

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, APRIL 29, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 28

### HOUSE OF REPRESENTATIVES

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

**THE SPEAKER PRO TEMPORE  
(J. SCOT CHADWICK) PRESIDING**

#### PRAYER

REV. THOMAS W. FRIES, Chaplain of the House of Representatives and pastor of Hempfield United Methodist Church, Lancaster, Pennsylvania, offered the following prayer:

Let us pray:

Our Heavenly Father, we thank You for this most beautiful day. We praise You that You are a God of love and compassion; You are a God who cares about every detail and every facet of our life. We confess that we all stand in need of Your forgiveness and grace, and we rejoice that You extend it to us.

We pray today remembering the words of a great man, who said, always take a job that is too big for you, and the work of government is a big job, filled with stresses and frustrations. And so I pray for the Representatives, asking that You would help them to keep perspective at all times, to know and accept that they will often be targets of frustration and displaced anger, but help them not to be weakened by that but to keep their focus on the main thing and to keep the main thing the main thing – to do the work of government for the common good.

We pray that You will help them to maintain a sense of optimism, to remember that You have ordained government, for it is necessary to ensure a just and orderly society. I pray that You will grant them a passion and a spirit to work as diligently as an ant for the good of a colony that we love, we call Pennsylvania.

I ask that You would bless each individual. Those who are here today who are worried and distracted because there are problems in their families, work those problems out, and grant those individuals peace of mind. And for that special man or woman here today that has a personal problem, strengthen them and help them, help them to look to You for healing and recovery.

Above all else, Lord, help us all never to lose faith in You, never to cut ourselves away from the healing power of a living, vibrant faith. Remind each Representative to serve knowing that one day we will all stand before You to give an account of our lives, and I pray that when that moment arrives, they will hear the words, "Well done, good and faithful servant. Enter now into the joy and peace of your eternal reward." Amen.

### PLEDGE OF ALLEGIANCE

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

### JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Monday, April 28, 1997, will be postponed until printed. The Chair hears no objection.

### SENATE MESSAGE

SENATE CONCURRENCE  
IN HOUSE RESOLUTION

The clerk of the Senate, being introduced, informed that the Senate has concurred in **HR 50, PN 450**.

### SENATE MESSAGE

ADJOURNMENT RESOLUTION  
FOR CONCURRENCE

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

In the Senate  
April 28, 1997

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, May 5, 1997, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, May 5, 1997, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 1179** By Representatives LLOYD, BELARDI, MASLAND, FAIRCHILD, GORDNER, FARGO, GEIST, LEVDANSKY, PESCI, SERAFINI, LYNCH, M. N. WRIGHT, WOGAN, DALEY, TIGUE, BARRAR, SURRA, COY, STERN, TRAVAGLIO, MUNDY, OLASZ, CARONE, THOMAS, ADOLPH, ROSS and ITKIN

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

Referred to Committee on LABOR RELATIONS, April 29, 1997.

**No. 1180** By Representatives LLOYD, BELARDI, PESCI, LYNCH, WOGAN, DALEY, SAINATO, BOSCOLA, TIGUE, JOSEPHS, TRICH, ROBINSON, TULLI, COY, STERN, TRAVAGLIO, OLASZ, THOMAS and ITKIN

An Act amending the act of January 25, 1966 (1965 P.L.1546, No.541), entitled, "An act providing scholarships and providing funds to secure Federal funds for qualified students of the Commonwealth of Pennsylvania who need financial assistance to attend postsecondary institutions of higher learning, making an appropriation, and providing for the administration of this act," further providing for eligibility for State scholarship.

Referred to Committee on EDUCATION, April 29, 1997.

**No. 1181** By Representatives LLOYD, PESCI, M. N. WRIGHT, DALEY, TIGUE, TRAVAGLIO and THOMAS

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for recovery of costs related to certain water distribution system improvement projects.

Referred to Committee on CONSUMER AFFAIRS, April 29, 1997.

**No. 1182** By Representatives LLOYD, BELARDI, FARGO, LEVDANSKY, PESCI, SERAFINI, LYNCH, DALEY, MELIO, BOSCOLA, TIGUE, SCRIMENTI, TRAVAGLIO, OLASZ, LUCYK, THOMAS, NICKOL and ROSS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for reimbursement for costs of emergency response.

Referred to Committee on TRANSPORTATION, April 29, 1997.

**No. 1183** By Representatives HERMAN, GRUPPO, SAYLOR, ARGALL, WAUGH, JAROLIN, GIGLIOTTI, BENNINGHOFF, BATTISTO, TRELLO, McNAUGHTON, RAMOS, MELIO, MCGILL, HESS, HANNA, STEELMAN, BOSCOLA, SERAFINI, SCHRODER, BAKER, M. N. WRIGHT, RUBLEY, COWELL, TIGUE, FAIRCHILD, PETRARCA, STABACK, B. SMITH, GEIST, SURRA, BARD, D. W. SNYDER, CLARK, HENNESSEY, HERSHEY,

YOUNGBLOOD, E. Z. TAYLOR, OLASZ, PISTELLA, ROSS and CORPORA

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, making a repeal.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 29, 1997.

**No. 1184** By Representatives BENNINGHOFF, LYNCH, GEIST, FAIRCHILD, RUBLEY, DALLY, STABACK, EGOLF, TRUE, WOGAN, ROHRER, PLATTS, SATHER, E. Z. TAYLOR, STEELMAN, CLARK, YOUNGBLOOD, HERSHEY, WAUGH, FARGO, MCGILL, HENNESSEY, McNAUGHTON, SAYLOR, PISTELLA, ROONEY, ADOLPH, HERMAN, PRESTON, TIGUE, MILLER, BOSCOLA, SURRA, TULLI, ROSS, STERN, TRELLO and BARD

An Act amending the act of November 29, 1990 (P.L.585, No.148), known as the Confidentiality of HIV-Related Information Act, further providing for confidentiality of records.

Referred to Committee on HEALTH AND HUMAN SERVICES, April 29, 1997.

**No. 1185** By Representatives EACHUS, MUNDY, GORDNER, BELARDI, McCALL, STABACK, BLAUM, TIGUE, ROONEY, STURLA, HALUSKA, COY, READSHAW, TRELLO, WALKO, JOSEPHS, TRAVAGLIO, SCRIMENTI, LAUGHLIN, CASORIO, MELIO, TRICH, C. WILLIAMS, RAMOS, DeLUCA, BOSCOLA, HASAY, TANGRETTI, CURRY, ORIE, EVANS, SANTONI and LUCYK

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for Pennsylvania State Police criminal laboratories.

Referred to Committee on JUDICIARY, April 29, 1997.

**No. 1186** By Representatives SERAFINI, GEIST, TIGUE, YOUNGBLOOD and BENNINGHOFF

An Act declaring orders not to resuscitate to apply to the maker regardless of location.

Referred to Committee on HEALTH AND HUMAN SERVICES, April 29, 1997.

**No. 1187** By Representatives SERAFINI, GEIST, E. Z. TAYLOR, MELIO, TIGUE, YOUNGBLOOD, BOSCOLA, WASHINGTON and DeLUCA

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for home intravenous drug therapy services.

Referred to Committee on HEALTH AND HUMAN SERVICES, April 29, 1997.

**No. 1188** By Representatives DENT, ALLEN, YOUNGBLOOD, BOSCOLA, SAYLOR, TRELLO, HENNESSEY and BENNINGHOFF

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, providing for assessment of tapping fees.

Referred to Committee on LOCAL GOVERNMENT, April 29, 1997.

**No. 1189** By Representatives MARSICO, VANCE, BELARDI, McNAUGHTON, FARGO, BAKER, NAILOR, TRELLO, WALKO, HENNESSEY, LUCYK, LYNCH, LEH, BUNT, MILLER, SATHER, CIVERA, L. I. COHEN, GIGLIOTTI, SCHRODER, TRUE, STEELMAN, RAMOS, CLARK, DeWEESE, DeLUCA, E. Z. TAYLOR, YOUNGBLOOD, TIGUE, HESS, BOSCOLA, STABACK, PISTELLA, BENNINGHOFF, C. WILLIAMS, J. TAYLOR, TULLI and THOMAS

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding the offense of invasion of privacy; and imposing a penalty.

Referred to Committee on JUDICIARY, April 29, 1997.

**No. 1190** By Representatives MAITLAND, BELARDI, CLARK, GEIST, HALUSKA, HENNESSEY, JAMES, JOSEPHS, MUNDY, PLATTS, ROSS, SCRIMENTI, SEMMEL, STEELMAN, E. Z. TAYLOR, TRELLO, TRUE, WAUGH, C. WILLIAMS and YOUNGBLOOD

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for specific findings on damages; and further providing for motor vehicle insurance definitions and limits.

Referred to Committee on JUDICIARY, April 29, 1997.

**No. 1191** By Representatives MAITLAND, BENNINGHOFF, BROWN, EGOLF, FAIRCHILD, FARGO, FLEAGLE, FLICK, HANNA, HERMAN, HERSHEY, HUTCHINSON, LYNCH, MASLAND, MILLER, NICKOL, READSHAW, ROSS, RUBLEY, SAYLOR, SEMMEL, B. SMITH, STERN, E. Z. TAYLOR, TRUE, WAUGH and ZUG

An Act providing for civil liability relating to equine activities, for exceptions thereto and for the posting and furnishing of certain notices.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, April 29, 1997.

**No. 1192** By Representatives MAITLAND, BOSCOLA, BUNT, GEORGE, JAMES, LYNCH, MELIO, E. Z. TAYLOR, TRAVAGLIO, TRELLO, TRUE, WAUGH and ZUG

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, providing for court house hours and calendars.

Referred to Committee on JUDICIARY, April 29, 1997.

**No. 1193** By Representatives MCGILL, L. I. COHEN, HUTCHINSON, THOMAS, BELFANTI, BELARDI, ITKIN, COWELL, YOUNGBLOOD, TRELLO, SHANER and SURRA

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for creditable nonschool service.

Referred to Committee on EDUCATION, April 29, 1997.

**No. 1374** By Representatives MCGILL, WALKO, LYNCH, OLASZ, PETRARCA, GEIST, BELFANTI, THOMAS, BELARDI, BAKER, TIGUE, YOUNGBLOOD, BOSCOLA, STABACK, PISTELLA, TRELLO, HALUSKA, SAINATO, HENNESSEY, ROBERTS, BENNINGHOFF and BARD

An Act amending the act of June 28, 1935 (P.L.477, No.193), referred to as the Enforcement Officer Disability Benefits Law, extending benefits to county sheriffs and deputy sheriffs.

Referred to Committee on JUDICIARY, April 29, 1997.

**No. 1376** By Representatives BARRAR, FARGO, ARMSTRONG, E. Z. TAYLOR, MCGEEHAN, FLICK and RAYMOND

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for the power to incur debt and debt limitations.

Referred to Committee on EDUCATION, April 29, 1997.

**No. 1377** By Representatives BARRAR, BELARDI, WAUGH, READSHAW, COY, ARMSTRONG, TRELLO, ZUG, LYNCH, E. Z. TAYLOR, MANDERINO, MCGEEHAN, STABACK, CAPPABIANCA, HENNESSEY, CURRY, YOUNGBLOOD, C. WILLIAMS, STERN, HORSEY, TRAVAGLIO, PLATTS, DALLY, RAYMOND, ROSS, SEYFERT, BENNINGHOFF, TRUE and KIRKLAND

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for special speed limitations and for authority to erect traffic-control devices.

Referred to Committee on TRANSPORTATION, April 29, 1997.

**No. 1378** By Representatives MASLAND, MANDERINO, ARMSTRONG, CHADWICK, GORDNER, BENNINGHOFF, RUBLEY, DENT, GEORGE, WALKO, BEBKO-JONES, BELFANTI, BELARDI, BATTISTO, SAYLOR, MARSICO, WAUGH, ALLEN, LEVDANSKY, ITKIN, FEESE, DeLUCA, SCHRODER, NAILOR, MELIO, ORIE, YOUNGBLOOD, PETRARCA, STRITTMATTER, L. I. COHEN, DALLY, C. WILLIAMS, ROONEY, VANCE, JOSEPHS, CALTAGIRONE, COWELL, McCALL, BOSCOLA, MUNDY, EVANS, MICHLOVIC, SEYFERT, CORPORA, COY, TIGUE, TRELLO, HALUSKA, WOJNAROSKI, EGOLF, DRUCE, PLATTS, CAPPABIANCA, HENNESSEY, SCRIMENTI, SURRA, CURRY and LUCYK

An Act establishing the Special Independent Prosecutor's Panel and providing for its powers and duties; and providing for special investigative counsel and for independent counsel.

Referred to Committee on JUDICIARY, April 29, 1997.

**No. 1379** By Representatives ZIMMERMAN, WILT, HERSHEY, TRELLO and BARD

An Act providing for an amusement or admissions tax.

Referred to Committee on LOCAL GOVERNMENT, April 29, 1997.

### HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 148** By Representatives EACHUS, FAIRCHILD, STABACK, MUNDY, BEBKO-JONES, COLAIZZO, TRAVAGLIO, WALKO, PESCI, SANTONI, GODSHALL, McCALL, BLAUM, GORDNER, OLASZ, MICHLOVIC, SCRIMENTI, BELARDI, SAINATO, STURLA, RUBLEY, ROONEY, TIGUE, HASAY, TANGRETTI, SHANER, HALUSKA, LUCYK, MELIO, CASORIO, TRELLO, HUTCHINSON, JOSEPHS, WOGAN, HENNESSEY, GRUITZA, BROWNE, STEELMAN, RAMOS, CURRY, YOUNGBLOOD, BOSCOLA, CAPPABIANCA, THOMAS, EVANS and JAROLIN

A Resolution directing the Health and Human Services Committee to conduct hearings throughout this Commonwealth to study and determine the impact of the Department of Public Welfare's five-year plan to redesign Pennsylvania's mental retardation service system.

Referred to Committee on RULES, April 29, 1997.

### COMMEMORATIVE GAVEL PRESENTED

The SPEAKER pro tempore. The House will come to order.

The Chair has the privilege at this point of making a special presentation. It is the custom of the Speaker to present a ceremonial gavel to our guest Chaplain on the last day of his service to the House. As you all know, Rev. Thomas Fries has served with us for the past month. Today is his last day, and so today it is my honor and privilege to present to Reverend Fries this ceremonial gavel with the thanks of the House. Reverend Fries.

### GUESTS INTRODUCED

The SPEAKER pro tempore. We have some special guests with us today that the Chair would like to welcome.

Representative Joseph Petrarca has here as his guests 20 cheerleaders from Derry Area High School, who are the 1996 Pennsylvania quad-A cheerleader champions. They are seated in the rear of the House. Would they please rise. Welcome to the hall of the House.

The Chair is also especially pleased to welcome to the House a Boy Scout troop from my hometown, Athens, Pennsylvania, Troop 15, with their assistant Scoutmaster, Dave Arnold. They are located in the gallery. Would they please rise. Welcome to the hall of the House.

Representative Pat Vance has today with her as her guest Angela Bransteiter. She is a student at East Pennsboro High School. Is she here? Please rise. Welcome to the hall of the House.

The Chair would also like to welcome the members of the 1997 class of Leadership Lycoming. They are sponsored by the Williamsport-Lycoming Chamber of Commerce. They are here as the guests of Representatives Dempsey and Feese from Lycoming County, and they are seated in the rear of the House. Would they please rise. Welcome to the hall of the House.

We also have with us two students from Susquehanna High School, who are here today as guests of Representative Allan Egolf, and they are serving as guest pages — Jennifer Arndt and Laura Gildner. Are they here? Please rise. Welcome to the hall of the House.

### LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair turns to leaves of absence and recognizes the gentleman, Mr. Snyder, who requests a leave of absence for the gentleman from Allegheny County, Mr. PETTIT, for the day, and who also requests a temporary leave for the lady from Montgomery County, Representative COHEN. Without objection, the leaves will be granted. The Chair hears no objection, and the leaves are granted.

The Chair recognizes the gentleman, Mr. Itkin, who requests a leave for today's session for the gentleman from Bucks County, Mr. CORRIGAN. Without objection, the leave will be granted. The Chair hears no objection, and the leave is granted.

### MASTER ROLL CALL

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

The following roll call was recorded:

#### PRESENT—200

Adolph	Druce	Major	Schroder
Allen	Eachus	Manderino	Schuler
Argall	Egolf	Markosek	Scrimenti
Armstrong	Evans	Marsico	Sammel
Baker	Fairchild	Masland	Serafini
Bard	Fargo	Mayernik	Seyfert
Barley	Feese	McCall	Shaner
Barrar	Fichter	McGeehan	Smith, B.
Battisto	Fleagle	McGill	Smith, S. H.
Bebko-Jones	Flick	McIlhattan	Snyder, D. W.
Belardi	Gannon	McNaughton	Staback
Belfanti	Geist	Melio	Stairs
Benninghoff	George	Michlovic	Steelman
Birmelin	Gigliotti	Micozzie	Steil
Bishop	Gladeck	Mihalich	Stern
Blaum	Godshall	Miller	Stetler
Boscola	Gordner	Mundy	Stevenson
Boyes	Gruitza	Myers	Strittmatter
Brown	Gruppo	Nailor	Sturla
Browne	Habay	Nickol	Surra
Bunt	Haluska	O'Brien	Tangretti
Butkovitz	Hanna	Olasz	Taylor, E. Z.
Buxton	Harhart	Oliver	Taylor, J.
Caltagirone	Hasay	Orie	Thomas
Cappabianca	Hennessey	Perzel	Tigue
Carn	Herman	Pesci	Travaglio
Carone	Hershey	Petrarca	Trello

Casorio	Hess	Petrone	Trich
Cawley	Horsey	Phillips	True
Chadwick	Hutchinson	Pippy	Tulli
Civera	Itkin	Pistella	Vance
Clark	Jadlowiec	Platts	Van Home
Clymer	James	Preston	Veon
Cohen, M.	Jarolin	Ramos	Vitali
Colaella	Josephs	Raymond	Walko
Colaizzo	Kaiser	Readshaw	Washington
Conti	Keller	Reber	Waugh
Cornell	Kenney	Reinard	Williams, A. H.
Corpora	Kirkland	Rieger	Williams, C.
Cowell	Krebs	Roberts	Wilt
Coy	LaGrotta	Robinson	Wogan
Curry	Laughlin	Roebuck	Wojnaroski
Daley	Lawless	Rohrer	Wright, M. N.
Dally	Lederer	Rooney	Yewcic
DeLuca	Leh	Ross	Youngblood
Dempsey	Lescovitz	Rubley	Zimmerman
Dent	Levdansky	Sainato	Zug
Dermody	Lloyd	Santoni	
DeWeese	Lucyk	Sather	Ryan,
DiGirolamo	Lynch	Saylor	Speaker
Donatucci	Maitland		

## ADDITIONS-0

## NOT VOTING-0

## EXCUSED-3

Cohen, L. I.      Corrigan      Pettit

## LEAVES ADDED-1

Steil

## LEAVES CANCELED-2

Cohen, L. I.      Corrigan

## CALENDAR

## BILLS ON THIRD CONSIDERATION

## BILLS PASSED OVER TEMPORARILY

The SPEAKER pro tempore. Turn to page 1 of today's calendar. All the bills on page 1 will be over temporarily.

