

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, SEPTEMBER 22, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 46

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.d.t.

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

PRAYER

REV. CLIFFORD A. BIRDSALL, associate pastor of First Welsh Baptist Church, Wilkes-Barre, Pennsylvania, guest Chaplain and guest of the lady from Luzerne, Ms. Mundy, offered the following prayer:

Let us bow together for prayer:

O God, our Heavenly Father, we pause for a moment at Your throne in the beginning of today's session. We thank You for all Your goodness to us in this great Commonwealth of Pennsylvania.

We praise You for the past, the present, and the future, and even in the times of turmoil and trouble, You were there with Your mercy and grace.

We thank You for every member of this great Assembly, and we ask today and every day for Your guidance and directions for each one of them, and we include the House of Senate and our Governor and all those who are working for the welfare of our people. Lead them by Your Holy Spirit as they pursue the challenges set before them. We commit each one to You, and may You bless them with happiness day by day in their work, and may we all remember the words to Isaiah of old, "I love you,...you are mine,...I will be with you always."

Father, there are burdens, problems, sickness, disease, and many cases of stress and depression among the people of our Commonwealth, and we must rely upon the women and the men of this great Assembly to help our people. O God, they need strength; they need happiness and joy for them in these days. May we be encouraged by the words of Corrie ten Boom, who said, "The best is yet to come."

Yes, Father, we commit these humble servants of our people to You. Guide them, protect them, give them wisdom and understanding, and use them to serve Pennsylvania and its people faithfully. Keep them from going astray, keep them in the hollow of Your hand, and may they raise the standards high of this great Commonwealth to be an example of leadership in this nation of ours.

And, Father, we would remember in closing that which is to take place very shortly. We would ask Your blessing upon

John Maher, and we pray that during this induction ceremony by our Honorable Judge Melvin, that You will bless in hearts, that You will encourage him and that You will use him as a faithful servant among these messengers in the future.

This we pray in the name of our Father and of the Son and of the Holy Spirit. Amen and amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Wednesday, June 18, 1997, will be postponed until printed. The Chair hears none.

JOURNALS APPROVED

The SPEAKER. The following Journals are in print and, without objection, will be approved; these are all for the year 1997: January 7, January 21, January 27, January 28, January 29, February 3, February 4, February 5, February 10, February 11, February 12, March 10, March 11, March 12, March 17, March 18, and March 19.

Without objection, the Journals for those dates will stand approved. The Chair hears no objection, and those Journals are approved.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who requests leave of absence for the gentleman from Centre, Mr. HERMAN; the gentleman from Mercer, Mr. WILT; the gentleman from Lackawanna, Mr. SERAFINI. The Chair hears no objection. Leaves are granted.

The Chair recognizes the gentleman, Mr. Itkin, who requests leaves for the lady from Erie, Ms. BEBKO-JONES; the gentleman from Westmoreland, Mr. MIHALICH; the gentleman from Allegheny, Mr. TRELLO; the gentleman from Cambria, Mr. HALUSKA; the gentleman from Philadelphia, Mr. HORSEY. The Chair hears no objection, and the leaves are granted.

COMMUNICATION FROM AUDITOR GENERAL

The SPEAKER. The Chair acknowledges receipt of the Auditor General's certificate issued pursuant to Article VIII, section 7(a)(4), of the Constitution.

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

**COMMUNICATION FROM
PUBLIC UTILITY COMMISSION**

The SPEAKER. Also, the Chair acknowledges receipt of the Pennsylvania Public Utility Commission's report on "Electric Power Outlook for Pennsylvania 1996-2016."

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

**1997 SURPLUS PROPERTY
DISPOSITION PLAN**

The SPEAKER. The Chair acknowledges receipt of the 1997 Surplus Property Disposition Plan, which will be placed on tomorrow's calendar.

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

LEGISLATIVE FELLOWS INTRODUCED

The SPEAKER. If I may have the attention of the members, I am pleased to introduce to the members of the House four Legislative Fellows who will be working with us through the Legislative Fellowship Program. To the left of the Speaker, Marsha Lee Albright, a criminal justice major at Penn State Harrisburg; Barbara Deppen, a public policy major at Penn State Harrisburg; Jessica Fabian, a public policy major at Penn State Harrisburg; and Paul Uricchio, a speech communication major at Lock Haven University. Would these students please rise. Welcome to the floor of the House.

