENT COMMITTEE MEETING

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

Mr. GODSHALL. Thank you, Mr. Speaker.

I want to alert members of the Tourism Committee that the meeting which was scheduled for 11 o'clock tomorrow, Thursday morning, has been rescheduled to 9 o'clock. You had a memo, but I just want to call it to your attention.

VOTE CORRECTIONS

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

Mr. SNYDER. Thank you, Mr. Speaker.

During the consideration of HB 2065, my vote on amendment No. 373 was not recorded. I would like to be recorded in the positive.

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

The gentleman, Mr. Habay.

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

I wish to report a correction on the record.

On HB 26, amendment No. 98, I was inadvertently recorded "yes." I would like to be recorded in the negative.

The SPEAKER. The gentleman, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

To correct the record.

On HB 2065, on the Vance amendment 0373, I voted in the negative. I would like the record to reflect I would have voted in the affirmative in the absence of not being able to vote on the Blaum amendment. I have changed my vote. Thank you, Mr. Speaker.

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

Mr. Pesci.

Mr. PESCI. Mr. Speaker, on HB 2065, amendment 0373, my vote was not recorded at all. I was voting in the affirmative. Thank you, sir.

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

The gentleman, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

On HB 950, amendment 357, I was not in my seat. I would like to be recorded in the negative.

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

There will be no further votes today other than any connected with the homework of the House.

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

The clerk of the Senate, being introduced, returned **HB 569, PN 3097**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

ANNOUNCEMENT BY MR. DENT

The SPEAKER. The Chair recognizes the gentleman, Mr. Dent. Mr. DENT. Thank you, Mr. Speaker.

For the record, my wife Pamela and I are delighted to announce the birth of our son, William Reed Dent, named for his grandfather, Walter Reed Dent, and his other grandfather, Bill Serfass. We are delighted. A limited number of cigars are available at my desk. Thank you, Mr. Speaker.

The SPEAKER. Mr. Dent, you are invited to make that announcement again on Monday when people are paying closer attention to announcements.

Mr. Dent just announced the arrival of a new Dent — how is that? — and also the availability of cigars, which may not be smoked within these walls.

ADJOURNMENT

The SPEAKER. Do the Republican or Democratic floor leaders have any further business?

Are there any further announcements? Any corrections of the record?

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

Mr. RAMOS. Mr. Speaker, I move that this House do now adjourn until Monday, February 12, 1996, 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 1:11 p.m., e.s.t., the House adjourned.