## GUESTS INTRODUCED

The SPEAKER pro tempore. We have some other special guests with us here today. The eight top winners of the Pennsylvania Society of Professional Engineers statewide MATHCOUNTS competition are visiting with us and their local legislators. MATHCOUNTS is a nationwide program for seventh and eighth grade students to promote mathematics through coaching and competition. The top team, from Sewickley Academy, is represented by Representative Susan Laughlin, and the team students are: Matt Berner, the top team and third-place individual; again, he is from Representative Laughlin's district. Matt Cohen is here also from Representative Laughlin's district.

Ryan Buterbaugh is here; he is from Representative Jane Orie's district. And Rafe Judkins is here; he is from Representative Dave Mayernik's district.

The other students are: Michael Church, the first-place individual, from Representative Mark McNaughton's district; David Haeefe, second-place individual, from Representative Julie Harhart's district; Michael Aubuchon — and I apologize if I mispronounced your name, Michael — the fourth-place individual, from Representative Lynn Herman's district; and Brian Feldman, the fifth-place individual, from Representative Paul Semmel's district. I would like to introduce all these individuals and their coach, Carol Gambill, and would they please rise. Are they in the back of the House? Welcome to the hall of the House.

The Chair would also like to welcome Cara Fleming. She is a student at Lafayette College in Easton and is serving as an intern in Representative Corpora's district office. She is here as his guest, and she is seated to the left of the Speaker. Would she please rise. Welcome to the hall of the House.

The Chair would like to welcome Christopher Sharp to the hall of the House. He is serving as a guest page today, and he is here as a guest of Representative Tulli from Dauphin County. He is seated in the front of the House. Would he please rise. Welcome to the hall of the House.

## BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 743, PN 835**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the use of handcuffs when transporting certain delinquent juveniles.

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-199

Adolph	Druce	Maitland	Saylor
Allen	Eachus	Major	Schroder
Argall	Egolf	Manderino	Schuler
Armstrong	Evans	Markosek	Scriminti
Baker	Fairchild	Marsico	Semmel
Bard	Fargo	Masland	Serafini
Barley	Feese	Mayernik	Seyfert
Barrar	Fichter	McCall	Shaner
Battisto	Fleagle	McGeehan	Smith, B.
Bebko-Jones	Flick	McGill	Smith, S. H.
Belardi	Gannon	McIlhattan	Snyder, D. W.
Belfanti	Geist	McNaughton	Staback
Benninghoff	George	Melio	Stairs
Birmelin	Gigliotti	Michlovic	Steelman
Bishop	Gladeck	Micozzie	Steil
Blaum	Godshall	Mihalich	Stern
Boscola	Gordner	Miller	Stetler
Boyes	Gruitza	Mundy	Stevenson
Brown	Gruppo	Myers	Strittmatter

Browne	Habay	Nailor	Sturla
Bunt	Haluska	Nickol	Surra
Butkovitz	Hanna	O'Brien	Tangretti
Buxton	Harhart	Olasz	Taylor, E. Z.
Caltagirone	Hasay	Oliver	Taylor, J.
Cappabianca	Hennessey	Orie	Thomas
Carn	Herman	Perzel	Tigue
Carone	Hershey	Pesci	Travaglio
Casorio	Hess	Petrarca	Trello
Cawley	Horse	Petrone	Trich
Chadwick	Hutchinson	Phillips	True
Civera	Itkin	Pippy	Tulli
Clark	Jadlowiec	Pistella	Vance
Clymer	James	Platts	Van Horne
Cohen, M.	Jarolin	Preston	Veon
Colaella	Josephs	Ramos	Vitali
Colaizzo	Kaiser	Raymond	Walko
Conti	Keller	Readshaw	Washington
Cornell	Kenney	Reber	Waugh
Corpora	Kirkland	Reinard	Williams, C.
Cowell	Krebs	Rieger	Wilt
Coy	LaGrotta	Roberts	Wogan
Curry	Laughlin	Robinson	Wojnaroski
Daley	Lawless	Roebuck	Wright, M. N.
Dally	Lederer	Rohrer	Yewcic
DeLuca	Leh	Rooney	Youngblood
Dempsey	Lescovitz	Ross	Zimmerman
Dent	Levdansky	Rubley	Zug
Dermody	Lloyd	Sainato	
DeWeese	Lucyk	Santoni	Ryan,
DiGirolamo	Lynch	Sather	Speaker
Donatucci			

NAYS-0

NOT VOTING-1

Williams, A. H.

EXCUSED-3

Cohen, L. I.      Corrigan      Pettit

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.

### GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair would like to welcome to the House a group from the Pennsylvania Bar Association's Leadership Institute. They are outstanding young lawyers visiting the Capitol today. They are here as the guests of Representative John Perzel, and they are seated in the rear of the hall. Would they please rise. Welcome to the hall of the House.

The Chair would also like to welcome Mr. and Mrs. Timko Butrej. They are here today as guests of Representative John Gordner, and they are seated in the balcony. Would they please rise. Welcome to the hall of the House.

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 792, PN 892**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for assault by prisoner.

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-200

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

## NAYS-0

## NOT VOTING-0

## EXCUSED-3

Cohen, L. I.      Corrigan      Pettit

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

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

\* \* \*

The House proceeded to third consideration of **HB 1048, PN 1170**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the exemption from attachment of retirement funds and accounts.

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-192

Adolph	DiGirolamo	Lucyk	Schroder
Allen	Donatucci	Major	Schuler
Argall	Druce	Manderino	Scrimenti
Armstrong	Eachus	Markosek	Semmel
Baker	Egolf	Marsico	Serafini
Bard	Evans	Masland	Seyfert
Barley	Fairchild	Mayernik	Shaner
Barrar	Fargo	McCall	Smith, B.
Battisto	Feese	McGeehan	Smith, S. H.
Bebko-Jones	Fichter	McGill	Snyder, D. W.
Belardi	Flick	McIlhatten	Staback
Belfanti	Gannon	McNaughton	Stairs
Benninghoff	Geist	Melio	Steelman
Birmelin	George	Michlovic	Steil
Bishop	Gigliotti	Micozzie	Stern
Blaum	Gladeck	Miller	Stetler
Boscola	Godshall	Mundy	Stevenson
Boyes	Gordner	Myers	Strittmatter
Brown	Gruitza	Nailor	Sturla
Browne	Gruppo	O'Brien	Surra
Bunt	Habay	Olasz	Tangretti
Butkovitz	Haluska	Oliver	Taylor, E. Z.
Buxton	Hanna	Orie	Taylor, J.
Caltagirone	Harhart	Perzel	Thomas
Cappabianca	Hasay	Pesci	Tigue
Carn	Hennessey	Petrarca	Travaglio
Carone	Herman	Petrone	Trello
Casorio	Hershey	Phillips	Trich
Cawley	Hess	Pippy	True
Chadwick	Horsey	Pistella	Tulli
Civera	Hutchinson	Platts	Vance
Clark	Itkin	Preston	Van Horne

Clymer	Jadlowiec	Ramos	Veon
Cohen, M.	James	Raymond	Vitali
Colaella	Jarolin	Readshaw	Walko
Colaizzo	Josephs	Reber	Washington
Conti	Kaiser	Reinard	Waugh
Cornell	Keller	Rieger	Williams, A. H.
Corpora	Kenney	Roberts	Williams, C.
Cowell	Kirkland	Robinson	Wogan
Coy	Krebs	Roebuck	Wojnaroski
Curry	LaGrotta	Rooney	Wright, M. N.
Daley	Laughlin	Ross	Yewcic
Dally	Lawless	Rubley	Youngblood
DeLuca	Lederer	Sainato	Zimmerman
Dempsey	Leh	Santoni	
Dent	Lescovitz	Sather	Ryan,
Dermody	Levdansky	Saylor	Speaker
DeWeese	Lloyd		

## NAYS-8

Fleagle	Maitland	Nickol	Wilt
Lynch	Mihalich	Rohrer	Zug

## NOT VOTING-0

## EXCUSED-3

Cohen, L. I.      Corrigan      Pettit

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

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

\* \* \*

The House proceeded to third consideration of **HB 1065, PN 1190**, entitled:

An Act amending the act of February 9, 1984 (P.L.3, No.2), known as the Deputy Sheriffs' Education and Training Act, further providing for training requirement, for the Deputy Sheriffs' Education and Training Board and for the Deputy Sheriffs' Education and Training Account.

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-200

Adolph	Druce	Major	Schroder
Allen	Eachus	Manderino	Schuler
Argall	Egolf	Markosek	Scrimenti
Armstrong	Evans	Marsico	Semmel
Baker	Fairchild	Masland	Serafini
Bard	Fargo	Mayernik	Seyfert
Barley	Feese	McCall	Shaner
Barrar	Fichter	McGeehan	Smith, B.
Battisto	Fleagle	McGill	Smith, S. H.
Bebko-Jones	Flick	McIlhatten	Snyder, D. W.

Belardi	Gannon	McNaughton	Staback
Belfanti	Geist	Melio	Stairs
Benninghoff	George	Michlovic	Steelman
Birmelin	Gigliotti	Micozzie	Steil
Bishop	Gladeck	Mihalich	Stern
Blaum	Godshall	Miller	Stetler
Boscola	Gordner	Mundy	Stevenson
Boyes	Gruitza	Myers	Strittmatter
Brown	Gruppo	Nailor	Sturla
Browne	Habay	Nickol	Surra
Bunt	Haluska	O'Brien	Tangretti
Butkovitz	Hanna	Olasz	Taylor, E. Z.
Buxton	Harhart	Oliver	Taylor, J.
Caltagirone	Hasay	Orie	Thomas
Cappabianca	Hennessey	Perzel	Tigue
Carn	Herman	Pesci	Travaglio
Carone	Hershey	Petrarca	Trello
Casorio	Hess	Petrone	Trich
Cawley	Horsey	Phillips	True
Chadwick	Hutchinson	Pippy	Tulli
Civera	Itkin	Pistella	Vance
Clark	Jadlowiec	Platts	Van Horne
Clymer	James	Preston	Veon
Cohen, M.	Jarolin	Ramos	Vitali
Colaella	Josephs	Raymond	Walko
Colaizzo	Kaiser	Readshaw	Washington
Conti	Keller	Reber	Waugh
Cornell	Kenney	Reinard	Williams, A. H.
Corpora	Kirkland	Rieger	Williams, C.
Cowell	Krebs	Roberts	Wilt
Coy	LaGrotta	Robinson	Wogan
Curry	Laughlin	Roebuck	Wojnaroski
Daley	Lawless	Rohrer	Wright, M. N.
Dally	Lederer	Rooney	Yewcic
DeLuca	Leh	Ross	Youngblood
Dempsey	Lescovitz	Rublely	Zimmerman
Dent	Levdansky	Sainato	Zug
Dermody	Lloyd	Santoni	
DeWeese	Lucyk	Sather	Ryan,
DiGirolamo	Lynch	Saylor	Speaker
Donatucci	Maitland		

## NAYS-0

## NOT VOTING-0

## EXCUSED-3

Cohen, L. I.      Corrigan      Pettit

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

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

\* \* \*

The House proceeded to third consideration of **SB 45, PN 946**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for harassment and stalking.

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?

## DECISION OF CHAIR RESCINDED

The SPEAKER pro tempore. Without objection, the Chair rescinds its announcement that the bill has been agreed to for the third time. The Chair hears no objection.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, SB 45 and its amendments both raise extremely complicated issues that require further study. These are extremely complex issues that people feel different ways about. It will be a long, involved discussion on the floor of the House of Representatives, and I believe that a committee could do a far better job of analyzing these issues and coming up with specific language to meet the goals of both Senator Holl and Mr. O'Brien. It will be far more acceptable than the language that we are confronted with today.

## MOTION TO RECOMMIT

Mr. COHEN. So I therefore move that we recommit this bill to the House Judiciary Committee.

The SPEAKER pro tempore. The gentleman, Mr. Cohen, moves that SB 45 be recommitted to the Judiciary Committee.

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

## PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. On that motion, the Chair recognizes the gentleman from Philadelphia County, Mr. O'Brien.

Mr. O'BRIEN. Point of parliamentary inquiry, Mr. Speaker.

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

Mr. O'BRIEN. The amendment that Representative Cohen referred to is not before us. Is a motion to recommit, based on that information, proper until that amendment is before the House?

The SPEAKER pro tempore. The gentleman's remarks may have been a little beyond what would be expected, but the motion is certainly in order. There is no problem with him making that motion.

Mr. O'BRIEN. But the motion involved the substance of the amendment that I intend to offer, and that amendment is not before the House. Therefore, how is that motion in order, Mr. Speaker?

The SPEAKER pro tempore. The gentleman's motion was simply to recommit the bill to the Judiciary Committee. That motion is always in order, and the Chair would not make judgment on the motivations for that. The motion itself is in order and the motivations are not relevant.



Mr. O'BRIEN. Mr. Speaker, then since the gentleman enjoyed the latitude of speaking on my amendment in his motion to recommit, do I enjoy the latitude of speaking on that amendment as well?

The SPEAKER pro tempore. The gentleman did make mention briefly of the amendment in his motion, and ordinarily, what you suggest would not be in order. The Chair is going to allow you a little bit of leeway because the gentleman did not go very far himself. So you are going to have a little bit of leeway here but not a lot.

Mr. O'BRIEN. Thank you, Mr. Speaker, for that latitude.

Could I have some order, Mr. Speaker?

The SPEAKER pro tempore. The gentleman, Mr. O'Brien, is correct. We are debating a motion here, and the House is entirely too loud. The House will come to order. The members will please take their seats; members will please take their seats.

Mr. O'Brien.

Mr. O'BRIEN. Thank you, Mr. Speaker.

I would like the members of this House to understand that this motion to recommit is the substantive vote on this amendment.

Mr. GANNON. Mr. Speaker?

Mr. O'BRIEN. Both caucuses have reviewed this information—

The SPEAKER pro tempore. Will the gentleman—

Mr. O'BRIEN. —and they know what the content of the amendment is.

The SPEAKER pro tempore. Will the gentleman suspend for one moment, please.

### PARLIAMENTARY INQUIRY

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

Mr. GANNON. Parliamentary inquiry, Mr. Speaker.

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

Mr. GANNON. Mr. Speaker, I very much appreciate the latitude that you have offered the gentleman insofar as the debate on the motion to recommit, but my inquiry is, the issue before the House is the bill as introduced or sent to the House, and the motion to recommit is on that bill. It really has nothing to do with any amendments. Those amendments would probably stay on the floor. I am just asking, would they stay on the floor?

The SPEAKER pro tempore. I knew we were going to get in trouble with this. The amendment does not go back to committee with the bill. It is still out there. Again, we are going to be very careful in the latitude that we permit here, because we have already gone farther than we should have on this issue, and I certainly do not want to set a precedent.

Mr. GANNON. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Mr. O'Brien.

Mr. O'BRIEN. Again, Mr. Speaker, I appreciate the latitude that you extended me because the previous speaker did reference this amendment as the cause for the recommendation for recommitment.

Again, I will emphasize that this vote on recommitment will represent a substantive vote on the issues contained in my amendment. It is a very simple and straightforward amendment. It simply applies the old standards encompassed and embodied in the Crimes Code to new people; very simple. It is not an abortion bill. It simply applies the elements of the Crimes Code that affect living

people outside the womb to those unborn in the womb. This latitude to allow a guttersnipe to make that decision for a woman as to whether she can carry her baby to term—

The SPEAKER pro tempore. Will the gentleman suspend; will the gentleman suspend.

The gentleman has now had the opportunity to explain his amendment. The gentleman will now restrain his remarks to the issue before us, which is the motion to recommit.

Mr. O'BRIEN. Thank you, Mr. Speaker.

This is a Title 18 bill. This is a Title 18 amendment. This is routinely done on the floor of this House. We know what the issue is. Let us not duck it. Let us vote on it. Let us debate it. Any questions anybody has, let us answer them, and then let the members decide whether they want to vote "yes" or "no." This is a substantive vote, Mr. Speaker.

The SPEAKER pro tempore. The Chair will not permit any more discussion on the amendment, only on the motion before the House.

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

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the motion to recommit.

This bill has been around. It has been in the Judiciary Committee. It has been amended and it has been reported out. So therefore, there is no reason to send it back to a committee. Everything else that is involved with this bill people have caucused on. Everyone should be prepared to vote.

So I would ask you to vote against the motion to recommit. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware County, Mr. Gannon.

Mr. GANNON. Mr. Speaker, I would ask the members to vote to recommit this bill to the Judiciary Committee. I would ask for a "yes" vote on recommitment. Thank you, Mr. Speaker.

### LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Snyder, who requests that the lady from Montgomery County, Representative Cohen, be placed on the master roll call and her leave be terminated. Without objection, the request is granted.

### CONSIDERATION OF SB 45 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Vitali, from Delaware County on the motion.

Mr. VITALI. Thank you, Mr. Speaker.

I would support the motion to recommit, the reason being that Representative O'Brien introduces in his amendment a significant piece of substantive legislation. I think it is most appropriate that House members have the opportunity to give input, make adjustments, file amendments, argue those amendments to make the adjustments, to make that satisfactory to the House as a whole. Unless this bill is recommitted, we will not have the opportunity and we will be forced to deal with that complex, controversial piece of legislation in a take-it-or-leave-it fashion. Therefore, I would urge that the better course here be to recommit so we do not

have to deal with the O'Brien legislation in a take-it-or-leave-it fashion.