COMMUNICATION FROM GOVERNOR**VETO OF HOUSE BILL**

The Speaker laid before the House a communication in writing from the office of His Excellency, the Governor of the Commonwealth, advising that the following House bill had been vetoed by the Governor:

HB 502, PN 2071.

Said bill having been returned with the following message:

Commonwealth of Pennsylvania
Office of the Governor
Harrisburg

June 25, 1997

TO THE HONORABLE, THE HOUSE OF REPRESENTATIVES
OF THE COMMONWEALTH OF PENNSYLVANIA

I am returning herewith, without my approval, House Bill 502, Printer's No. 2071, entitled "AN ACT amending the act of May 22, 1933 (P.L.853, No.155), entitled 'An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessment and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws,' further providing for the valuation of property in counties of the second class A and third class and for auxiliary boards of assessment appeals; and providing for refunding of certain unconstitutionally collected personal property tax."

This bill amends the General County Assessment Law of 1982 to limit the rate at which a county can increase its property taxes following a county-wide reassessment. The county is only permitted to levy taxes in the first year following reassessment so that total revenues from the new tax equal the same amount of revenues as in the preceding year. In order to raise taxes in the first year following reassessment, the county must do so by a second specific vote to increase revenue by not more than 5% over the preceding year. The bill also creates auxiliary boards of assessment appeals in fourth through eighth class counties to hear reassessment cases.

This bill also provides that if a tax imposed under the Intangible Personal Property Tax Law is held to be unconstitutional, counties shall only be responsible for a refund of taxes levied and assessed in 1996 or thereafter.

Except for the provisions limiting the right of taxpayers to refunds, the bill offers protections to taxpayers who experience a significant increase in property taxes following a county-wide reassessment. I would approve a bill which contained only these protections, but I cannot do so because the unconstitutional limits on tax refund procedures violate due process.

This bill amends Pennsylvania's tax refund procedures as they impact intangible personal property taxes. These amendments violate due process because they abridge the "clear and certain remedy" that Pennsylvania taxpayers currently possess and which they possessed at the time their intangible personal property taxes were paid.

Under existing law, Pennsylvanians who wish to challenge the constitutional validity of a tax must pay the tax first (to avoid penalties for untimely filings), subsequently obtain judicial review of the tax, and thereafter seek a refund of any taxes found to be unconstitutional. The United States Supreme Court has held that a state, such as Pennsylvania, which operates under such a system must provide its taxpayers with "meaningful post-payment relief" for taxes paid pursuant to any tax scheme ultimately found to be unconstitutional, *McKesson v. Division of Alcohol Beverages and Tobacco*, 496 U.S. 18 (1990). More specifically, a state must provide taxpayers with not only a fair opportunity to challenge the accuracy and legal validity of their tax obligations, but also a "clear and certain remedy" for any erroneous or unlawful tax collection to ensure that the opportunity to contest the tax is a meaningful one, *Id.* at 39 (quoting *Atchison, T. & S.F.R. Co. v. O'Connor*, 223 U.S. 280 (1912)).

Pennsylvania currently provides a "clear and certain remedy" through its refund statute, 72 P.S. section 5566b (a), which provides as follows:

(a) Whenever any person or corporation of this Commonwealth has paid or caused to be paid, or hereafter pays or causes to be paid, into the treasury of any political

subdivision, directly or indirectly, voluntarily or under protest, any taxes of any sort, license fees, penalties, fines or any other moneys to which the political subdivision is not legally entitled; then, in such cases, the proper authorities of the political subdivision, upon the filing with them of a written and verified claim for the refund of the payment, are hereby directed to make, out of budget appropriations of public funds, refund of such taxes, license fees, penalties, fines or other moneys to which the political subdivision is not legally entitled. Refunds of said moneys shall not be made, unless a written claim therefor is filed, with the political subdivision involved, within three years of payment thereof.

Consequently, with respect to all intangible personal property taxes which have been paid to date, Pennsylvania taxpayers had a right to expect, at the time such taxes were paid, that they had a right to such a refund within three years of the payment of such taxes.