So I would ask for a "yes" vote on the motion to recommit.

The SPEAKER pro tempore. For the second time, the Chair recognizes the gentleman from Delaware County, Mr. Gannon.

Mr. GANNON. Mr. Speaker, just for a clarification.

The bill that we are addressing was reported out of committee, but the legislation addressing the amendments to this bill was only recently introduced and referred to the Judiciary Committee, my recollection is, within the past 2 to 3 weeks.

There was some comment that this bill had been in the Judiciary Committee for a while. This bill that we are discussing on the floor, yes. The bill that addresses the amendments that would be offered to this bill was just recently introduced within the past 2 or 3 weeks and referred to Judiciary. We have not had any opportunity to look at the legislation that was introduced and referred to the committee. I have not even read the bill yet, it is that new.

So I wanted to clarify any misunderstanding about this bill and its history within the committee and the floor.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia County, Mr. O'Brien, for the second time on the motion.

Mr. O'BRIEN. Again, Mr. Speaker, I would remind the members of this House that this will represent the substantive vote on this amendment. It is a Title 18 bill. This is a Title 18 amendment. We all understand what we are voting on.

I would ask the members to vote against recommitment.

The SPEAKER pro tempore. Those in favor of the motion to recommit SB 45 to the Judiciary Committee will vote "aye"; those opposed to the motion will vote "no."

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

The following roll call was recorded:

#### YEAS-59

Bard	Dermody	Myers	Steelman
Bebko-Jones	DeWeese	Nickol	Steil
Bishop	Druce	Oliver	Stetler
Boyes	Evans	Petrone	Sturla
Buxton	Gannon	Pistella	Thomas
Carn	Gladeck	Ramos	Trich
Carone	Itkin	Readshaw	Vance
Casorio	James	Reber	Van Horne
Cohen, L. I.	Jarolin	Reinard	Veon
Cohen, M.	Josephs	Roberts	Vitali
Conti	Kirkland	Robinson	Washington
Cornell	Krebs	Roebuck	Williams, A. H.
Corpora	Manderino	Ross	Williams, C.
Curry	Mihalich	Rubley	Youngblood
Dent	Mundy	Smith, B.	

#### NAYS-142

Adolph	Egolf	Lloyd	Saylor
Allen	Fairchild	Lucyk	Schroder
Argall	Fargo	Lynch	Schuler
Armstrong	Feese	Maitland	Scrimenti
Baker	Fichter	Major	Semmel
Barley	Fleagle	Markosek	Serafini
Barrar	Flick	Marsico	Seyfert
Battisto	Geist	Masland	Shaner

Belardi	George	Mayernik	Smith, S. H.
Belfanti	Gigliotti	McCall	Snyder, D. W.
Benninghoff	Godshall	McGeehan	Staback
Birmelin	Gordner	McGill	Stairs
Blaum	Gruitza	McIlhattan	Stern
Boscola	Gruppo	McNaughton	Stevenson
Brown	Habay	Melio	Strittmatter
Browne	Haluska	Michlovic	Surra
Bunt	Hanna	Micozzie	Tangretti
Butkovitz	Harhart	Miller	Taylor, E. Z.
Caltagirone	Hasay	Nailor	Taylor, J.
Cappabianca	Hennessey	O'Brien	Tigue
Cawley	Herman	Olasz	Travaglio
Chadwick	Hershey	Orie	Trello
Civera	Hess	Perzel	True
Clark	Horsey	Pesci	Tulli
Clymer	Hutchinson	Petrarca	Walko
Colafella	Jadlowiec	Phillips	Waugh
Colaizzo	Kaiser	Pippy	Wilt
Cowell	Keller	Platts	Wogan
Coy	Kenney	Preston	Wojnarowski
Daley	LaGrotta	Raymond	Wright, M. N.
Dally	Laughlin	Rieger	Yewcic
DeLuca	Lawless	Rohrer	Zimmerman
Dempsey	Lederer	Rooney	Zug
DiGirolamo	Leh	Sainato	
Donatucci	Lescovitz	Santoni	Ryan, Speaker
Eachus	Levdansky	Sather	

NOT VOTING-0

EXCUSED-2

Corrigan      Pettit

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

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

Mr. O'BRIEN offered the following amendment No. A1596:

Amend Title, page 1, line 2, by inserting after "Statutes,"  
providing for crime against the unborn child; and  
Amend Bill, page 1, lines 6 and 7, by striking out all of said lines and inserting

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

#### CHAPTER 26 CRIMES AGAINST THE UNBORN CHILD

Sec.

- 2601. Short title of chapter.
- 2602. Definitions.
- 2603. Criminal homicide of unborn child.
- 2604. Malicious homicide of unborn child.
- 2605. Voluntary manslaughter of unborn child.
- 2606. Aggravated assault of unborn child.
- 2607. Exclusions.
- 2608. Construction.

§ 2601. Short title of chapter.

This chapter shall be known and may be cited as the Crimes Against the Unborn Child Act.

§ 2602. Definitions.

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

"Abortion." As defined in section 3203 (relating to definitions).

"Intentional killing." As defined in section 2502(d) (relating to murder).

"Malicious." Having the same quality of malice which is an essential element of murder.

"Perpetration of a felony." As defined in section 2502(d) (relating to murder).

"Principal." As defined in section 2502(d) (relating to murder).

"Serious bodily injury." As defined in section 2301 (relating to definitions).

"Serious provocation." As defined in section 2301 (relating to definitions).

"Unborn child." As defined in section 3203 (relating to definitions).

#### § 2603. Criminal homicide of unborn child.

(a) Offense defined.—An individual is guilty of criminal homicide of an unborn child if the individual intentionally, knowingly, recklessly or negligently causes the death of an unborn child in violation of section 2604 (relating to malicious homicide of unborn child) or 2605 (relating to voluntary manslaughter of unborn child).

(b) Classification.—Criminal homicide of an unborn child shall be classified as the malicious homicide of an unborn child or voluntary manslaughter of an unborn child.

#### § 2604. Malicious homicide of unborn child.

(a) Malicious homicide of unborn child of the first degree.—

(1) An individual who kills an unborn child without lawful justification commits the offense of malicious homicide of an unborn child of the first degree if, in performing the acts which cause the death of the unborn child, the individual does any of the following:

(i) By an intentional killing, kills the pregnant woman, her unborn child or another.

(ii) Attempts an intentional killing of the pregnant woman or another.

(2) The penalty for malicious homicide of an unborn child of the first degree shall be the same as for murder of the first degree except that the death penalty shall not be imposed.

(b) Malicious homicide of unborn child of the second degree.—An individual who kills an unborn child without lawful justification commits the offense of malicious homicide of an unborn child of the second degree if, in performing acts which cause the death of an unborn child, the individual was engaged as a principal or an accomplice in the perpetration of a felony. The penalty for malicious homicide of an unborn child of the second degree shall be the same as for murder of the second degree.

(c) Malicious homicide of unborn child by aggravated assault on the pregnant woman or another.—An individual who kills an unborn child without lawful justification commits the offense of malicious homicide of an unborn child by aggravated assault against the pregnant woman or another if, in performing acts which cause the death of an unborn child, the individual was engaged as a principal or an accomplice in the perpetration of an aggravated assault, as defined in section 2702(a)(1) (relating to aggravated assault) against the pregnant woman or another. The penalty for this offense shall be the same as for malicious homicide of the unborn child of the third degree.

(d) Malicious homicide of unborn child of the third degree.—All other kinds of malicious homicide of an unborn child without lawful justification and all other kinds of murder or attempted murder of the pregnant woman or another which cause the death of the unborn child without lawful justification shall be malicious homicide of an unborn child of the third degree. The penalty for malicious homicide of an unborn child of the third degree is the same as the penalty for murder of the third degree.

#### § 2605. Voluntary manslaughter of unborn child.

(a) Offense defined.—An individual who kills an unborn child without lawful justification commits voluntary manslaughter of an unborn child if, at the time of the killing, the individual is acting under a sudden and intense passion resulting from serious provocation by the pregnant woman

or another whom the actor endeavors to kill but the individual negligently or accidentally causes the death of the unborn child. Voluntary manslaughter of an unborn child is a felony of the first degree.

(b) Unreasonable belief killing justifiable.—An individual who intentionally or knowingly kills an unborn child commits voluntary manslaughter of an unborn child if, at the time of the killing, the individual believes the circumstances to be such that, if they existed, would justify the killing under Chapter 5 (relating to general principles of justification) but the belief is unreasonable.

#### § 2606. Aggravated assault of unborn child.

(a) Offense defined.—An individual who causes serious bodily injury to an unborn child without lawful justification commits the offense of aggravated assault of an unborn child if any of the following apply:

(1) The individual intentionally, knowingly or recklessly, under circumstances manifesting extreme indifference to the life of the unborn child, the pregnant woman or another, causes serious bodily injury to the unborn child.

(2) Serious bodily injury to the unborn child results from:

(i) aggravated assault, as defined in section 2702(a)(1) (relating to aggravated assault), by such individual upon the pregnant woman or another;

(ii) voluntary manslaughter, as defined in section 2503 (relating to voluntary manslaughter), by such individual of the pregnant woman or another; or

(iii) murder, as defined in section 2502 (relating to murder), by such individual of the pregnant woman or another.

(b) Grading.—Aggravated assault of an unborn child is a felony of the first degree.

#### § 2607. Exclusions.

Nothing in this chapter shall do any of the following:

(1) Apply to acts committed during any abortion or attempted abortion, whether lawful or unlawful, in which the pregnant woman cooperated or consented.

(2) Apply to the consensual or good faith performance of medical procedures, diagnostic testing or therapeutic treatment.

(3) Impose criminal liability upon the pregnant woman in regard to crimes against her unborn child.

#### § 2608. Construction.

The provisions of this chapter shall not be construed to prohibit the prosecution of an offender under any other provision of law.

Section 2. Section 2709(f) of Title 18 is amended to read:

Amend Sec. 1 (Sec. 2709), page 1, lines 10 through 17; page 2, lines 1 and 2, by striking out all of said lines on said pages

Amend Sec. 2, page 2, lines 19 through 21, by striking out all of said lines and inserting

Section 3. The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Amend Sec. 3, page 2, line 22, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Philadelphia County, Mr. O'Brien.

Mr. O'BRIEN. Thank you, Mr. Speaker, and I thank the members of the House for allowing this amendment to come before us.

This amendment will fill a gaping hole in our criminal law by giving unborn children and their mothers additional protection against the violent and deadly assaults of others.

In Pennsylvania today, an individual can deliberately kill an unborn child by shooting or kicking a pregnant woman in the stomach or by beating her with a baseball bat and not face any criminal charges for the willful slaughter of that little human life. *The instigator of such a brutal slaying can only be prosecuted for the crime of physically attacking the woman, which, in all too many cases, will mean that his punishment will be limited to the crime of aggravated assault.*

The killer of an unborn child cannot be called before the bar of justice to answer for his monstrous destruction of a tiny, innocent, vulnerable human being. He can only be prosecuted for his physical assault against the dead child's mother.

Currently Pennsylvania law does not even come close to affording the justice necessary to fit this heinous crime. Our law not only treats the unborn child's life as something that is valueless and worthless in this regard, it also fails to adequately punish the killer for depriving the pregnant woman of her right to carry her child to term.

While the woman's physical wound will frequently mend with time and medical care, the emotional wound caused by this killing of her unborn baby will never heal. It is a scar that will remain stamped on her heart, her mind, and her soul for the rest of her life.

This amendment will mete out the appropriate justice for this terrible deed. It will severely punish the killer for taking the life of the unborn child and for interfering with the mother's decision to give her child the gift of life.

Briefly, the amendment would do the following: If, in causing the death of an unborn child, a person intentionally kills the unborn child or intentionally kills or attempts to kill the pregnant woman or another, the punishment would be the same as for murder in the first degree.

If the perpetrator performs acts which cause the death of an unborn child while committing a robbery, a rape, or forcible deviate sexual intercourse, an arson, a burglary, or a kidnapping, the penalty would be the same as for murder in the second degree. This applies the felony murder rule to unborn children.

All other malicious homicides of an unborn child and all other murders, attempted murders, or aggravated assaults of a pregnant woman or another which cause the death of an unborn child would receive the same penalty as murder in the third degree.

A person who negligently or accidentally kills an unborn child while committing or attempting to commit the crime of voluntary manslaughter against the pregnant woman or another would receive the same penalty as for voluntary manslaughter.

A person commits aggravated assault against an unborn child if he knowingly, intentionally, or recklessly causes serious bodily injury to the unborn child under circumstances manifesting extreme indifference to the life of the child, the pregnant woman or another, or if the serious bodily injury to the unborn child results from an aggravated assault upon the pregnant woman or another. He would receive the same penalty as for aggravated assault.

In summary, this amendment only applies to people who kill or seriously injure an unborn child while committing or attempting murder, voluntary manslaughter, or the aggravated assault of the unborn child, the mother or another, and to people who commit a specifically defined felony, and listen to these crimes: rape, robbery, burglary, kidnapping, or arson, which result in the unborn child's death.

This bill does not apply to those who unintentionally cause the death of an unborn child by accidentally or negligently injuring a pregnant woman. Thus, a reckless driver, a drunk driver who causes a traffic accident which kills an unborn child could not be prosecuted under this amendment unless the recklessness would establish the basis of a third-degree murder or aggravated assault conviction. There have been a number of cases where such drivers have been convicted of third-degree murder or aggravated assault for extremely reckless driving.

I will briefly highlight several other key features of this amendment.

The amendment protects the unborn child from the moment of conception, not merely from the time of viability. The amendment does not apply to any acts committed during an abortion in which the pregnant woman cooperated or consented. It does not apply to good-faith medical procedures. It does not impose any criminal penalty for the mother. Finally, the perpetrator commits an offense even if he is unaware of the woman's pregnancy.

It is important to address some of the issues raised by this amendment.

Some have suggested that this type of legislation should only protect the mother and child after viability rather than throughout the entire pregnancy. I disagree with that view for several reasons.

First, I do not believe that a principled distinction can be made between the value of an unborn life that is newly created and the value of an unborn life that is capable of living outside the womb. I strongly believe that both lives are precious and equally deserving of law's protection against the violent acts of third parties against the mother and the child.

Second, the criminal who rips the life of a child from the womb of a mother and interferes with her choice to carry her baby to term destroys her hopes and dreams for her little child regardless of whether this horrible act was committed early or late in the pregnancy.

The SPEAKER pro tempore. The gentleman paused for a very good reason. The noise in the hall of the House is getting entirely too loud. Members will please take their seats and take conversations outside the House.

Mr. O'Brien.

Mr. O'BRIEN. Thank you, Mr. Speaker.

For these reasons it is my strong conviction that the law should protect the mother and her unborn child at all stages of her pregnancy and not just in the last several months.

A related question is whether it is constitutional to protect the unborn child during the entire pregnancy, given the fact that *Roe v. Wade* creates a constitutional right to abortion up to the point of viability.

I believe that any such interpretation is a gross misreading of the *Roe* decision. *Roe*, frankly, recognizes that the State has a legitimate interest in protecting an unborn's potential life. What *Roe* does say is that the pregnant woman's constitutional right to choose abortion overrides the State's legitimate role in protecting unborn life until the unborn child is viable. After viability, the State's right to protect unborn life overrides the pregnant woman's right to choose an abortion unless the abortion is necessary to preserve the woman's life or health. However, there is nothing in *Roe v. Wade* which gives some third party a constitutional right to destroy that unborn life without the mother's consent. In fact, it would be a rather bizarre interpretation to say that it gives some

guttersnipe the constitutional right to interfere with the mother's choice by killing her unborn child against her wishes.

The courts in a number of States, including California, Illinois, and Minnesota, have upheld similar statutes that protect unborn children from the moment of conception against claims that those laws violated *Roe v. Wade*.

You may also hear that it is unfair to apply this law to the early stages of pregnancy because of the difficulty proving that the unborn child was alive at the time of the criminal's assault. This objection is based on the fact that many early pregnancies terminate with spontaneous miscarriages. I have two reactions to this argument.

First, I have no sympathy for a criminal who is in this legal predicament because he used his superior strength as a weapon to viciously attack a woman.

Second, this claim does not create a legal or constitutional problem because there is nothing in this amendment which lessens the prosecution's duty to prove each and every element of the offense, including causation, beyond a reasonable doubt. Obviously, it is much easier to prove a case of fetal homicide at the point the mother is able to feel the movements of her child within her womb. It is equally apparent that proving causation between the attack and the death becomes progressively more difficult as one goes further and further back to the time of conception. For this reason there will be any number of cases where prosecutions will not be successful because of insufficient evidence. But this is no different than any other crime where a probable perpetrator escapes his just punishment simply because the prosecution cannot prove its case beyond a reasonable doubt, and it is certainly no reason for issuing third-party assailants a license to kill during the early stages of a pregnancy.

As to the particular legislation before us, I believe that the prosecution should be given an opportunity to assess each murderous assault upon the unborn baby on a case-by-case basis and make its own determination as to whether it possesses sufficient medical evidence to seek a conviction. I also feel that the increasing sophistication of medical technology will make it easier to prove and prosecute a greater number of these cases. Frankly, it does not bother me in the slightest that some lowlife who beats up on a woman will have to sweat out whether the prosecution has enough evidence to charge him with fetal homicide or convict him of this crime.

Another argument will be that this proposal is unfair or even unconstitutional because the attacker can be convicted of this crime even if he was completely unaware of the woman's pregnancy. I totally reject this claim. Pennsylvania has a well-established body of case law which falls within the doctrine of transferred intent. Simply put, if a criminal unintentionally kills Jane Doe with a bullet intended for John Doe, he is guilty of Jane's murder even though he never intended her any harm whatsoever. What the law does is take the criminal's evil and malignant intentions for John and transfer that intent to the unintended killing of Jane. Utilizing this same doctrine of transferred intent, this legislation takes the criminal's murderous intent toward the woman he tries to kill or seriously injure and transfers that intent to the unintended killing of her unborn child.

In conclusion, I would emphasize that this amendment is not about abortion. In fact, it exempts abortion from its purview. This exemption is necessary to protect the amendment against

constitutional attack. This amendment does not interfere with a woman's right to choose; to the contrary, it punishes third parties who interfere with a woman's decision to carry her child to term.

This amendment is pro-baby, this amendment is pro-woman, and it is pro-law enforcement. I hope you support this important human rights measure, and I thank you, Mr. Speaker.

## GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair would like to welcome David Weiss to the hall of the House. He is an Eagle Scout from Red Lion Area High School. He is serving as a guest page, and he is here as the guest of Representative Stan Saylor. Would he please rise. Welcome to the hall of the House.

The Chair would also like to welcome Jessica Meredith, a recent graduate of Big Spring High School. She is here serving as an intern for Representative Al Masland and is seated to the left of the Speaker. Would she please rise. Welcome to the hall of the House.

The Chair would like to welcome Connie DeLory, Steve Culbertson, and members of the organization Stronger Communities for the 21st Century. They are currently seated in the gallery, and they are here as the guests of Representative John Taylor of Philadelphia. Would they please rise. Welcome to the hall of the House.

We also have with us today Adrienne Yingling, Ashley Smith, Joy Graham, and Chad Beynon. They are here as the guests of Representatives Frank Dermody and Tony DeLuca. They are juniors from Riverview High School and are serving as guest pages. Would they please rise. Welcome to the hall of the House.

## CONSIDERATION OF SB 45 CONTINUED

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Luzerne County, Mr. Tighe.

Mr. TIGHE. Thank you, Mr. Speaker.

Mr. Speaker, the previous speaker gave a pretty detailed account of what is included in amendment 1596. For those of you — and I include myself in this; I should say us who are not attorneys — let me try to briefly describe what we are doing.

First and foremost, this is not — I repeat — this is not an abortion bill. This does not deal with the question of abortion. Last session we in this chamber passed a bill which created an extenuating circumstance for pregnant women, and that had to do with determining the sentencing of someone who would commit a murder. And I think the support shown on that particular day, not only in this chamber but also in the Senate, is an indication of how people really feel about the issue before us today.

We in Pennsylvania have a loophole in our law which does not protect a pregnant woman and her unborn child. Now, we are talking about women who have made the decision to have a child. What this amendment does is it provides protection to the unborn child and that woman that is already extended in every other case in Pennsylvania. This is not unique. Unfortunately, it is not groundbreaking, because 25 other States have already done something the same or similar to what we are doing.

And you will hear today that it is complicated. It is not that complicated. It is beyond my comprehension how anyone can say that a crime committed upon a woman who is pregnant which

seriously injures or kills her unborn child should not be considered more than a simple assault. What we are doing or what we are attempting to do is to protect the pregnant woman and the unborn child. The penalties for these crimes are basically the same for anyone else who would commit the assault. And again, it must be done intentionally, recklessly, and knowingly. These standards do not change because the woman is pregnant, but we do want to extend the protection.

I would ask everyone in this chamber to ask yourself the question, should someone who attacks a pregnant woman and seriously injures or kills the unborn child be held to a higher standard than simple or aggravated assault? I think you will answer that the answer to that question is yes, and that is what we are attempting to do.

So I would ask each and every member of this chamber to please vote "yes" on this amendment so we provide the protection necessary for pregnant women and their unborn children when someone would do such a monstrous act and do such a brutal crime as intentionally, recklessly, or knowingly kill an unborn child. Thank you, Mr. Speaker.

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

Mr. DENT. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment, if I may, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. O'Brien, indicates that he will stand for interrogation. The gentleman, Mr. Dent, is in order and may proceed.

Mr. DENT. Thank you, Mr. Speaker.

Does this amendment undermine a woman's right to an abortion as set forth in *Roe v. Wade*? I know you said this is not an abortion bill, but on page 3 of the amendment there is an exclusion section that does address that particular issue. So again, does it undermine a woman's right to an abortion as set forth in *Roe v. Wade*?

Mr. O'BRIEN. Without any qualification whatsoever, Mr. Speaker, the answer is no.

Mr. DENT. And my followup then would be, so then the amendment affirms in Pennsylvania law a woman's right to an abortion?

Mr. O'BRIEN. Yes; it does, Mr. Speaker.

Mr. DENT. And my final question: Is this amendment intended to allow the State or any other party to sue the mother for civil damages on behalf of the fetus?

Mr. O'BRIEN. No, Mr. Speaker.

Mr. DENT. Thank you, Mr. Speaker. That ends my interrogation.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia County, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

I have one question for Mr. O'Brien.

The SPEAKER pro tempore. The gentleman indicates he is willing to answer that question.

Mr. COHEN. Mr. Speaker, will the gentleman say how long he has worked on this legislation?

Mr. O'BRIEN. I would say, in conjunction with other members of this House — Representative True, Representative Birmelin, Representative Armstrong, Representative Tangretti,

Representative Tighe, numerous others who make up the 117 cosponsors — I would say several months.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker?

The SPEAKER pro tempore. Does the gentleman wish to speak on the amendment?

Mr. COHEN. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is in order.

Mr. COHEN. Thank you.

While the gentleman has worked on this legislation for several months, I first saw this legislation at approximately 3 o'clock yesterday, which was, I think, earlier than the vast majority of the members of the House saw this legislation.

I am motivated by what I know seems to some constituents and some members of this House as a rather idiosyncratic belief. My belief is that not only the purpose of legislation counts but the words in the legislation count. Mr. O'Brien, my colleague from Philadelphia rather, has said, as has the gentleman from Luzerne, that this legislation is not about abortion. I agree that this legislation is not about abortion. Throughout the 1980's, I voted for a whole series of pieces of legislation which were designed to restrict abortion.

I am against this legislation. I agree; this legislation is not about abortion. The abortion debate, though, taught me and should help teach others the importance of what the individual words say. Dick Thornburgh was strongly pro-life, yet Dick Thornburgh vetoed a piece of antiabortion legislation because it was unconstitutional in his judgment. No one who has held public office has been more pro-life than Governor Robert Casey, yet Governor Casey vetoed a piece of antiabortion legislation because in his judgment it was unconstitutional. Federal courts have thrown out antiabortion legislation in whole or in part because of their judgment that it was unconstitutional.

So this is not antiabortion legislation, but words matter, and if you pass something that is thrown out or not enforced, you have done nothing. You only do something, you only accomplish something here in the State legislature, if you pass legislation that is actually upheld by the courts and is clear enough to be enforceable by those people whose responsibility it is to enforce the legislation.

This legislation simply is not clear enough as to what it does. If you look at page 1 of this legislation, you will see a lot of definitions. You will see definitions of "abortion," "intentional killing," "malicious," "perpetration of a felony," "principal," "serious bodily injury," "serious provocation," "unborn child." It is difficult to read some of these definitions because they refer to other acts, and one of the acts they refer to is the Abortion Control Act. But they are definitions, and it is good for an act to have definitions. Definitions make it clear. My problem with this act is that having chosen these particular definitions, there are a lot of other definitions that were not chosen. Mr. O'Brien in drafting this legislation could have chosen not to put a definition of "abortion" in here. You could say, he could have said, we know what abortion is so there is no sense putting a definition in, but he chose to put a definition in, and similarly, he chose to put definitions of other terms in here so it was clear as to what they mean.

One definition that is conspicuously absent from this legislation is the definition of "death." Death of a fetus is a difficult thing to



know what it means, because under American law, although not under the religious beliefs of every member of the House but under American law, which is the context in which we are dealing when we pass legislation, under American law, life begins at birth, and what Mr. O'Brien is proposing here is that we have death before we have birth.

Now, I am sure that Mr. O'Brien in a private conversation this morning told me he has talked to doctors, and doctors assert that it is possible to come up with a definition of "death before birth." I assume it is possible to come up with a definition which would describe the death of a fetus, but this bill does not come up with such a definition. So different doctors are going to have different definitions and different health-care personnel are going to have different definitions, and the failure to have any definition of what "death" means greatly limits the usefulness of this legislation.

And I would agree with Mr. O'Brien that this legislation does not violate *Roe v. Wade*. *Roe v. Wade* deals with a woman's right to choose, and this legislation does not interfere with a woman's right to choose. But it does, I think, violate the normal precept of constitutional law that a person has to know what the crime is that he is accused of, and there has to be some clarity here. The crime, if there are 10 different doctors with 10 different definitions of "death," then there is no clarity as to what the crime is, and therefore, to do what Mr. O'Brien wants to do, we need a definition of "death" in this bill.

All of the definitions here of crimes are not particularly well worded; for instance, malicious homicide of the unborn child of the first degree. The definition of "Malicious homicide of unborn child of the first degree" is written in an equivalent manner to the statement "a rose is a rose is a rose." A much better job could have been done of crafting this legislation. "Malicious homicide of unborn child of the first degree" is "An individual who kills an unborn child without lawful justification commits the offense of malicious homicide of an unborn child of the first degree if, in performing the acts which cause the death of the unborn child,..." the individual kills an unborn child. It is not very clear what killing an unborn child is.

And the statement that we are just expanding the list of people whom this legislation covers to a new class of people obscures the fact that these people, the unborn, are radically different from those who already are born and that as far as Pennsylvania law, as opposed to people's religious beliefs, but as far as Pennsylvania law and American law is concerned, birth precedes life, and there has to be a much greater sense of how you take this worthwhile goal of trying to protect women from being beaten and write down a legislative scheme that is enforceable and workable.

In theory, Mr. O'Brien has legislation that is very appealing. In theory, this is a concept that ought to unite both the pro-choice, people who believe it is correct for a woman to choose to control whether or not her child is born, and pro-life, people who believe that the rights of the fetus and an unborn child should count. In theory, this is a concept that everybody ought to be able to be for. The problem is that the bill, as opposed to the concept, is rather different.

Former Speaker of the House Robert O'Donnell used to describe a lot of legal arguments on the floor of the House in the following way: He would say, here is a problem. He would say, people would say, here is a problem; we have to do something about this problem. This amendment is something; therefore, we

have to do this. The fact that this amendment is something and that we have to do something does not really mean that we have to do this.

Mr. Speaker, I would hope that there would be a workable way to achieve Mr. O'Brien's goals. I would hope that those of us who are not part of Mr. O'Brien's group which spent several months on this problem could work and see that there is a workable way to achieve the goals that Mr. O'Brien has set forth. There is no pressing need to be voting on this at 12:25 in April.

I understand Mr. O'Brien's frustration at the legislative process. I have shared similar frustrations. When you think you have the votes for something, you want to run it. You think that no matter what you put in legislation, there will always be somebody who can nitpick it, and therefore, you know, if somebody is going to nitpick it no matter what you do, then you may as well do it when you can. I understand that kind of feeling, and I felt that way myself sometimes. However, there are genuine problems, that while somebody will probably nitpick this no matter what Mr. O'Brien does — it could be tougher; it could be less lenient — I think the underlying problem that this particular language causes is that it does not really do anything that is clear, and therefore, it suffers from the constitutional weakness of vagueness. And even if it is upheld, it is going to be extremely rarely enforced, because it is so vague and so obscure as to what this actually means in individual cases.

For all these reasons I will be voting "no."

The SPEAKER pro tempore. For the information of the members, the following members are still waiting to speak: Birmelin, Sturla, Cohen from Montgomery County, Williams from Montgomery County, Zug, Manderino, and Horsey.

The Chair would also like to inform the members that the Chair has been advised by the sound technician that if you are using these wireless systems to hear the debate on the floor of the House, the earphones from the wireless system cannot be plugged into the phone jack at your desk. They will not work with the earphone jack on your desk. If you want to plug earphones into the jack on your desk, you must use the gray earphones that were issued to all the members.

The Chair recognizes the gentleman, Mr. Birmelin, on the amendment.

Mr. BIRMELIN. Thank you, Mr. Speaker, and I will be brief knowing that we do have several other speakers who want to share their comments.

I want to specifically address the comments of the previous speaker to indicate that if you were to look at the first page of this amendment, it is quite clear that the definitions that he questions as being unconstitutionally vague are very constitutionally clear and precise, and they can be found in different portions of the statutes of Pennsylvania, Title 18, dealing with criminal activities.

It is not very difficult to understand and appreciate what it means to kill a child. I think the average person has enough intelligence to understand that, and the average juror has enough intelligence to understand whether or not a case has been made that somebody killed a child. We are not talking about rocket science; we are talking about the issue of life here. We are talking about protecting that life, that life that that mother has chosen to carry and someone has arbitrarily taken away from her.

This legislation is not new. This is not novel. This is, perhaps other than the previous speaker, this is not something that has just

dropped in out of the sky in the last 3 days and we are not aware of this issue. This legislation, quite frankly, has been modeled after that which has been available and in law for many years in several other States. This legislation has been proven to be constitutional, because the language that you have before you has been challenged for constitutionality and has been upheld.

My suggestion to you today is to make a simple choice: Do you uphold a woman's right to keep her child, her unborn child, protected from those who would take it from her, or do you not? My answer to that is, I stand in the position of those who would protect her and her unborn child, and I think a "yes" vote is appropriate for that. If you think she should not have that protection of law, then you should vote "no," but be prepared to deal with the consequences.

This is a good amendment. This is a provable, constitutionally upheld amendment, and I suggest very strongly that you ought to vote "yes," and I appreciate your support. Thank you.

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

Mr. STURLA. Thank you, Mr. Speaker.

Will the maker of the amendment rise for a brief interrogation?

The SPEAKER pro tempore. Is the gentleman, Mr. O'Brien, willing to stand for interrogation? The gentleman indicates he is. You are in order and may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, page 1 of your amendment, the definition "Unborn child," I believe you alluded to earlier as saying that this dealt from the point of conception or basically from the point of fertilization. Would you agree that a fertilized egg is then classified as an "unborn child"?

Mr. O'BRIEN. Mr. Speaker, at the point that the sperm and the egg unite, you have an unborn child.

Mr. STURLA. So then places, fertility clinics, that help patients try and conceive, where they actually remove the egg from the woman and fertilize the egg in a petri dish, that petri dish is carrying an unborn child. Is that correct according to this definition?

Mr. O'BRIEN. No, Mr. Speaker. That is a good-faith medical procedure. It also would fall under the area that is specifically excluded, which would involve a consensual or an abortion, a situation, where the mother consented, and certainly if she consented in that situation, it would not be covered under this act.

Mr. STURLA. Mr. Speaker, I did not ask whether the woman consented or not; I asked whether the fertilized egg in the dish was an unborn child.

Mr. O'BRIEN. That is a good-faith medical procedure. It is excluded.

Mr. STURLA. Mr. Speaker, I am not asking about the medical procedure; I am asking about whether a fertilized egg is an unborn child according to the definition on page 1.

Mr. O'BRIEN. In the terms that I described earlier, Mr. Speaker, yes. In the situation that you describe, Mr. Speaker, no.

Mr. STURLA. So a fertilized egg that is fertilized by in vitro fertilization is not an unborn child.

Mr. O'BRIEN. Yes; it is.

Mr. STURLA. So it is an unborn child.

Mr. O'BRIEN. It is unborn child; yes, Mr. Speaker.

Mr. STURLA. Okay. Thank you, Mr. Speaker.

Would somebody who intentionally, other than the woman or the physician, someone who intentionally destroys that petri dish full of fertilized eggs, would that person be harming the unborn child that is in that petri dish?

Mr. O'BRIEN. Mr. Speaker, if the intention is to destroy the unborn child, yes.

Mr. STURLA. Okay. Thank you. I wanted that clarified.

So if as a clinic I, as a matter of habit, keep fertilized eggs at my clinic, I can actually protect my clinic so that anybody who does arson to a clinic or something like that would also be convicted of manslaughter or have the potential of being convicted of manslaughter as long as I have a fertilized egg on site.

Mr. O'BRIEN. That is correct, Mr. Speaker.

Mr. STURLA. I am sorry, Mr. Speaker; I could not hear.

Mr. O'BRIEN. That is correct, Mr. Speaker.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, on page 2 of the amendment, line 4, it talks about "...recklessly or negligently causes the death of an unborn child...." If a worker in one of those clinics, you know, happens to put the wrong chemical into the petri dish and is negligent, would that be an offense that is chargeable?

Mr. O'BRIEN. Yes, Mr. Speaker.

Mr. STURLA. You said yes, it would, Mr. Speaker?

Mr. O'BRIEN. Yes, Mr. Speaker.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, on page 3, section 2606, of your amendment you talk about a person who causes damage to the unborn child. A bartender who serves a woman a drink and the child is born with fetal alcohol syndrome, is that bartender able to be convicted under this amendment?

Mr. O'BRIEN. Mr. Speaker, the bartender would not have the requisite state of mind of malice. And just to correct, I think I was just informed that I misspoke on your previous question where there was a mistake. That would not be punishable under this act.

Mr. STURLA. Mr. Speaker, well, I will go back to the last one then, where the negligent clinic worker does something. Why would that not be punishable under this act?

Mr. O'BRIEN. Under the Malone definition, you would not have the intent or the malicious state of mind under those circumstances.

Mr. STURLA. Okay.

If I was upset with my fertilization clinic, though, and went in and destroyed, knocked over a rack full of petri dishes because I was mad that they had not done the services that I thought correct, and I maliciously knocked over that rack of petri dishes, would that be multiple homicide?

Mr. O'BRIEN. Mr. Speaker, I am sorry; there are conversations going on here. Could you repeat that?

Mr. STURLA. If someone went in who had had an unsuccessful or an un— Well, was not happy with the services they had gotten from the fertilization clinic and went in and maliciously knocked over a rack full of petri dishes that had fertilized eggs in it because they were upset, would that be punishable under this act?

Mr. O'BRIEN. Mr. Speaker, if you knew and it was your intent, then yes.

Mr. STURLA. Okay. Thank you.

Now to the next question, Mr. Speaker. Getting back to the bartender, if I look at page 3, it says, "The individual intentionally,



knowingly or recklessly, under circumstances manifesting extreme indifference to the life of the unborn child, the pregnant woman or another, causes serious bodily injury to the unborn child." To the best of my knowledge, in the State of Pennsylvania we require that signs be posted in drinking establishments that say that women who drink might be causing fetal alcohol syndrome, and I believe most bartenders are familiar with that sign that they have posted at their bar. If a woman is sitting at the bar and says, "Yeah, you know what? I think I'm pregnant," and he serves her a drink, is that not an indifference to the life of the unborn child and would not that person be able to be punished under this section?

Mr. O'BRIEN. No, Mr. Speaker, that does not rise to the level of malice under that section.