House Bill 502 seeks to abridge that right. Most importantly, House Bill 502 mandates that no refunds may be sought except with respect to taxes levied and assessed in 1996 and thereafter. If House Bill 502 is signed, and if the personal property tax is declared unconstitutional tomorrow, taxpayers who otherwise would have been able to recoup wrongfully-paid taxes dating back to June of 1994 will be foreclosed from recovering taxes except for tax years 1996 and 1997. This provision alone renders House Bill 502 unconstitutional.

As the United States Supreme Court has stated, "...what a state may not do...is to reconfigure its scheme, unfairly, in mid-course — to 'bait and switch,' as some have described it. Specifically,...[the State] held out what plainly appeared to be a 'clear and certain' post-deprivation remedy, in the form of its tax refund statute, and then declared, only after [the taxpayer] and others had paid the disputed taxes, that no such remedy exists," *Reich v. Collins*, 130 L.Ed.2d 454, 459 (1994).

In addition to the United States Supreme Court precedent cited above, the Pennsylvania Supreme Court has held that a statutory provision which took away the right to a refund was "manifestly invalid as it impermissibly attempted to 'extinguish a cause of action which had already accrued to a claimant,'" *First National Bank of Fredericksburg v. Commonwealth*, 520 Pa. 244 (1989).

Unfortunately, this bill stands as an absolute bar against recovering any monies for tax years preceding 1996. As such, it changes the rules in "mid-course" and eliminates the post-deprivation remedy with respect to earlier tax years in its entirety. This is constitutionally impermissible.

I therefore withhold my signature from House Bill 502.

Thomas J. Ridge
Governor

COMMUNICATIONS FROM GOVERNOR

APPROVAL OF HOUSE BILLS

The Speaker laid before the House communications in writing from the office of His Excellency, the Governor of the Commonwealth, advising that the following House bills had been approved and signed by the Governor:

HB 8, HB 77, HB 86, HB 87, HB 337, HB 385, HB 479, HB 711, HB 798, HB 848, HB 849, HB 854, HB 924, HB 1054, HB 1055, HB 1160, HB 1341, HB 1375, and HB 1414.

**BILLS REREPORTED FROM
RULES COMMITTEE AND TABLED
PURSUANT TO RULE 22**

HB 155, PN 165 By Rep. PERZEL

An Act requiring counties committing offenders to the Department of Corrections to provide certain background information at the time of commitment.

RULES.

HB 207, PN 229 By Rep. PERZEL

An Act requiring all prison inmates to wear identifiable prison uniforms at all times.

RULES.

HB 220, PN 242 By Rep. PERZEL

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, repealing certain provisions imposing sales and use tax on lawn care services.

RULES.

HB 346, PN 1918 By Rep. PERZEL

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for sales by licensees.

RULES.

HB 371, PN 1974 By Rep. PERZEL

An Act amending the act of June 10, 1982 (P.L.454, No.133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances," further providing for definitions.

RULES.

HB 474, PN 1911 By Rep. PERZEL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of unlawful contact or communication with minor.

RULES.

HB 540, PN 603 By Rep. PERZEL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the Philadelphia Municipal Court Security Account.

RULES.

HB 601, PN 1975 By Rep. PERZEL

An Act providing for community education councils and for powers and duties of community education councils; and making an appropriation.

RULES.

HB 623, PN 2010 By Rep. PERZEL

An Act requiring disclosure of new motor vehicle damage; and providing for enforcement.

RULES.

HB 734, PN 2018 By Rep. PERZEL

An Act amending the act of June 5, 1913 (P.L.419, No.276) entitled "An act to authorize the display of the State, county, city, borough, or other municipal flags on public buildings in the Commonwealth," providing for display of the Pennsylvania flag for deceased firefighters and police officers.

RULES.

HB 908, PN 1016 By Rep. PERZEL

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

RULES.

HB 923, PN 2017 By Rep. PERZEL

An Act amending Titles 62 (Procurement), 1 (General Provisions) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding provisions relating to procurement; and making repeals.

RULES.

HB 943, PN 1057 By Rep. PERZEL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for jurisdiction and venue of district justices.

RULES.

HB 1050, PN 1172 By Rep. PERZEL

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for requirements of cigarette dealers and wholesalers; and further providing for price restrictions.

RULES.

HB 1115, PN 1261 By Rep. PERZEL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for additional methods for the recording and copying of certain records.