Mr. STURLA. Mr. Speaker, where does that section talk about malice? It simply talks about knowingly having an indifference to the life of the unborn child. I do not see anything relating to malice in that section on page 3.

Mr. O'BRIEN. The standard of malice as defined by common law and as embodied in statutory law by court decisions is, "When an individual" — and this is *Commonwealth v. Malone* — "When an individual commits an act of gross recklessness for which he must reasonably anticipate that death to another is likely to result, he exhibits that 'wickedness of disposition, hardness of heart, cruelty, recklessness of consequences, and a mind regardless of social duty' which proved that there was at that time in him 'the state or frame of mind termed malice.'"

Mr. STURLA. Mr. Speaker, I just thought earlier you had said that it did not matter whether the person knew that the person was pregnant or not, that if they committed a crime against somebody, that then that would apply. I do not understand why now suddenly they have to have malice and intent toward the unborn child.

Mr. O'BRIEN. Mr. Speaker, the difference is, we are talking about specified felonies, and under the Crimes Code, if A intends to shoot B and shoots C, there is a transfer of intent because the intention was there.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, as a result of this act, would there be any requirement that pregnancy testing be done on all women who are victims of aggravated assault or homicide?

Mr. O'BRIEN. The bill has no specific language to that effect.

Mr. STURLA. Would it be reasonable that people could certainly request that as a part of the proceedings to see whether in fact they could charge somebody with homicide instead of just aggravated assault?

Mr. O'BRIEN. Sure.

Mr. STURLA. Thank you, Mr. Speaker.

If I could make a brief comment.

The SPEAKER pro tempore. The gentleman is in order.

Mr. STURLA. Mr. Speaker, as was pointed out by a previous speaker, I think everyone can pretty much agree with the intent of this legislation. The problem, as was pointed out earlier, is with the way it is actually drafted.

We had a lot of students walk through this building earlier today; we recognized a lot of them on the floor of the House, and I guess I would liken it to a student turning in a paper as their first draft and the teacher collects the paper and they are all expected to say, yes, it is the best thing I have ever seen; that is it; we do not need to make any improvements to it. The intent of this is very good, and those papers that those students turn in, the intent may

be good but sometimes they need some refining. This language needs a lot of refining.

We have an opportunity to do that refining. The chairman of the Judiciary Committee has said he would welcome this bill coming back so that he can add this language or put the gentleman's bill out as a separate piece of legislation. I guess what I would like to see is the gentleman agree to make improvements to this so that everybody can say, yes, let us vote for a good piece of legislation, as opposed to saying, you know, I agree with the intent but the language is so bad I just could not support it.

I would hope that after we have some discussions here today we can get to that point and that at some point in time someone will move to push this back to the Judiciary Committee again. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the lady from Montgomery County, Representative Cohen. The lady waives off. The Chair thanks the lady.

The Chair recognizes the lady from Montgomery County, Representative Williams.

Ms. WILLIAMS. Thank you, Mr. Speaker.

I agree with the previous speaker. The intent of this bill is important and it is good, yet I stand in opposition to this bill.

Make no mistake, this bill is about the same issues which are at the crux of the abortion debate. If you vote for this bill, will you be deciding when life begins? I challenge that notion that this decision is our responsibility. Make our laws against domestic violence stronger, make our gun control laws stronger, but this bill will not solve those problems. Thank you.

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

Mr. ZUG. Thank you, Mr. Speaker.

Mr. Speaker, this is a crime bill. When a crime occurs to an individual, we need to take action. Today there is no punishment for murdering a child. This bill provides an avenue for law enforcement to do their job.

An incident happened to a family in my district which I think you all need to hear about. A young woman became pregnant, and her family celebrated the coming of a new addition to the family. The father of the child, although, had other intentions. He took and lured the mother and the child, the pregnant mother, to a place and murdered them — murdered a young girl and the unborn child. Legal action was taken for the murder of the mother but not for the child. Justice was not served. This legislation allows justice to be served and helps provide closure to the family members who have suffered the ultimate loss.

In the newspaper article in the Lebanon paper, John Layser, the father of Renee, the murdered girl, said that Renee was murdered simply because she wanted to protect the life of her unborn child. She gave the ultimate sacrifice. Renee's mother, Nancy Layser, and her aunts are sitting up in the gallery today witnessing this amendment that Representative O'Brien is introducing. They are sitting up in the gallery. They are here not for themselves as much as they are for someone who is going to experience this in the future. We all know that it is unfortunate, but it is going to happen again sometime.

So I ask you to join them, Renee's mother and the Wenger family, and support Representative O'Brien's bill. Thank you.

The SPEAKER pro tempore. The following members are still on the list to speak: Manderino, Horsey, Vitali, and True.

At this time the Chair recognizes the lady from Philadelphia County, Representative Manderino, on the amendment.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, a lot of the folks who have spoken so far today have said that it is a rather simple matter and fairly clear and easy to see, and you know, I wish that I could see it that way, I really do, and particularly following the very heartfelt remarks that the prior speaker made. My heart goes out to those situations, and my heart goes out to other situations, too, that I do not quite comprehend but that I think there will be unintentional consequences of this bill the way it is drafted.

The same circumstances that were just mentioned from the prior speaker were running through my mind when I was listening to the debate but in a little different way. I will never understand domestic violence. I pray to God it never happens to anybody close to you. I know of instances where it has happened, and quite frankly, I do not understand the complex emotional and other issues that go through somebody's mind in those instances. But right now if a woman is a victim of domestic violence, God forbid, and as a part of the battering from her spouse, who might be the father of three or four other children that she has, she loses or miscarries the fetus that she desperately wants, she decides herself, many times — and this is the part I do not understand — but that woman decides for the sake of her family or whatever else is going through her mind whether or not she is going to prosecute the assault by her husband or her partner.

With legislation like this, because it is not defined — and I read word for word and could find no definition — there would be an independent action on behalf of the fetus that the prosecutor would have an obligation to bring, regardless of whether that spouse or mother, potential mother, wanted to bring that action. That is a very complicated situation. That is a very complicated situation that we are being asked to decide today.

Like I said, I have never and I cannot imagine being in a situation of spousal or partner or domestic abuse, but I also cannot put myself in the mindset of each and every individual woman and decide whether I think it is in my best interests or the best interests of my family or the best interests of my children and their father whether or not to prosecute. But what I do know will not be in the best interests is to have the decision of prosecution taken out of my hands, and I think that that is a very real consequence of this legislation. I would like to see this legislation cleaned up so that that cannot happen, but in its current state, it very well will happen by the way we have defined the protection from the moment of conception and a protection that gives a right to a fetus that the prosecutor will have to bring regardless of the wishes of the prospective mother. That really troubles me. I am very troubled by the whole situation. I do not see it as black and white. I do not see it as simple. I see it as about as gray as we can get in the legislative arena, and I think it needs a lot more debate.

I would ask for a “no” on the amendment at this time. Thank you.

The SPEAKER pro tempore. The Chair recognizes— The gentleman, Mr. Horsey, waives off. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware County, Mr. Vitali, on the amendment. The gentleman waives off. The Chair thanks the gentleman.

The Chair recognizes the lady from Lancaster County, Representative True, on the amendment.

Mrs. TRUE. Thank you, Mr. Speaker.

I have listened a lot to the debate on the floor today, and I have to say that from the beginning as we went down the road on this legislation, it was very clear in my mind — and I think everybody here knows my position on the abortion issue — but it was very clear in my mind that this legislation was to close a loophole, say, for someone such as myself who was told could not have children and finally at the age of 28 was able to conceive, and if someone had willfully or maliciously injured me or took the life of my child, I certainly would have wanted to have been able to prosecute that person. As I understand it in the law in Pennsylvania, that could not happen. From the beginning, that was the intent of this legislation — to close a loophole so we can protect women that want their children.

I urge support of the amendment.

The SPEAKER pro tempore. The Chair recognizes the lady from Montgomery County, Representative Cohen, on the amendment.

Mrs. COHEN. Thank you, Mr. Speaker.

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

The SPEAKER pro tempore. The gentleman, Mr. O'Brien, indicates that he is willing to stand for interrogation. The lady is in order and may proceed.

Mrs. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, does this amendment recognize contraception, the right of a doctor to prescribe contraceptives and the right of a woman to accept and use contraceptives?

Mr. O'BRIEN. Yes; it would.

Mrs. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, correct me if I am wrong. The way that this bill is currently constructed, would it make it a crime for a doctor to prescribe the morning-after pill? As I read the exceptions in the bill, they are vague and do not include medical prescriptions and specifically prescriptions for birth control, especially morning-after pills.

Mr. O'BRIEN. I believe that falls well within the definition of “medical procedure.”

Mrs. COHEN. Thank you, Mr. Speaker.

I have no further questions.

The SPEAKER pro tempore. The Chair would like to extend Mr. Cohen and Mr. O'Brien the opportunity to speak last. So are there any other members seeking recognition?

The Chair recognizes the gentleman from Philadelphia County, Mr. Cohen, for the second time.

Mr. COHEN. Mr. Speaker, people lie. Men lie. Women lie. Every year in Pennsylvania, there are thousands and thousands of miscarriages. Under the terminology of this legislation, a miscarriage is a dead unborn child. The number of miscarriages in Pennsylvania is many, many times greater than the number of murders in Pennsylvania. A lot of the miscarriages, like a lot of the births, take place to women who are somewhat or totally estranged from the father of the child, who are either not married to the father of the child or who may be contemplating divorce from the father of the child. It is not uncommon for people in situations of stress to lie to try to find a way to make things better.

A woman who wants to get a better divorce settlement, wants to get a better child-support settlement, who has a miscarriage, who from the terminology of this bill has a dead unborn child, could easily threaten that she is going to go to the district attorney and allege that the reason the miscarriage occurred was because the father of the child struck her or some other person struck her. I think it is clear from medical evidence, from what Mr. O'Brien has stated, and I take him at his word on this, that it is possible to tell whether a baby inside a womb has died — whatever the definition of "die" is — because he was struck, but the unborn child cannot be a witness. The unborn child cannot see who struck that child. In the vast majority of cases, only the woman who bears the unborn child will be the witness. It will be only her word against the word of whoever is accused. I think, Mr. Speaker, that we are being a little bit too optimistic about the state of the truthfulness of humanity and about the wisdom of prosecutorial discretion in all cases when we assume that justice will always be done in these kinds of situations.

For this reason and for the other reasons cited, I urge a "no" vote on this legislation, and I urge that if this legislation goes down, or if this legislation passes the House and is stalled by the Senate or comes into some other obstacle, that there be a very careful look at how legislation can be appropriately worded to achieve the legitimate goals of the sponsors of this legislation without creating the many problems that opponents of this legislation see.

### LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Snyder, who requests a leave for the remainder of today's session for the gentleman from Bucks County, Mr. STEIL.

Without objection, the leave will be granted. The Chair hears no objection, and the leave is granted.

### CONSIDERATION OF SB 45 CONTINUED

The SPEAKER pro tempore. Does the gentleman, Mr. Tighe, seek recognition again? The gentleman is in order.

Mr. TIGHE. Thank you, Mr. Speaker.

Mr. Speaker, for the last hour or so, I guess, we have been debating, and we have heard all kinds of arguments — legalese terms, et cetera. We have heard questions about definitions. The amendment does not change any definitions. All these definitions used in the amendment are in current law.

A previous speaker — I think it was Representative Cohen — asked about the definition of "death." The definition of "death" is in some statute; we do not change that. Can someone determine the death of an unborn child? Sure they can. That is why we have medical examiners, pathologists, and other doctors who can do these things.

I just heard something about — which, to me, was a far reach — about who would be a witness. You do not need a witness to determine whether someone has been seriously injured or harmed or, worse yet, murdered. So all of these arguments that I have heard of why this is not the greatest thing, I have not heard any recommendations or changes, just reasons why some people who are opposed would like to delay this bill.

The point of the matter is very simple, regardless of the complicated arguments, some of which were almost reaching how many angels would we fit on the head of a pin. It is wrong; it is absolutely wrong to harm a pregnant woman and her unborn child, and it is time that Pennsylvania has a law to protect them. Why would it be okay for someone to attack a pregnant woman, kick her in the stomach, causing her little or no damage but destroying her hopes, her dreams, and that child, and allow them to get off on simple assault? I think everyone understands that that is wrong and it must be corrected.

Ed Hussie said a few days ago, do not throw away the good in the search of the perfect, and he is absolutely right. Let us get Pennsylvania where many other States are and where we should have been a long time ago in protecting pregnant women and their unborn children. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia County, Mr. O'Brien, for the second time on the amendment.

Mr. O'BRIEN. Thank you, Mr. Speaker.

If I can just briefly address again a question that Representative Sturla asked involving the bartender. I believe that the analogy that I gave to you in an explanation was correct, but if the courts were to determine that there was a slight difference between the malice standard that I gave to you and a slight difference between extreme indifference to the life, it would still not rise to the level that the bartender could be prosecuted under this act.

So having said that, I would just like to say very briefly, Mr. Speaker, that we have laws on the books that make it a crime to kill a dog, even your own dog. We have laws on the books that make it a crime to kill a cat, even your own cat. We have laws on the books that make it a crime to stage a fight between two animals, even if you own those animals and do it for your own amusement.

Cruelty to animals is a crime, Mr. Speaker; however, the vicious, savage, coldblooded murder of a little unborn child over the mother's objections is not a crime in Pennsylvania. Where are our priorities? It is a crime to kill your own dog, but it is not a crime to kill someone else's unborn child. Today we have an opportunity to correct this wrong.

I urge a "yes" vote on this amendment, and I thank you all for your patience in discussing this amendment. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

### YEAS—165

Adolph	Eachus	Lloyd	Saylor
Allen	Egolf	Lucyk	Schroder
Argall	Evans	Lynch	Schuler
Armstrong	Fairchild	Maitland	Scrimanti
Baker	Fargo	Major	Semmel
Barley	Feece	Markosek	Seyfert
Barrar	Fichter	Marsico	Shaner
Battisto	Fleagle	Masland	Smith, B.
Belardi	Flick	Mayernik	Smith, S. H.
Belfanti	Gannon	McCall	Snyder, D. W.
Benninghoff	Geist	McGeehan	Staback
Birmelin	George	McGill	Stairs
Blaum	Gigliotti	McIlhattan	Steelman

Boscola	Gladeck	McNaughton	Stern
Brown	Godshall	Melio	Stevenson
Browne	Gordner	Michlovic	Strittmatter
Bunt	Gruitza	Micozzie	Surra
Buxton	Gruppo	Miller	Tangretti
Caltagirone	Habay	Nailor	Taylor, E. Z.
Cappabianca	Haluska	Nickol	Taylor, J.
Carone	Hanna	O'Brien	Tigue
Casorio	Harhart	Olasz	Travaglio
Cawley	Hasay	Orie	Trello
Chadwick	Hennessey	Perzel	Trich
Civera	Herman	Pesci	True
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Vance
Colaella	Horse	Phillips	Van Horne
Colaizzo	Hutchinson	Pippy	Veon
Conti	Jadlowiec	Platts	Walko
Corpora	Jarolin	Raymond	Waugh
Cowell	Kaiser	Readshaw	Wilt
Coy	Keller	Reinard	Wogan
Daley	Kenney	Rieger	Wojnaroski
Dally	Krebs	Roberts	Wright, M. N.
DeLuca	LaGrotta	Rohrer	Yewcic
Dempsey	Laughlin	Rooney	Zimmerman
Dent	Lawless	Ross	Zug
Dermody	Lederer	Rubley	
DiGirolamo	Leh	Sainato	Ryan,
Donatucci	Lescovitz	Santoni	Speaker
Druce	Levdansky	Sather	

## NAYS-35

Bard	Curry	Myers	Stetler
Bebko-Jones	DeWeese	Oliver	Sturla
Bishop	Itkin	Pistella	Thomas
Boyes	James	Preston	Vitali
Butkovitz	Josephs	Ramos	Washington
Carn	Kirkland	Reber	Williams, A. H.
Cohen, L. I.	Manderino	Robinson	Williams, C.
Cohen, M.	Mihalich	Roebuck	Youngblood
Cornell	Mundy	Serafini	

## NOT VOTING-0

## EXCUSED-3

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

## YEAS-180

Adolph	Druce	Lynch	Saylor
Allen	Eachus	Maitland	Schroder
Argall	Egolf	Major	Schuler
Armstrong	Evans	Manderino	Scrimenti
Baker	Fairchild	Markosck	Semmel
Bard	Fargo	Marsico	Serafini

Barley	Feese	Masland	Seyfert
Barrar	Fichter	Mayernik	Shaner
Battisto	Fleagle	McCall	Smith, B.
Bebko-Jones	Flick	McGeehan	Smith, S. H.
Belardi	Gannon	McGill	Snyder, D. W.
Belfanti	Geist	McIlhattan	Staback
Benninghoff	George	McNaughton	Stairs
Birmelin	Gigliotti	Melio	Steelman
Blaum	Gladeck	Michlovic	Stern
Boscola	Godshall	Micozzie	Stetler
Brown	Gordner	Miller	Stevenson
Browne	Gruitza	Mundy	Strittmatter
Bunt	Gruppo	Nailor	Sturla
Butkovitz	Habay	Nickol	Surra
Buxton	Haluska	O'Brien	Tangretti
Caltagirone	Hanna	Olasz	Taylor, E. Z.
Cappabianca	Harhart	Orie	Taylor, J.
Carone	Hasay	Perzel	Tigue
Casorio	Hennessey	Pesci	Travaglio
Cawley	Herman	Petrarca	Trello
Chadwick	Hershey	Petrone	Trich
Civera	Hess	Phillips	True
Clark	Horse	Pippy	Tulli
Clymer	Hutchinson	Platts	Vance
Colaella	Jadlowiec	Preston	Van Horne
Colaizzo	Jarolin	Raymond	Veon
Conti	Kaiser	Readshaw	Walko
Cornell	Keller	Reber	Waugh
Corpora	Kenney	Reinard	Wilt
Cowell	Kirkland	Rieger	Wogan
Coy	Krebs	Roberts	Wojnaroski
Daley	LaGrotta	Robinson	Wright, M. N.
Dally	Laughlin	Rohrer	Yewcic
DeLuca	Lawless	Rooney	Youngblood
Dempsey	Lederer	Ross	Zimmerman
Dent	Leh	Rubley	Zug
Dermody	Lescovitz	Sainato	
DeWeese	Levdansky	Santoni	Ryan,
DiGirolamo	Lloyd	Sather	Speaker
Donatucci	Lucyk		

## NAYS-20

Bishop	Curry	Myers	Thomas
Boyes	Itkin	Oliver	Vitali
Carn	James	Pistella	Washington
Cohen, L. I.	Josephs	Ramos	Williams, A. H.
Cohen, M.	Mihalich	Roebuck	Williams, C.