RULES.

HB 1463, PN 1742 By Rep. PERZEL

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the City of McKeesport, a tract of land situate in the Seventh Ward, City of McKeesport, Allegheny County.

RULES.

HB 1491, PN 1976 By Rep. PERZEL

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, establishing the Title Insurance Company Recovery Fund.

RULES.

HB 1494, PN 1801 By Rep. PERZEL

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

RULES.

HB 1520, PN 1842 By Rep. PERZEL

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for bail.

RULES.

HB 1573, PN 1933 By Rep. PERZEL

An Act amending the act of September 20, 1961 (P.L.1541, No.657), known as the Pennsylvania Agricultural Commodities Marketing Act of 1968, further providing for the definition of "agricultural commodity."

RULES.

FILMING PERMISSION

The SPEAKER. The Chair wishes to advise the members that permission has been granted to John Sanks of channel 6 to take video of the general proceedings today.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—195

| | | | |
|-----------|------------|-----------|--------------|
| Adolph | DiGirolamo | Maher | Sather |
| Allen | Donatucci | Maitland | Saylor |
| Argall | Druce | Major | Schroder |
| Armstrong | Eachus | Manderino | Schuler |
| Baker | Egolf | Markosek | Scrimenti |
| Bard | Evans | Marsico | Semmel |
| Barley | Fairchild | Masland | Seyfert |
| Barrar | Fargo | Mayernik | Shaner |
| Battisto | Feese | McCall | Smith, B. |
| Belardi | Fichter | McGeehan | Smith, S. H. |

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

After holding out for 37-some years, he finally was able to talk someone into getting married. I think that is wonderful.

SPECIAL ORDER OF BUSINESS

SWEARING IN OF NEW MEMBER

The SPEAKER. Members will please take their seats. Members will please take their seats.

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

ELECTION RETURNS PRESENTED

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

The SERGEANT AT ARMS. Mr. Speaker, the Deputy Secretary of the Commonwealth, Kim Pizzingrilli.

The SPEAKER. The Chair recognizes the Deputy Secretary.

Ms. PIZZINGRILLI. Mr. Speaker, on behalf of the Honorable Yvette Kane, Secretary of the Commonwealth, I have the honor to present the returns for the special election held September 9, 1997, in the 40th Legislative District.

The SPEAKER. The Chair thanks the Deputy Secretary.

The clerk will read the returns.

The following election returns were read:

COMMONWEALTH OF PENNSYLVANIA

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

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

(SEAL)

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

Yvette Kane
Secretary of the Commonwealth

ADDITIONS—0

NOT VOTING—0

EXCUSED—8

| | | | |
|-------------|---------|----------|--------|
| Bebko-Jones | Herman | Mihalich | Trello |
| Haluska | Horsley | Serafini | Wilt |

LEAVES CANCELED—1

Haluska

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the gentleman, Mr. Itkin, who advises the Chair that the gentleman, Mr. Michlovic, is here on the floor of the House, and his name should be removed from the leaves-of-absence list, which it is, and his name will be entered on the master roll call.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair is pleased to advise the members that one of its members, this summer, got married. Congratulations, Mr. McCall.

CERTIFICATE ON ELECTION EXPENSES

COMMONWEALTH OF PENNSYLVANIA

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

In accordance with the provisions of Section 1632(b) of the Pennsylvania Election Code [25 P.S. §3252(b)], I do hereby certify that the candidate who was elected Representative in the General Assembly from the 40th District in the Special Election held September 9, 1997, John A. Maher, has filed all of the reports and statements of contributions and expenditures required by the provisions of Article XVI of the Pennsylvania Election Code entitled "Primary and Election Expenses."

(SEAL)

Witness my hand and the seal of my office this twenty-second day of September, 1997.

Yvette Kane
Secretary of the Commonwealth

COMMITTEE TO ESCORT MEMBER-ELECT

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

The committee will proceed with the performance of its duties.

REMARKS BY JUDGE MELVIN

The SPEAKER. The oath of office required by Article VI, section 3, of the Constitution of Pennsylvania to be taken by members of the General Assembly will be administered by the Honorable Joan Orié Melvin, judge, Court of Common Pleas of Allegheny County, and the sister of Representative Jane Orié. Judge.

JUDGE MELVIN. You know, Speaker, I sat in these great chambers in January of this year to observe my sister Jane, Representative Orié, of the 28th Legislative District being sworn in, and I was awestruck with the awesome responsibilities that you as legislators have, and I agree with Reverend Birdsall that you are the messengers of the future.

John, you are privileged to represent the citizens of the 40th Legislative District in Pennsylvania, but remember that you do have an obligation to represent those less fortunate than us and the interests of this great Commonwealth of Pennsylvania as a whole, because we are all Pennsylvanians in our hearts.

OATH OF OFFICE ADMINISTERED

JUDGE MELVIN. With that in mind, please place your left hand on the Bible, raise your right hand, and repeat after me.

I, John A. Maher, do solemnly swear to support, obey, and defend the Constitution of the United States and the Constitution

of this Commonwealth, and I will discharge the duties of my office with fidelity.

(Member asserted oath.)

JUDGE MELVIN. Congratulations, Representative Maher.

REMARKS BY SPEAKER

The SPEAKER. I, of course, individually, John, want to congratulate you on being elected and being sworn in here today, and I also, on behalf of the members of the Pennsylvania House of Representatives, am pleased to welcome you as our newest colleague and the 104th member of our caucus, which is very important to us – not all of us but some of us.

Today is a special day, John, as you join your colleagues in this chamber to work for the good of the people. It is special because it is the day you take an oath to preserve, protect, and serve with fidelity this Commonwealth. It is special because you are joined here by your parents, Joan and John, and your friends from Allegheny County.

Your arrival here today was preceded by your reputation for honesty, independence, and toughness, as well as the ability to compromise.

A certified public accountant, joining Howard Fargo and Pat Browne – both members of your caucus – as only the third C.P.A. in this body, you have shown yourself to be bright and industrious. Perhaps the three of you will start your own caucus. There seem to be hundreds of caucuses springing up over the years. Maybe a C.P.A. caucus is in the wind.

You have shown yourself to be dedicated – dedicated to those you have promised to serve as a governmental official. As you embark on your journey as a legislator and lawmaker, I am sure you realize that your success will depend on knowing when to fight and when to negotiate, when to hold your ground and when to give ground in order to be victorious.

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

All of us look forward to working with you. Your energy, openness, intelligence, and friendly advice are all welcome. You follow in the footsteps of a gentleman and a friend who will be greatly missed in this chamber, Al Pettit. While difficult shoes to fill, I join the electorate of the 40th District in having no doubt that you are up to the task and will represent them to the utmost of your ability.

Congratulations again, and welcome to the House of Representatives.

GUESTS INTRODUCED

The SPEAKER. Prior to asking the two floor leaders to rise, I would like at this time to ask John's mother and father to please rise; his sister, Jean, and her husband, Jim, and their three children to please rise.

Attorney General Michael Fisher is with us here today.
Senator Tim Murphy.

Now, I know Senator Melissa Hart, we were trying to slow everything down— Oh, there we go. Thank you.

And another one I have not seen is John Broujos, former Representative Broujos. Is he here? I know he was trying to make it. I do not know that he— There he is, in the gallery. Well, I wish you had been down here, John. You certainly are welcome to be down with us.

John Chew, the treasurer of Butler County. John, are you here? Joan. I am sorry; forgive me. I will get a tax bill, I am sure.

REMARKS BY MAJORITY LEADER

The SPEAKER. The majority leader, Representative Perzel, is recognized at this time for remarks.

Mr. PERZEL. I would like to acknowledge the presence of Senator Mary Jo White also, Mr. Speaker.

The SPEAKER. Pardon me, Senator.

Mr. PERZEL. I just wanted to mention, that is more Senators than you will probably get to see for the rest of your time here, John.

I want to be among the first to congratulate the gentleman, Mr. Maher, upon his swearing in as a member of the Pennsylvania House of Representatives.

There is a joke going around that some say redefines the word "optimist," replacing it with the word "voter." Sure, we can chuckle, but I was in Allegheny County several weeks ago when the voters elected John Maher.