## NOT VOTING-0

## EXCUSED-3

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

## APPROPRIATIONS COMMITTEE MEETING

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

Mr. SNYDER. For the purpose of making an announcement.

The SPEAKER pro tempore. The gentleman is in order.

Mr. SNYDER. Mr. Speaker, while we are continuing the voting agenda this afternoon, there has been called a meeting of the

Appropriations Committee at 3 o'clock in the Appropriations Committee room; again, that is the Appropriations Committee meeting at 3 o'clock this afternoon.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### VOTE CORRECTION

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

Mr. SERAFINI. Mr. Speaker, on amendment A1596 to SB 45, I was incorrectly voted in the negative. I would like to be recorded in the affirmative. Thank you.

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

### REMARKS SUBMITTED FOR THE RECORD

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

Mr. CARN. I would like to submit some remarks for the record on HR 154, which was passed yesterday.

The SPEAKER pro tempore. The Chair thanks the gentleman. The gentleman will submit the remarks to the clerk.

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

Mr. Speaker, I rise to thank the members of the House for supporting HR 154, proclaiming Pay Inequity Awareness Week for the week of April 27, 1997, in the Commonwealth of Pennsylvania.

Ladies and gentlemen, the issue of pay equity is a nonpartisan issue. When a woman in the course of her employment performs duties analogous to a male, or in some instances, the same as a male, and does not receive the same pay, then this is an economic injustice.

As Mother's Day approaches, I believe we must reexamine society's value on women in the work force. We must tell the women of Pennsylvania that we recognize this grave injustice. We must tell approximately half the population of Pennsylvania — who are women — that they play a pivotal role in the prosperity of this Commonwealth. Women are no longer regulated to second-class citizenship; the 19th Amendment to the U.S. Constitution ensures that by outlawing voting discrimination based on gender. Yet, in 1997, we, meaning the men who dominate this country, allow our mothers, sisters, and daughters to receive less pay for equal work.

Clearly this is inexcusable and a disservice to our entire economic base as well as our social structure when we continue to allow women to receive nonequitable salaries! When women are paid considerably less, we are encouraging them to seek additional employment which is generally outside of the home. For instance, if a woman is a single parent, employed full time, she most likely will seek part-time employment. This means she is unable to spend time with her family, and subsequently when she does, she is generally exhausted from double duty.

Regardless of her position from lawyer to clerk, women earn less than their male counterpart. The average difference is approximately \$9,000 annually. Multiply this figure by 10 or 20 years in the work force, and the seriousness of this issue becomes more apparent. Think of when she retires, she still will receive less in retirement benefits, thereby the cycle never ends. Yet, she is expected to meet the same quality-of-life standards as her male counterpart. This kind of discrimination is a national scandal. While here in Pennsylvania we are unable to direct a national campaign for comparable worth, we are, here in the House of Representatives of the

Commonwealth of Pennsylvania, able to recognize the unfairness of discrimination in pay based on gender.

Ladies and gentlemen of both sides of the aisle, thank you for remembering your mothers, your sisters, and your daughters when you voted for this resolution. If not for our mothers, aunts, and sisters, then at least for our daughters, we must move towards comparable worth in 1997. The women in my life are worth pay equity. Your support shows that you also think women you know deserve equality.

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 440, PN 1508**, entitled:

An Act providing for the regulation of combustible and flammable liquids; allocating functions of the Department of Labor and Industry and the Pennsylvania State Police; imposing penalties; and making repeals.

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?

On that question, the Chair recognizes the gentleman from Allegheny County, Mr. Pippy.

Mr. PIPPY. Thank you, Mr. Speaker.

Today I offer legislation which would transfer the duties and responsibilities for the regulation of combustible and flammable liquids and storage of compressed natural gas or compressed gas from the State Police to the Department of Labor and Industry. This transfer of responsibility would not only save our taxpayers over \$660,000 over the next 5 years but also would free up 106 State troopers, who will be relieved of their current responsibilities and be allowed to go back to the business of law enforcement.

The Department of Labor and Industry and the State Police both support this legislation. This legislation was unanimously reported out of the House Labor Relations Committee.

I would ask the members of the House, my colleagues, to vote "yes" and send this legislation to the Senate. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Belfanti, on the bill.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman, Mr. Pippy, rise for a single question, a point of interrogation?

The SPEAKER pro tempore. The gentleman indicates that he is willing to stand for interrogation. The gentleman is in order and may proceed.

Mr. BELFANTI. Thank you, Mr. Speaker.

Under HB 440, the duties and responsibilities concerning the use, storage, and possession of combustible liquids and flammable liquids, now the purview of the Pennsylvania State Police, would be transferred to the Department of Labor and Industry.

My question is this: I wrote a letter to the Department of Labor and Industry as to whether or not the inspection of boilers would be privatized under the provisions of the Pippy bill. I received kind of a wishy-washy letter back, explaining to me that

there are no present plans to privatize that particular portion of this change in purview. "No present plans" does not indicate to me whether or not those plans may be changed within a week or two. Is it the position of the maker of the bill, HB 440, the gentleman, Mr. Pippy, that this legislation to transfer the duties does not allow the department to privatize part of this work?

Mr. PIPPY. Thank you, Mr. Speaker.

The intent never was and is not now to privatize any part of those duties. What the intent is and why I am standing here now is to take 106 highly trained State troopers and allow them to go back to their law enforcement duties.

The boiler division, who will take on this responsibility, is already prepared to do this. I can never forecast what they will do in the future. Very few of us can do that here. I could tell you that I would not support any attempt to privatize it. I would say we have to look at ways to improve our government internal first. That is what we are trying to do here as legislators, and this bill does not at all look at privatization.

So I hope that provides the answer.

Mr. BELFANTI. Thank you, Mr. Speaker.

That concludes my interrogation. A brief comment, please.

The SPEAKER pro tempore. The gentleman is in order.

Mr. BELFANTI. Thank you, Mr. Speaker.

Given the remarks by the gentleman, Mr. Pippy, I believe that there are assurances that if the department makes some attempt to somehow redress or change the intention of the gentleman, we will make it an issue at the proper time.

In the meantime, I am going to stand in support of final passage of HB 440. Thank you.

On the question recurring,

Shall the bill pass finally?

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

#### YEAS—200

Adolph	Donatucci	Maitland	Saylor
Allen	Druce	Major	Schroder
Argall	Eachus	Manderino	Schuler
Armstrong	Egolf	Markosek	Scrimenti
Baker	Evans	Marsico	Semmel
Bard	Fairchild	Masland	Serafini
Barley	Fargo	Mayernik	Seyfert
Barrar	Feese	McCall	Shaner
Battisto	Fichter	McGeehan	Smith, B.
Bebko-Jones	Fleagle	McGill	Smith, S. H.
Belardi	Flick	McIlhattan	Snyder, D. W.
Belfanti	Gannon	McNaughton	Staback
Benninghoff	Geist	Melio	Stairs
Birmelin	George	Michlovic	Steelman
Bishop	Gigliotti	Micozzie	Stern
Blaum	Gladeck	Mihalich	Stedler
Boscola	Godshall	Miller	Stevenson
Boyes	Gordner	Mundy	Strittmatter
Brown	Gruitza	Myers	Sturla
Browne	Gruppo	Nailor	Surra
Bunt	Habay	Nickol	Tangretti
Butkovitz	Haluska	O'Brien	Taylor, E. Z.
Buxton	Hanna	Olasz	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappabianca	Hasay	Orie	Tigue
Carn	Hennessey	Perzel	Travaglio
Carone	Herman	Pesci	Trello
Casorio	Hershey	Petrarca	Trich
Cawley	Hess	Petrone	True

Chadwick	Horsely	Phillips	Tulli
Civera	Hutchinson	Pippy	Vance
Clark	Itkin	Pistella	Van Home
Clymer	Jadlowiec	Platts	Veon
Cohen, L. I.	James	Preston	Vitali
Cohen, M.	Jarolin	Ramos	Walko
Colaella	Josephs	Raymond	Washington
Colaizzo	Kaiser	Readshaw	Waugh
Conti	Keller	Reber	Williams, A. H.
Cornell	Kenney	Reinard	Williams, C.
Corpora	Kirkland	Rieger	Wilt
Cowell	Krebs	Roberts	Wogan
Coy	LaGrotta	Robinson	Wojnaroski
Curry	Laughlin	Roebuck	Wright, M. N.
Daley	Lawless	Rohrer	Yewcic
Dally	Lederer	Rooney	Youngblood
DeLuca	Leh	Ross	Zimmerman
Dempsey	Lescovitz	Rubley	Zug
Dent	Levdansky	Sainato	
Dermoddy	Lloyd	Santoni	Ryan,
DeWeese	Lucyk	Sather	Speaker
DiGirolamo	Lynch		

#### NAYS—0

#### NOT VOTING—0

#### EXCUSED—3

Corrigan                      Pettit                      Steil

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

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

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The House proceeded to third consideration of **HB 680, PN 752**, entitled:

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for tax determination upon abandonment.

On the question,

Will the House agree to the bill on third consideration?

Mr. **LEVANSKY** offered the following amendment No. **A1630**:

Amend Title, page 1, line 7, by inserting after "further" defining "forest reserve"; and further

Amend Bill, page 1, lines 11 through 15, by striking out all of said lines and inserting

Section 1. The definition of "forest reserve" of the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, is amended to read:

Section 2. Definitions.—As used in this act, the following words and phrases shall have the meanings ascribed to them in this section unless the context obviously otherwise requires:

\*\*\*

"Forest reserve." Land, ten acres or more, stocked by forest trees of any size and capable of producing timber or other wood products[,] and available for outdoor recreation, including hunting or sporting activities

or the enjoyment of scenic or natural beauty and open to the public for such use, without charge or fee, on a nondiscriminatory basis.

\* \* \*

Section 2. Section 8(b) of the act, amended December 12, 1994 (P.L.942, No.133), is amended and the section is amended by adding subsections to read:

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

On the question,

Will the House agree to the amendment?

#### AMENDMENT WITHDRAWN

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

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment deals with the issue of requiring forest reserve properties to remain open to public hunting in order to be eligible under the Clean and Green Act.

This is an issue and a concern that has been brought to my attention by a number of hunters and sportsmen in my legislative district and throughout western Pennsylvania. These concerns are also shared, I know, by Representative Hanna from Centre County and Representative Surra as well. I have had the opportunity to communicate my concerns with the chairman of the House Agriculture Committee, Chairman Bunt, and he has assured me that he will work with us to deal with this issue in a separate piece of legislation.

So in the interest of working with the chairman through the established procedures here, through the committee's process, I will withdraw this amendment at this time. Thank you very much.

The SPEAKER pro tempore. The gentleman withdraws the amendment. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

#### YEAS-200

Adolph	Donatucci	Maitland	Saylor
Allen	Druce	Major	Schroder
Argall	Eachus	Manderino	Schuler
Armstrong	Egolf	Markosek	Scrimenti
Baker	Evans	Marsico	Semmel
Bard	Fairchild	Masland	Serafini
Barley	Fargo	Mayernik	Seyfert
Barrar	Feese	McCall	Shaner
Battisto	Fichter	McGeehan	Smith, B.
Bebko-Jones	Fleagle	McGill	Smith, S. H.
Belardi	Flick	McLhattan	Snyder, D. W.
Belfanti	Gannon	McNaughton	Staback
Benninghoff	Geist	Melio	Stairs
Birmelin	George	Michlovic	Steelman
Bishop	Gigliotti	Micozzie	Stern
Blaum	Gladeck	Mihalich	Stetler
Boscola	Godshall	Miller	Stevenson

Boyes	Gordner	Mundy	Strittmatter
Brown	Gruitza	Myers	Sturla
Browne	Gruppo	Nailor	Surra
Bunt	Habay	Nickol	Tangretti
Butkovitz	Haluska	O'Brien	Taylor, E. Z.
Buxton	Hanna	Olasz	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappabianca	Hasay	Orie	Tigue
Carn	Hennessey	Perzel	Travaglio
Carone	Herman	Pesci	Trello
Casorio	Hershey	Petrarca	Trich
Cawley	Hess	Petrone	True
Chadwick	Horsey	Phillips	Tulli
Civera	Hutchinson	Pippy	Vance
Clark	Itkin	Pistella	Van Horne
Clymer	Jadlowiec	Platts	Veon
Cohen, L. I.	James	Preston	Vitali
Cohen, M.	Jarolin	Ramos	Walko
Colafella	Josephs	Raymond	Washington
Colaizzo	Kaiser	Readshaw	Waugh
Conti	Keller	Reber	Williams, A. H.
Cornell	Kenney	Reinard	Williams, C.
Corpora	Kirkland	Rieger	Wilt
Cowell	Krebs	Roberts	Wogan
Coy	LaGrotta	Robinson	Wojnaroski
Curry	Laughlin	Roebuck	Wright, M. N.
Daley	Lawless	Rohrer	Yewcic
Dally	Lederer	Rooney	Youngblood
DeLuca	Leh	Ross	Zimmerman
Dempsey	Lescovitz	Rubley	Zug
Dent	Levdansky	Sainato	
Dermody	Lloyd	Santoni	Ryan,
DeWeese	Lucyk	Sather	Speaker
DiGirolamo	Lynch		

#### NAYS-0

#### NOT VOTING-0

#### EXCUSED-3

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

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

\* \* \*

#### BILL PASSED OVER

The SPEAKER pro tempore. SB 732 will be over for today's session.

\* \* \*

The House proceeded to third consideration of **HB 1027, PN 1132**, entitled:

An Act prohibiting certain fees for the use of State property for the purpose of making commercial motion pictures.

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—199

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

## NAYS—1

Vitali

## NOT VOTING—0

## EXCUSED—3

Corrigan      Pettit      Steil

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

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

BILLS ON CONCURRENCE  
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 152, PN 1345**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for sentencing and penalties for trafficking drugs to minors; prohibiting the provision of certain stimulants to minors; and providing penalties.

On the question,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Marsico, that the House concur in the amendments inserted by the Senate.

On the question recurring,

Will the House concur in Senate amendments?

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

## YEAS—200

Adolph	Donatucci	Maitland	Saylor
Allen	Druce	Major	Schroder
Argall	Eachus	Manderino	Schuler
Armstrong	Egolf	Markosek	Scrimenti
Baker	Evans	Marsico	Semmel
Bard	Fairchild	Masland	Serafini
Barley	Fargo	Mayernik	Seyfert
Barrar	Feese	McCall	Shaner
Battisto	Fichter	McGeehan	Smith, B.
Bebko-Jones	Fleagle	McGill	Smith, S. H.
Belardi	Flick	McIlhatten	Snyder, D. W.
Belfanti	Gannon	McNaughton	Staback
Benninghoff	Geist	Melio	Stairs
Birmelin	George	Michlovic	Steelman
Bishop	Gigliotti	Micozzie	Stern
Blaum	Gladeck	Mihalich	Stetler
Boscola	Godshall	Miller	Stevenson
Boyes	Gordner	Mundy	Strittmatter
Brown	Gruitza	Myers	Sturla
Browne	Gruppo	Nailor	Surra
Bunt	Habay	Nickol	Tangretti
Butkovitz	Haluska	O'Brien	Taylor, E. Z.
Buxton	Hanna	Olasz	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappabianca	Hasay	Orie	Tigue
Carn	Hennessey	Perzel	Travaglio
Carone	Herman	Pesci	Trello
Casorio	Hershey	Petrarca	Trich
Cawley	Hess	Petrone	True
Chadwick	Horsey	Phillips	Tulli
Civera	Hutchinson	Pippy	Vance
Clark	Itkin	Pistella	Van Horne
Clymer	Jadlowiec	Platts	Veon
Cohen, L. I.	James	Preston	Vitali
Cohen, M.	Jarolin	Ramos	Walko
Colafella	Josephs	Raymond	Washington
Colaizzo	Kaiser	Readshaw	Waugh
Conti	Keller	Reber	Williams, A. H.



Cornell	Kenney	Reinard	Williams, C.
Corpora	Kirkland	Rieger	Wilt
Cowell	Krebs	Roberts	Wogan
Coy	LaGrotta	Robinson	Wojnaroski
Curry	Laughlin	Roebuck	Wright, M. N.
Daley	Lawless	Rohrer	Yewcic
Dally	Lederer	Rooney	Youngblood
DeLuca	Leh	Ross	Zimmerman
Dempsey	Lescovitz	Rubley	Zug
Dent	Levdansky	Sainato	
Dermody	Lloyd	Santoni	Ryan,
DeWeese	Lucyk	Sather	Speaker
DiGirolamo	Lynch		

NAYS-0

NOT VOTING-0

EXCUSED-3

Corrigan            Pettit            Steil

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

Ordered, That the clerk inform the Senate accordingly.

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BILL PASSED OVER

The SPEAKER pro tempore. HB 847 will be over for today's session.

## RESOLUTIONS

RESOLUTIONS PASSED OVER

The SPEAKER pro tempore. HR 93 will be over for today's session.

On page 5 of the calendar, HR 137 will be over for the day.

## RESOLUTION PURSUANT TO RULE 35

RESOLUTION PASSED OVER

The SPEAKER pro tempore. HR 136 will be over for the day.

## BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 366, PN 358**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for government-owned companies.

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?

On that question, the Chair recognizes the gentleman, Mr. Gordner.

Mr. GORDNER. Thank you, Mr. Speaker.

I have several amendments that were drafted to HB 366, HB 1054, and HB 1055. Representative Dent and I have now had an opportunity to talk with Chairman Micozzie, and he has given us assurances that we can address those, starting with tomorrow and next week, our concerns in regard to the title insurance and the bonding requirements.

And as a result of those assurances, we intend to work with Chairman Micozzie and Chairman Colafella and I am going to withdraw all of those amendments to this bill and to HB's 1054 and 1055.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Delaware County, Mr. Micozzie.