I believe the voters from Allegheny and Washington Counties who turned out to vote in the September 9th special election were just that — optimists. I believe the voters not only in the 40th District, Mr. Speaker, but across this great Commonwealth are seeing what we are doing here to make Pennsylvania competitive again in the marketplace for new and better jobs. I believe they like the direction we have been heading, Mr. Speaker, and I believe they are seeing that we are trying as hard as we possibly can to make our neighborhoods and our communities safe, and I believe they are seeing that we are trying hard to reflect their values in what we have been doing here on the floor of the House of Representatives.

Mr. Maher, I have every hope you will become a great legislator. You are representing a district that has produced some of Pennsylvania's finest: Mike Fisher, our Attorney General, who was introduced here earlier today; I was privileged to sit next to Frank "Duke" Marmion for the years that he was here, and a fine gentleman he was; Alice Langtry, who was an outstanding member; and of course, we will always remember your predecessor, Representative Al Pettit, who was an important part of our caucus and this House until his death this past June.

You have big shoes to fill, and I am confident you will be able to come up to that challenge.

Congratulations, and welcome to the House of Representatives.

REMARKS BY DEMOCRATIC LEADER

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

Mr. DeWEESE. Mr. Speaker, General Fisher, Senators, Representative Maher, family, sister and mom, Dean Maher — a

good acquaintance of mine over the years, thanks to our former Representative John Broujos — this moment is obviously a celebratory moment for the new, young, independent, Republican Representative from suburban Pittsburgh. It is passing of the torch, and when the Under Secretary or Deputy Secretary of State, Ms. Yvette Kane's lieutenant, walked down the aisle, a very solemn procession of membership was consecrated. In the innumerable traditions and liturgies of this chamber, nothing is so vital, so respected, so sacrosanct, as the swearing in of a new member.

The good padre, in his initial invocation, talked about trying to be happy. You look happy today, Representative Maher, and I do not blame you. We all should be happy that we are here as a part of this system. Whether we are part of 104 or we are among 99 in the loyal opposition, we should heed the good padre's invocation to try to be happy amidst the toils and troubles that he spoke of.

I could not help but listen, Mr. Speaker, to the words of the judge who swore in Representative John Maher, and implicit in her remarks — and I know the judge a little bit — was an egalitarian call, a communitarian sense of urgency about the business that we do here; that we do not all look alike; that we do not have our names pronounced the same way; that we are a heterogeneous group. At least — Well, really, all of us are. This side might be demographically more heterogeneous. But in that call that the judge made, I heard her imply that there is a grand Commonwealth — a Commonwealth that John Broujos represented so vigorously over the years and Mike Fisher now, by his official charge, represents as our Attorney General; a Commonwealth that from time to time will call for a vote that is not partisan. We can be understrappers or we can be leaders; we have that pick.

Today is your first day in this chamber, and in a very short time, the new Representative will have a chance, I hope, to vote on Governor Ridge's number one priority: liquor stores. The new Representative will have a chance to privatize or not privatize, but you are going to get into the fray very quickly. Issues of some moment will be forthcoming.

It was impossible not to hear the laudations of the chief executive officer of this chamber, the honorable gentleman from Delaware County, when he talked about C.P.A.; C.P.A. You of all people — new, worthy, high-minded, happy Representative — have to realize that our Auditor General was shortchanged \$5 million, so I am looking for an ally in the new C.P.A., and maybe you will get your caucus roiled up and the C.P.A.'s will lead the charge to make sure Bob Casey's Auditor General budget is taken care of.

Now, the last time, Mr. Speaker — and there has to be some inherent flexibility in these moments; has to be — the last time I got all revved up for a new Republican, he did not stay around very long, so I thought I would make some remarks that were more general but necessarily imperative, at least imperative from the loyal opposition.

I am — And I know him a tiny bit. We have had a couple handshakes, and I know the good stock from whence he comes. But I would not be an opposition leader if I just came to the microphone and said blah, blah, blah. Maybe you think I am saying blah, blah, blah. But happy days are not here again for all of us, and we need to use the word that emanated from the mount just a few moments ago; he used it, he used it, and it galvanized my thinking to project it once again: independence, independence.

Amongst almost all of us, this new Representative, this hard-charger who now takes his seat with us, is a man of independent thinking, and I will not go into that, but he knows what I mean. We need an independent Republican. I think that is oxymoronic in some circles, but maybe not on the back row, maybe not on the back row. Maybe this independent Republican member can help us realize. He said as a C.P.A. he was going to make us more accountable. Hopefully the new young Representative can make all of us, including our Governor, more accountable when it comes to campaign finance reform. Representative Levdansky, Representative Michlovic, and others on this side of the aisle, as well as Representative Conti, are anxiously trying to project campaign finance reform. As a new breath of fresh air, a man who has been an independent thinker for a long, long time, I politely admonish you to consider some of our campaign finance reform proposals.

Mr. Speaker, in closing, I am sure that the gentleman is aware, as all of us are aware, that legislation is a Sisyphean struggle. Sisyphus would roll the rock up the mountain to the very precipice, and then the rock would come crashing back down again. It is pro forma for us here in this building, in this chamber. There are innumerable difficulties and challenges, but as the preacher said in the beginning, if we pursue some happiness, some cordiality, some hail-fellow-well-met, you, Representative Maher, can help by your innate gifts to help reestablish some of the necessary civility of this chamber.

I am confident that you will add just that, and on behalf of the loyal opposition, I welcome you and especially your family to our midst. Good luck.

The SPEAKER. The Chair at this time would like to thank, on behalf of the House, Judge Melvin for doing the fine job that she did here moments ago, and I thank her for being with us once again.

With that, unless someone else desires recognition, this special portion of the day's session will be at an end, and I am going to declare the House in recess for a period of 5 minutes so that our guests may exit the House, if they so choose.

RECESS

The SPEAKER. Without more, this House stands in recess for a period of 5 minutes.

AFTER RECESS

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The members are advised that there is a dessert reception, if you will, in 60E, in the new building, for the new member and guests, which, of course, includes all of our members.

REPUBLICAN AND DEMOCRATIC CAUCUSES

The SPEAKER. There will be caucuses, both Republican and Democrat, at 2:30. We will return to the floor at 3:30. Caucuses at 2:30; return to the floor at 3:30.

RECESS

The SPEAKER. The House will stand in recess.

AFTER RECESS

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

HOUSE BILLS INTRODUCED AND REFERRED

No. 1695 By Representatives KELLER, BUTKOVITZ, THOMAS, TIGUE, CORRIGAN, DALEY, BARRAR, HORSEY, LEDERER, DeLUCA, BOSCOLA, McGEEHAN, READSHAW, STABACK, STAIRS, E. Z. TAYLOR, YOUNGBLOOD, PISTELLA, WALKO, CORPORA, TRICH and SCRIMENTI

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the offense of providing an attractive nuisance.

Referred to Committee on JUDICIARY, June 23, 1997.

No. 1696 By Representatives M. COHEN, TRELLO, DALEY, MELIO, BELARDI, WALKO, CARN, ROBINSON, YOUNGBLOOD, HORSEY, MIHALICH, STEELMAN, MANDERINO, JAMES and JOSEPHS

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for trial by jury in juvenile court cases.

Referred to Committee on JUDICIARY, June 23, 1997.

No. 1697 By Representatives M. COHEN, TRELLO, BELARDI, GIGLIOTTI, OLASZ, WALKO, TIGUE, McCALL, BISHOP, STABACK, BELFANTI, RAMOS, CURRY, JAMES, YOUNGBLOOD and STEELMAN

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, allowing jurors the right to have certain questions answered during trials; permitting jurors to take notes during civil and criminal trials; and requiring jurors to be paid a minimum wage.

Referred to Committee on JUDICIARY, June 23, 1997.

No. 1698 By Representatives M. COHEN, STERN, TRELLO, BENNINGHOFF, MAYERNIK, OLASZ, BELARDI, GIGLIOTTI, GORDNER, WALKO, TIGUE, McCALL, BISHOP, STABACK, BELFANTI, RAMOS, CURRY, JAMES, STEELMAN and YOUNGBLOOD

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, permitting jurors to take notes during civil and criminal trials.

Referred to Committee on JUDICIARY, June 23, 1997.

No. 1699 By Representatives M. COHEN, STERN, TRELLO, BENNINGHOFF, OLASZ, BELARDI, GIGLIOTTI, WALKO, TIGUE, McCALL, BISHOP, STABACK, BELFANTI, RAMOS, CURRY, JAMES, YOUNGBLOOD and STEELMAN

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, allowing jurors the right to have certain questions answered during trials.