Mr. MICOZZIE. I would like to thank Representative Gordner for withdrawing those amendments, and both Nick and I — Representative Colafella and I — have pledged to work very closely with him. In fact, we have a meeting scheduled for this afternoon.

Mr. Speaker, HB 366.

Currently the Insurance Company Law of 1921 prevents government-owned companies, either those owned by foreign or other State governments, from being admitted to do business in the Commonwealth of Pennsylvania. HB 366 would eliminate this prohibition.

This legislation will permit the Insurance Commissioner to admit a government-owned insurance company with certain stipulations, such as: One, the insurance company does not receive a subsidy or other competitive advantage as a result of such government ownership; the company is not entitled to claim sovereign immunity or has waived its right to such immunity with the Commissioner; the company maintains a policyholder surplus of at least \$35 million; the insurance company has filed with the Commissioner an irrevocable waiver to seek the protection of Federal bankruptcy laws.

This bill will help to open up the insurance market, while the Insurance Department seeks to ensure that no government-owned company has an unfair competitive advantage over insurance companies currently doing business in Pennsylvania.

This bill was brought up in front of the committee. It was held up at one time, until more information was gathered, and it passed the committee unanimously. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, on final passage.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I do not have any strong objection to this bill, but it does seem to me and I would hope that the — I assume there will be other legislation dealing with other foreign-owned companies in further years, and I would just like to express the hope to the head of the Insurance Committee, who would use our power over approving foreign-owned insurance companies traveling and being able to sell insurance in Pennsylvania, to try to open up foreign markets to American companies. This bill does not do that, and I just wish to state for the record that I think it

would be good if we would attempt to use our power to open up foreign markets to American-owned insurance companies. That would create jobs for American workers.

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—199

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

## NAYS—1

Lloyd

## NOT VOTING—0

## EXCUSED—3

Corrigan

Pettit

Steil

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

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

\* \* \*

The House proceeded to third consideration of **HB 1054, PN 1471**, entitled:

An Act amending the act of May 17, 1921 (P.L. 789, No. 285), known as The Insurance Department Act of 1921, providing for sharing of confidential information.

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?

On that question, the Chair recognizes the gentleman from Delaware County, Mr. Micozzie.

Mr. MICOZZIE. Thank you, Mr. Speaker.

HB 1054 grants the Insurance Commissioner the authority to receive and to share confidential information on insurance company operations from other State regulators, other Commonwealth agencies, and law enforcement officials, provided that the information is kept confidential in Pennsylvania.

This authority will permit the Insurance Department to more efficiently regulate the insurance industry for the benefit of consumers without imposing unnecessary additional costs on insurance companies doing business in our State.

This bill was passed unanimously by the Insurance Committee. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware County, Mr. Gannon, on final passage.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, when this bill was being acted on in committee, I raised a question with respect to one provision of the bill which even prohibits any of this material from being acquired under a subpoena, and I raised the question as to whether or not that would also apply to a committee of the General Assembly, and at that time I was given an answer that they did not know whether or not that was the case but it appeared that it would also deny a committee of the legislature the right to subpoena any of this material. And I would like to interrogate the prime sponsor as to whether or not that answer would be the same or if that has changed.

The SPEAKER pro tempore. The gentleman indicates that he is willing to stand for interrogation. You are in order.

Mr. MICOZZIE. Thank you, Mr. Speaker.

After the question was asked in committee, I had asked legal, and they said it applies to everyone. It is our plan, Representative Colafella's plan and my plan, to look into it further and to come up with another bill or whatever we have to do to ensure to respond to the Representative's question.

Mr. GANNON. So as I understand it, as this bill stands right now, if a committee, for whatever reason, of this General Assembly — either the House or the Senate — was assigned to do an investigation and was given subpoena power, they would not have the right to subpoena any of these documents.

Mr. MICOZZIE. That is my understanding.

Mr. GANNON. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

#### YEAS—198

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

#### NAYS—2

Horsey      Yewcic

#### NOT VOTING—0

#### EXCUSED—3

Corrigan

Pettit

Steil

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.

#### RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Snyder, who calls for an immediate meeting of the Rules Committee at the majority leader's desk.

#### RESOLUTION REPORTED FROM COMMITTEE

HR 111, PN 1300

By Rep. SNYDER

A Resolution directing the Subcommittee on Telecommunications of the House Committee on Consumer Affairs to investigate all aspects of cellular transmission antennas.

#### RULES.

#### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 1055, PN 1527, entitled:

An Act amending the act of May 17, 1921 (P.L. 789, No. 285), known as The Insurance Department Act of 1921, providing for risk-based capital requirements.

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—200

Adolph	Donatucci	Maitland	Saylor
Allen	Druce	Major	Schroder
Argall	Eachus	Manderino	Schuler
Armstrong	Egolf	Markosek	Scrimenti
Baker	Evans	Marsico	Semmel
Bard	Fairchild	Masland	Serafini
Barley	Fargo	Mayernik	Seyfert
Barrar	Feese	McCall	Shaner
Battisto	Fichter	McGeehan	Smith, B.
Bebko-Jones	Fleagle	McGill	Smith, S. H.
Belardi	Flick	McIlhattan	Snyder, D. W.
Belfanti	Gannon	McNaughton	Staback
Benninghoff	Geist	Melio	Stairs
Birmelin	George	Michlovic	Steelman
Bishop	Gigliotti	Micozzie	Stern

Blaum	Gladeck	Mihalich	Stetler
Boscola	Godshall	Miller	Stevenson
Boyes	Gordner	Mundy	Strittmatter
Brown	Gruitza	Myers	Sturla
Browne	Gruppo	Nailor	Surra
Bunt	Habay	Nickol	Tangretti
Butkovitz	Haluska	O'Brien	Taylor, E. Z.
Buxton	Hanna	Olasz	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappabianca	Hasay	Orie	Tigue
Carn	Hennessey	Perzel	Travaglio
Carone	Herman	Pesci	Trello
Casorio	Hershey	Petrarca	Trich
Cawley	Hess	Petrone	True
Chadwick	Horsey	Phillips	Tulli
Civera	Hutchinson	Pippy	Vance
Clark	Itkin	Pistella	Van Horne
Clymer	Jadlowiec	Platts	Veon
Cohen, L. I.	James	Preston	Vitali
Cohen, M.	Jarolin	Ramos	Walko
Colafella	Josephs	Raymond	Washington
Colaizzo	Kaiser	Readshaw	Waugh
Conti	Keller	Reber	Williams, A. H.
Cornell	Kenney	Reinard	Williams, C.
Corpora	Kirkland	Rieger	Wilt
Cowell	Krebs	Roberts	Wogan
Coy	LaGrotta	Robinson	Wojnaroski
Curry	Laughlin	Roebuck	Wright, M. N.
Daley	Lawless	Rohrer	Yewcic
Dally	Lederer	Rooney	Youngblood
DeLuca	Leh	Ross	Zimmerman
Dempsey	Lescovitz	Rubley	Zug
Dent	Levdansky	Sainato	
Dermody	Lloyd	Santoni	Ryan,
DeWeese	Lucyk	Sather	Speaker
DiGirolamo	Lynch		

## NAYS-0

## NOT VOTING-0

## EXCUSED-3

Corrigan      Pettit      Steil

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.

## SB 45 RECONSIDERED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Serafini, who moves that the vote by which SB 45 was passed on the 29th day of April 1997 be reconsidered.

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

The SPEAKER pro tempore. On the motion, the Chair recognizes the gentleman, Mr. Snyder.

Mr. SNYDER. Mr. Speaker, this and the next reconsideration motion is strictly to correct an error in the voting on the amendment. So I would just ask everybody to concur and allow the vote just to be taken without any further debate.

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

The following roll call was recorded:

## YEAS-200

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

## NAYS-0

## NOT VOTING-0

## EXCUSED-3

Corrigan      Pettit      Steil

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?

### DECISION OF CHAIR RESCINDED

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

On the question recurring,

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

### AMENDMENT A1596 RECONSIDERED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Serafini, who moves that the vote by which amendment A1596 was passed on the 29th day of April 1997 be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

### YEAS—200

Adolph	Donatucci	Maitland	Saylor
Allen	Druce	Major	Schroder
Argall	Eachus	Manderino	Schuler
Armstrong	Egolf	Markosek	Scrimenti
Baker	Evans	Marsico	Semmel
Bard	Fairchild	Masland	Serafini
Barley	Fargo	Mayernik	Seyfert
Barrar	Feese	McCall	Shaner
Battisto	Fichter	McGeehan	Smith, B.
Bebko-Jones	Fleagle	McGill	Smith, S. H.
Belardi	Flick	McIlhattan	Snyder, D. W.
Belfanti	Gannon	McNaughton	Staback
Benninghoff	Geist	Melio	Stairs
Birmelin	George	Michlovic	Steelman
Bishop	Gigliotti	Micozzie	Stern
Blaum	Gladeck	Mihalich	Stetler
Boscola	Godshall	Miller	Stevenson
Boyes	Gordner	Mundy	Strittmatter
Brown	Gruitza	Myers	Sturla
Browne	Gruppo	Nailor	Surra
Bunt	Habay	Nickol	Tangretti
Butkovitz	Haluska	O'Brien	Taylor, E. Z.
Buxton	Hanna	Olasz	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappabianca	Hasay	Orie	Tigue
Carn	Hennessey	Perzel	Travaglio
Carone	Herman	Pesci	Trello
Casorio	Hershey	Petrarca	Trich
Cawley	Hess	Petrone	True
Chadwick	Horsey	Phillips	Tulli
Civera	Hutchinson	Pippy	Vance
Clark	Itkin	Pistella	Van Horne
Clymer	Jadlowiec	Platts	Veon
Cohen, L. I.	James	Preston	Vitali
Cohen, M.	Jarolin	Ramos	Walko
Colafella	Josephs	Raymond	Washington
Colaizzo	Kaiser	Readshaw	Waugh
Conti	Keller	Reber	Williams, A. H.
Cornell	Kenney	Reinard	Williams, C.
Corpora	Kirkland	Rieger	Wilt
Cowell	Krebs	Roberts	Wogan
Coy	LaGrotta	Robinson	Wojnaroski
Curry	Laughlin	Roebuck	Wright, M. N.

Daley	Lawless	Rohrer	Yewcic
Dally	Lederer	Rooney	Youngblood
DeLuca	Leh	Ross	Zimmerman
Dempsey	Lescovitz	Rublely	Zug
Dent	Levdansky	Sainato	
Dermody	Lloyd	Santoni	Ryan,
DeWeese	Lucyk	Sather	Speaker
DiGirolamo	Lynch		

### NAYS—0

### NOT VOTING—0

### EXCUSED—3

Corrigan	Pettit	Steil
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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. A1596:

Amend Title, page 1, line 2, by inserting after "Statutes,"  
providing for crime against the unborn child; and

Amend Bill, page 1, lines 6 and 7, by striking out all of said lines and inserting

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

### CHAPTER 26

### CRIMES AGAINST THE UNBORN CHILD

Sec.

2601. Short title of chapter.

2602. Definitions.

2603. Criminal homicide of unborn child.

2604. Malicious homicide of unborn child.

2605. Voluntary manslaughter of unborn child.

2606. Aggravated assault of unborn child.

2607. Exclusions.

2608. Construction.

§ 2601. Short title of chapter.

This chapter shall be known and may be cited as the Crimes Against the Unborn Child Act.

§ 2602. Definitions.

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

"Abortion." As defined in section 3203 (relating to definitions).

"Intentional killing." As defined in section 2502(d) (relating to murder).

"Malicious." Having the same quality of malice which is an essential element of murder.

"Perpetration of a felony." As defined in section 2502(d) (relating to murder).

"Principal." As defined in section 2502(d) (relating to murder).

"Serious bodily injury." As defined in section 2301 (relating to definitions).

"Serious provocation." As defined in section 2301 (relating to definitions).

"Unborn child." As defined in section 3203 (relating to definitions).

### § 2603. Criminal homicide of unborn child.

(a) Offense defined.—An individual is guilty of criminal homicide of an unborn child if the individual intentionally, knowingly, recklessly or negligently causes the death of an unborn child in violation of section 2604 (relating to malicious homicide of unborn child) or 2605 (relating to voluntary manslaughter of unborn child).

(b) Classification.—Criminal homicide of an unborn child shall be classified as the malicious homicide of an unborn child or voluntary manslaughter of an unborn child.

### § 2604. Malicious homicide of unborn child.

(a) Malicious homicide of unborn child of the first degree.—

(1) An individual who kills an unborn child without lawful justification commits the offense of malicious homicide of an unborn child of the first degree if, in performing the acts which cause the death of the unborn child, the individual does any of the following:

(i) By an intentional killing, kills the pregnant woman, her unborn child or another.

(ii) Attempts an intentional killing of the pregnant woman or another.

(2) The penalty for malicious homicide of an unborn child of the first degree shall be the same as for murder of the first degree except that the death penalty shall not be imposed.

(b) Malicious homicide of unborn child of the second degree.—An individual who kills an unborn child without lawful justification commits the offense of malicious homicide of an unborn child of the second degree if, in performing acts which cause the death of an unborn child, the individual was engaged as a principal or an accomplice in the perpetration of a felony. The penalty for malicious homicide of an unborn child of the second degree shall be the same as for murder of the second degree.

(c) Malicious homicide of unborn child by aggravated assault on the pregnant woman or another.—An individual who kills an unborn child without lawful justification commits the offense of malicious homicide of an unborn child by aggravated assault against the pregnant woman or another if, in performing acts which cause the death of an unborn child, the individual was engaged as a principal or an accomplice in the perpetration of an aggravated assault, as defined in section 2702(a)(1) (relating to aggravated assault) against the pregnant woman or another. The penalty for this offense shall be the same as for malicious homicide of the unborn child of the third degree.

(d) Malicious homicide of unborn child of the third degree.—All other kinds of malicious homicide of an unborn child without lawful justification and all other kinds of murder or attempted murder of the pregnant woman or another which cause the death of the unborn child without lawful justification shall be malicious homicide of an unborn child of the third degree. The penalty for malicious homicide of an unborn child of the third degree is the same as the penalty for murder of the third degree.

### § 2605. Voluntary manslaughter of unborn child.

(a) Offense defined.—An individual who kills an unborn child without lawful justification commits voluntary manslaughter of an unborn child if, at the time of the killing, the individual is acting under a sudden and intense passion resulting from serious provocation by the pregnant woman or another whom the actor endeavors to kill but the individual negligently or accidentally causes the death of the unborn child. Voluntary manslaughter of an unborn child is a felony of the first degree.

(b) Unreasonable belief killing justifiable.—An individual who intentionally or knowingly kills an unborn child commits voluntary manslaughter of an unborn child if, at the time of the killing, the individual believes the circumstances to be such that, if they existed, would justify the killing under Chapter 5 (relating to general principles of justification) but the belief is unreasonable.

### § 2606. Aggravated assault of unborn child.

(a) Offense defined.—An individual who causes serious bodily injury to an unborn child without lawful justification commits the offense of aggravated assault of an unborn child if any of the following apply:

(1) The individual intentionally, knowingly or recklessly, under circumstances manifesting extreme indifference to the life of the unborn child, the pregnant woman or another, causes serious bodily injury to the unborn child.

(2) Serious bodily injury to the unborn child results from:

(i) aggravated assault, as defined in section 2702(a)(1) (relating to aggravated assault), by such individual upon the pregnant woman or another;

(ii) voluntary manslaughter, as defined in section 2503 (relating to voluntary manslaughter), by such individual of the pregnant woman or another; or

(iii) murder, as defined in section 2502 (relating to murder), by such individual of the pregnant woman or another.

(b) Grading.—Aggravated assault of an unborn child is a felony of the first degree.

### § 2607. Exclusions.

Nothing in this chapter shall do any of the following:

(1) Apply to acts committed during any abortion or attempted abortion, whether lawful or unlawful, in which the pregnant woman cooperated or consented.

(2) Apply to the consensual or good faith performance of medical procedures, diagnostic testing or therapeutic treatment.

(3) Impose criminal liability upon the pregnant woman in regard to crimes against her unborn child.

### § 2608. Construction.

The provisions of this chapter shall not be construed to prohibit the prosecution of an offender under any other provision of law.

Section 2. Section 2709(f) of Title 18 is amended to read:

Amend Sec. 1 (Sec. 2709), page 1, lines 10 through 17; page 2, lines 1 and 2, by striking out all of said lines on said pages

Amend Sec. 2, page 2, lines 19 through 21, by striking out all of said lines and inserting

Section 3. The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Amend Sec. 3, page 2, line 22, by striking out "3" and inserting

4

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—169

Adolph	Egolf	Lucyk	Saylor
Allen	Evans	Lynch	Schroder
Argall	Fairchild	Maitland	Schuler
Armstrong	Fargo	Major	Scriminti
Baker	Feese	Markosek	Semmel
Barley	Fichter	Marsico	Serafini
Barar	Fleagle	Masland	Seyfert
Battisto	Flick	Mayernik	Shaner
Belardi	Gannon	McCall	Smith, B.
Belfanti	Geist	McGeehan	Smith, S. H.
Benninghoff	George	McGill	Snyder, D. W.
Birmelin	Gigliotti	McIlhattan	Staback
Blaum	Gladeck	McNaughton	Stairs
Boscola	Godshall	Melio	Stelman
Brown	Gordner	Michlovic	Stern
Browne	Gruitza	Micozzie	Stevenson
Bunt	Gruppo	Miller	Strittmatter
Buxton	Habay	Nailor	Surra
Caltagirone	Haluska	Nickol	Tangretti
Cappabianca	Hanna	O'Brien	Taylor, E. Z.
Carone	Harhart	Olasz	Taylor, J.
Casorio	Hasay	Orie	Tigue
Cawley	Hennessey	Perzel	Travaglio

Chadwick	Herman	Pesci	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	True
Clymer	Horsey	Phillips	Tulli
Colafrella	Hutchinson	Pippy	Vance
Colaizzo	Jadlowiec	Pistella	Van Horne
Conti	Jarolin	Platts	Veon
Corpora	Kaiser	Raymond	Walko
Cowell	Keller	Readshaw	Waugh
Coy	Kenney	Reinard	Wilt
Daley	Kirkland	Rieger	Wogan
Dally	Krebs	Roberts	Wojnarowski
DeLuca	LaGrotta	Robinson	Wright, M. N.
Dempsey	Laughlin	Rohrer	Yewcic
Dent	Lawless	Rooney	Zimmerman
Dermody	Lederer	Ross	Zug
DiGirolamo	Leh	Rubley	
Donatucci	Lescovitz	Sainato	Ryan,
Druce	Levdansky	Santoni	Speaker
Eachus	Lloyd	Sather	

## NAYS-31

Bard	Cornell	Mundy	Sturla
Bebko-Jones	Curry	Myers	Thomas
Bishop	DeWeese	Oliver	Vitali
Boyes	Itkin	Preston	Washington
Butkovitz	James	Ramos	Williams, A. H.
Carn	Josephs	Reber	Williams, C.
Cohen, L. I.	Manderino	Roebuck	Youngblood
Cohen, M.	Mihalich	Stetler	

## NOT VOTING-0

## EXCUSED-3

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

On the question recurring,

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

Mr. DeWEESE. Mr. Speaker?

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

Mr. DeWEESE. Mr. Speaker, I understand the sensitive nature of the amendment and the bill, and I am certainly agreeable to the gentleman from Luzerne being given the— Lackawanna; excuse me. When I go to visit with him, I have to go through Luzerne to get to Lackawanna. Anyway, I understand the procedure, and I certainly accept it. I would like to state for the record though, as the session continues to progress, if members of this side of the aisle are requesting a similar courtesy from the dais, we would like to be given similar consideration. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

## YEAS-182

Adolph	Druce	Lynch	Sather
Allen	Eachus	Maitland	Saylor
Argall	Egolf	Major	Schroder
Armstrong	Evans	Manderino	Schuler
Baker	Fairchild	Markosek	Scrimenti
Bard	Fargo	Marsico	Semmel
Barley	Feese	Masland	Serafini
Barrar	Fichter	Mayernik	Seyfert
Battisto	Fleagle	McCall	Shaner
Bebko-Jones	Flick	McGeehan	Smith, B.
Belardi	Gannon	McGill	Smith, S. H.
Belfanti	Geist	McIlhattan	Snyder, D. W.
Benninghoff	George	McNaughton	Staback
Birmelin	Gigliotti	Melio	Stairs
Blaum	Gladeck	Michlovic	Steelman
Boscola	Godshall	Micozzie	Stern
Brown	Gordner	Miller	Stetler
Browne	Gruitza	Mundy	Stevenson
Bunt	Gruppo	Nailor	Strittmatter
Butkovitz	Habay	Nickol	Sturla
Buxton	Haluska	O'Brien	Surra
Caltagirone	Hanna	Olasz	Tangretti
Cappabianca	Harhart	Orie	Taylor, E. Z.
Carone	Hasay	Perzel	Taylor, J.
Casorio	Hennessey	Pesci	Tigue
Cawley	Herman	Petrarca	Travaglio
Chadwick	Hershey	Petrone	Trello
Civera	Hess	Phillips	Trich
Clark	Horsey	Pippy	True
Clymer	Hutchinson	Pistella	Tulli
Colafrella	Jadlowiec	Platts	Vance
Colaizzo	Jarolin	Preston	Van Horne
Conti	Kaiser	Ramos	Veon
Cornell	Keller	Raymond	Walko
Corpora	Kenney	Readshaw	Waugh
Cowell	Kirkland	Reber	Wilt
Coy	Krebs	Reinard	Wogan
Daley	LaGrotta	Rieger	Wojnarowski
Dally	Laughlin	Roberts	Wright, M. N.
DeLuca	Lawless	Robinson	Yewcic
Dempsey	Lederer	Rohrer	Youngblood
Dent	Leh	Rooney	Zimmerman
Dermody	Lescovitz	Ross	Zug
DeWeese	Levdansky	Rubley	
DiGirolamo	Lloyd	Sainato	Ryan,
Donatucci	Lucyk	Santoni	Speaker

## NAYS-18

Bishop	Curry	Myers	Vitali
Boyes	Itkin	Oliver	Washington
Carn	James	Roebuck	Williams, A. H.
Cohen, L. I.	Josephs	Thomas	Williams, C.
Cohen, M.	Mihalich		

## NOT VOTING-0

## EXCUSED-3

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

## SUPPLEMENTAL CALENDAR A

### RESOLUTION

Mr. BUXTON called up **HR 111, PN 1300**, entitled:

A Resolution directing the Subcommittee on Telecommunications of the House Committee on Consumer Affairs to investigate all aspects of cellular transmission antennas.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

#### YEAS-200

Adolph	Donatucci	Maitland	Saylor
Allen	Druce	Major	Schroder
Argall	Eachus	Manderino	Schuler
Armstrong	Egolf	Markosek	Scrimenti
Baker	Evans	Marsico	Semmel
Bard	Fairchild	Masland	Serafini
Barley	Fargo	Mayernik	Seyfert
Barrar	Feese	McCall	Shaner
Battisto	Fichter	McGeehan	Smith, B.
Bebko-Jones	Fleagle	McGill	Smith, S. H.
Belardi	Flick	McIlhattan	Snyder, D. W.
Belfanti	Gannon	McNaughton	Staback
Benninghoff	Geist	Melio	Stairs
Birmelin	George	Michlovic	Steelman
Bishop	Gigliotti	Micozzie	Stern
Blaum	Gladeck	Mihalich	Stetler
Boscola	Godshall	Miller	Stevenson
Boyes	Gordner	Mundy	Strittmatter
Brown	Gruitza	Myers	Sturla
Browne	Gruppo	Nailor	Surra
Bunt	Habay	Nickol	Tangretti
Butkovitz	Haluska	O'Brien	Taylor, E. Z.
Buxton	Hanna	Olasz	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappabianca	Hasay	Orie	Tigue
Carn	Hennessey	Perzel	Travaglio
Carone	Herman	Pesci	Trello
Casorio	Hershey	Petrarca	Trich
Cawley	Hess	Petrone	True
Chadwick	Horsey	Phillips	Tulli
Civera	Hutchinson	Pippy	Vance
Clark	Itkin	Pistella	Van Home
Clymer	Jadlowiec	Platts	Veon
Cohen, L. I.	James	Preston	Vitali
Cohen, M.	Jarolin	Ramos	Walko
Colafrella	Josephs	Raymond	Washington
Colaizzo	Kaiser	Readshaw	Waugh
Conti	Keller	Reber	Williams, A. H.
Cornell	Kenney	Reinard	Williams, C.
Corpora	Kirkland	Rieger	Wilt
Cowell	Krebs	Roberts	Wogan
Coy	LaGrotta	Robinson	Wojnaroski
Curry	Laughlin	Roebuck	Wright, M. N.
Daley	Lawless	Rohrer	Yewcic
Dally	Lederer	Rooney	Youngblood
DeLuca	Leh	Ross	Zimmerman
Dempsey	Lescovitz	Rubley	Zug

Dent	Levdansky	Sainato	
Dermody	Lloyd	Santoni	Ryan,
DeWeese	Lucyk	Sather	Speaker
DiGirolamo	Lynch		

NAYS-0

NOT VOTING-0

EXCUSED-3

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh County, Mr. Snyder.

Mr. SNYDER. Mr. Speaker, that will conclude our voting agenda for today. There are still some announcements to be made, but there will be no voting tomorrow in session. It will be a token session.

### FINANCE COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Boyes, for the purpose of calling a committee meeting.

Mr. BOYES. Thank you, Mr. Speaker.

The Finance Committee meeting that was scheduled for Thursday will be rescheduled for tomorrow at 9 a.m. in room 140; in room 140 at 9 a.m., the Finance Committee meeting that was scheduled for Thursday is rescheduled for tomorrow.

### ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would also like to advise all of the members that there is a get-well card in the members' lounge for Representative Al Pettit. The members are invited to go back to the lounge and sign the card.

### ANNOUNCEMENT BY MR. GRUPPO

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

Mr. GRUPPO. Thank you, Mr. Speaker.

As chairman of the House Aging and Youth Committee, I am today introducing a resolution to proclaim May as "Older Pennsylvanians Month."

Now, we have about 120 or more signatures on the resolution, cosponsors, including Representative Blaum, the minority chairman of the committee. If any of you would like to put your name on this resolution, I am going to present it to the bill clerk momentarily. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.



The Chair would also like to advise the members that you have HB 847 on your desks. The Chair would advise you to keep that bill, as it will be considered next week.

### STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Clymer, for the purpose of making an announcement.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, the State Government Committee meeting scheduled for tomorrow at 10 o'clock will be held as scheduled; will be held as scheduled. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### ANNOUNCEMENT BY MR. LESCOVITZ

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Lescovitz, for the purpose of announcing a meeting.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

There will be a Democratic Policy Committee meeting in the Democratic caucus room at the call of the recess.

The SPEAKER pro tempore. The Chair would recommend to the members that any member who wants to cosponsor the Gruppo resolution do so immediately, because that will only be open until we go into recess.

### STATEMENT BY DEMOCRATIC LEADER

The SPEAKER pro tempore. Does the gentleman, Mr. DeWeese, seek recognition? The gentleman is in order.

Mr. DeWEESE. Thank you, Mr. Speaker.

Just one or two points at the conclusion of today's session.

Point number one: I have with me a correspondence from the Pennsylvania Farm Bureau, and to say the least, they are disgruntled that all farm vehicles, tractors and heavy equipment that many Pennsylvanians use, are going to be affected by the gasoline tax and vehicle registration fee increases along with automobiles this summer. They are not being treated like trucks and other heavy equipment that will be having their registration augmented in January. And, Mr. Speaker, it is my intention to make certain that the record reflects that the Pennsylvania Farm Bureau and many of us on this side of the aisle are upset about the way that the gasoline tax was ramrodded through the session, with most of us, most all of us, Mr. Speaker, not knowing about the truck and tractor provisions. Quite frankly, I think the legislature drove a tractor over the farmers by making them, unlike their brethren and sisters in the trucking industry, pay up this summer with automobiles. We are treating tractors like automobiles instead of tractors like trucks. The Farm Bureau is upset, and we thought that needed to be brought to the attention of the Assembly.

The final point, Mr. Speaker, I want to make, and it deals with the gentleman from Lancaster County, the honorable chairman of the Appropriations Committee. In yesterday's paper there is a

headline that says "Barley sees compromise on Ridge's budget...." And in that article it says, and I quote from the chairman of the Appropriations Committee: "I think we're looking at relatively minor differences." He means between the House and Senate versions. "The Legislature is expected to approve a budget that strongly resembles Gov. Tom Ridge's plan, which increases spending slightly, grants more generous subsidies to schools, and expands the state prison system — all without a tax increase."

When he does say "I think we're looking at relatively minor differences," it makes this side of the aisle very cognizant that last year, Mr. Speaker, the members on the Republican side of the aisle voted with us on amendment after amendment after amendment after amendment. We voted for a specific package. It went to the Senate. It was eviscerated; the guts were torn out of it. It came back, and every member of the Republican side — almost — voted in favor of it.

What I want to know from our chairman of the Appropriations Committee is, are we going to do the same thing this year? Are we going to spend hours and hours and hours and hours and hours and hours debating a budget, Mr. Speaker, it goes to the Senate, the Senate tears it apart, it comes back here as a brand-new bill, and the Republicans voted en masse for it. Is that going to happen 2 years in a row? I do not know. But that is what I wanted to postulate to you, Mr. Speaker, and to the gentleman who chairs the Appropriations Committee.

I thank the gentleman for his indulgence, and I will see you tomorrow.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Itkin, who requests that the gentleman from Bucks County, Mr. Corrigan, be removed from leave and placed on the active master roll call. Without objection, the request will be granted. The Chair hears no objection.

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

HB 20, PN 24

By Rep. GANNON

An Act amending the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the Eminent Domain Code, providing for estimates.

JUDICIARY.

HB 118, PN 1626 (Amended)

By Rep. BUNT

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for preferential assessments and for determinations of amounts of taxes when use abandoned.

AGRICULTURE AND RURAL AFFAIRS.

**HB 231, PN 253**

By Rep. GANNON

An Act amending the act of May 16, 1921 (P.L.579, No.262), referred to as the County Prison Board Law, further providing for the board of prison inspectors; and making editorial changes.

JUDICIARY.

**HB 507, PN 1624 (Amended)**

By Rep. WOGAN

An Act regulating tanning facilities; providing for the registration of persons operating tanning facilities; requiring that certain warnings be given and safeguards be taken; providing penalties; and making a repeal.

CONSUMER AFFAIRS.

**HB 558, PN 1625 (Amended)**

By Rep. WOGAN

An Act amending the act of November 24, 1976 (P.L.1182, No.262), known as the Hearing Aid Sales Registration Law, providing for medical examination and for the return of a hearing aid.

CONSUMER AFFAIRS.

**HB 892, PN 1621 (Amended)**

By Rep. HERSHEY

An Act providing for grants for emergency services training organizations; establishing the Emergency Services Training Organization Grant Program; and making an appropriation.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

**HB 1125, PN 1622 (Amended)**

By Rep. GANNON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting unauthorized administration of an intoxicant; and providing for additional penalties for certain drug-induced rape.

JUDICIARY.

**HB 1258, PN 1411**

By Rep. GANNON

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing police officers to record certain oral communications; providing for authority to purchase surveillance devices; and providing for windshield obstructions and wipers.

JUDICIARY.

**HB 1341, PN 1623 (Amended)**

By Rep. GANNON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for retail theft.

JUDICIARY.

**HB 1345, PN 1627 (Amended)**

By Rep. BUNT

An Act establishing the Charles C. Brosius Agricultural Law Center and its executive board; and providing for their purpose, duties, powers and responsibilities.

AGRICULTURE AND RURAL AFFAIRS.

**BILL REPORTED AND REREFERRED  
TO COMMITTEE ON URBAN AFFAIRS****HB 492, PN 556**

By Rep. WOGAN

An Act establishing standards regulating residential swimming pool, hot tub and spa design and construction; providing for safety precautions and protection against potential immersion accidents for children; and imposing a penalty.

CONSUMER AFFAIRS.

**HOUSE BILL  
INTRODUCED AND REFERRED**

**No. 1375** By Representatives BARRAR, MASLAND, FARGO, ARMSTRONG, COY, TRELLO, CLARK, LYNCH, E. Z. TAYLOR, SAYLOR, EGOLF, WOGAN, McNAUGHTON, CAPPABIANCA, BOSCOLA, TIGUE, HENNESSEY, MILLER, S. H. SMITH, BENNINGHOFF, RAYMOND, ROSS, SEYFERT, TRUE, CORPORA and ITKIN

An Act amending the act of December 13, 1982 (P.L.1127, No.257), referred to as the Commonwealth Agency Adjudicatory Expenses Award Law, extending the expiration date of the act.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, April 29, 1997.

**RECESS**

The SPEAKER pro tempore. The House will stand in recess until the call of the Chair, which the House expects to be at approximately 3:45 p.m.

**AFTER RECESS**

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

**BILLS REREPORTED FROM COMMITTEE****HB 162, PN 1067**

By Rep. BARLEY

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, extending the period of eligibility for special early retirement.

APPROPRIATIONS.

**HB 441, PN 1628 (Amended)**

By Rep. BARLEY

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for absence without leave.

## APPROPRIATIONS.

**HB 595, PN 660**

By Rep. BARLEY

An Act amending the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, providing for early retirement.

## APPROPRIATIONS.

**HB 909, PN 1017**

By Rep. BARLEY

An Act designating a section of U.S. Route 15 in Union County, Pennsylvania, as the Donald L. Heiter Memorial Highway.

## APPROPRIATIONS.

**HB 1034, PN 1629 (Amended)**

By Rep. BARLEY

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for definitions; adding a definition of "international terrorism"; imposing additional duties on the Auditor General, the State Treasurer and the Attorney General; authorizing the Department of Corrections to assess and collect certain payments from prisoners; providing for campus police and for bonds for certain wells; and making repeals.

## APPROPRIATIONS.

**SB 179, PN 1030 (Amended)**

By Rep. BARLEY

An Act amending the act of April 9, 1929 (P.L.177, No.175), entitled The Administrative Code of 1929, further providing for definitions; imposing additional duties on the Auditor General, the State Treasurer and the Attorney General; authorizing the Department of Corrections to assess and collect certain payments from prisoners; providing for bonds for certain wells and for timetable for the review of municipal waste landfill and resource recovery facility permit applications; further providing for campus police; and making repeals.

## APPROPRIATIONS.

**SB 184, PN 177**

By Rep. BARLEY

An Act redesignating the Pullman Viaduct (SR 3001) in Butler County as the Picklegate Crossing.

## APPROPRIATIONS.

**SB 299, PN 293**

By Rep. BARLEY

An Act authorizing the Department of General Services, with the approval of the Governor, to sell and convey to the City of Farrell certain surplus land situate in the City of Farrell, Mercer County.

## APPROPRIATIONS.

**SB 361, PN 446**

By Rep. BARLEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for vehicles at railroad crossings.

## APPROPRIATIONS.

**BILLS ON SECOND CONSIDERATION**

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

**HB 162, PN 1067; HB 441, PN 1628; HB 595, PN 660; HB 909, PN 1017; HB 1034, PN 1629; SB 184, PN 177; SB 299, PN 293; and SB 361, PN 446.**

**HOUSE BILL  
INTRODUCED AND REFERRED**

**No. 1426** By Representatives J. TAYLOR, PETRONE, FARGO, FICHTER, GORDNER, THOMAS, ROONEY, McCALL, E. Z. TAYLOR, LEDERER, DIGIROLAMO, CARN, HALUSKA, SCRIMENTI, CORNELL, TIGUE, MANDERINO, KENNEY, GRUITZA, YOUNGBLOOD, STURLA, OLASZ, SERAFINI, DeLUCA, O'BRIEN, SAINATO, PRESTON, WOGAN, BELFANTI, TRICH, HENNESSEY, MILLER, MELIO, L. I. COHEN, TRELLO and TANGRETTI

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, further providing for homeowner's emergency assistance.

Referred to Committee on URBAN AFFAIRS, April 29, 1997.

**ADJOURNMENT**

The SPEAKER pro tempore. The Chair recognizes the lady from Allegheny County, Representative Orie.

Miss ORIE. Mr. Speaker, I move that this House do now adjourn until Wednesday, April 30, 1997, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 3:55 p.m., e.d.t., the House adjourned.