Referred to Committee on JUDICIARY, June 23, 1997.

No. 1700 By Representatives M. COHEN, TRELLO, MAYERNIK, OLASZ, BELARDI, GIGLIOTTI, GORDNER, WALKO, TIGUE, McCALL, BISHOP, STABACK, JOSEPHS, BELFANTI, RAMOS, CURRY, JAMES, YOUNGBLOOD and STEELMAN

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, requiring jurors to be paid a minimum wage.

Referred to Committee on JUDICIARY, June 23, 1997.

No. 1701 By Representatives SCRIMENTI, TIGUE, CARN, MANDERINO, TRAVAGLIO, BELARDI, OLASZ, CASORIO, SHANER, ROBINSON, YOUNGBLOOD, JAMES, PETRONE, C. WILLIAMS and HALUSKA

An Act requiring the issuance of health insurance at an affordable level for small employer groups, for the rating of basic small group insurance plans, for renewability of coverage and for review of the reforms.

Referred to Committee on INSURANCE, June 25, 1997.

No. 1702 By Representatives SEMMEL, BUNT, HERSHEY, GORDNER, PHILLIPS, TRICH, STAIRS, HALUSKA, LEH, YOUNGBLOOD, DALLY, TRELLO, STERN, STABACK, KREBS, SAYLOR, SATHER, CLARK, MAITLAND, ZIMMERMAN, BAKER, BENNINGHOFF, McNAUGHTON, ROSS and FEESE

An Act amending the act of July 6, 1984 (P.L.652, No.136), known as the Milk Producers' Security Act, further providing for certain bonding.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 25, 1997.

No. 1703 By Representatives VAN HORNE, SAYLOR, LAUGHLIN, TRELLO, CURRY, C. WILLIAMS, WAUGH, BELARDI, PLATTS, BELFANTI and WALKO

An Act amending the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act, further defining "meeting."

Referred to Committee on STATE GOVERNMENT, June 25, 1997.

No. 1704 By Representatives VAN HORNE, GIGLIOTTI, TRELLO, BELARDI, JAMES and YOUNGBLOOD

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for designation of the chief of police and other officers.

Referred to Committee on URBAN AFFAIRS, June 25, 1997.

No. 1705 By Representatives VAN HORNE, GIGLIOTTI, TRELLO, BELARDI, JAMES and YOUNGBLOOD

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for the appointment, compensation and removal of the city clerk.

Referred to Committee on URBAN AFFAIRS, June 25, 1997.

No. 1706 By Representatives STEIL, ROSS, WALKO, STABACK, COLAIZZO, B. SMITH, TRELLO, CORRIGAN, CURRY and L. I. COHEN

An Act amending the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act, further defining "public notice"; defining "work session"; and further providing for public notice and for public participation.

Referred to Committee on STATE GOVERNMENT, June 25, 1997.

No. 1707 By Representatives LEVDANSKY and HANNA

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, establishing the Sportsmen Accountability Coalition and providing for its powers and duties; further providing for the use of the Game Fund; and providing for budget submissions.

Referred to Committee on GAME AND FISHERIES, June 25, 1997.

No. 1708 By Representatives STURLA, JOSEPHS, BLAUM, BELARDI, WALKO, MUNDY, WASHINGTON, ROONEY, ITKIN, STEELMAN, STABACK, PISTELLA, COY, PETRARCA, C. WILLIAMS, EACHUS, SCRIMENTI, MIHALICH and RAMOS

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for standby guardians for minors.

Referred to Committee on JUDICIARY, June 25, 1997.

No. 1709 By Representatives STETLER, SAYLOR, NICKOL, PLATTS, WAUGH, B. SMITH and MASLAND

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, providing for the abolition of jury commissioners in counties of the third class having a population under the Federal Decennial Census in excess of 337,000 residents, but less than 341,000 residents.

Referred to Committee on LOCAL GOVERNMENT, June 30, 1997.

No. 1710 By Representatives STABACK, BELARDI, COLAIZZO, SURRA, LAUGHLIN, McCALL, ROONEY, OLASZ, ORIE, BARRAR, BATTISTO, DALEY, TRELLO, DeLUCA, BELFANTI, PETRARCA, C. WILLIAMS and SCRIMENTI

An Act amending the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act, further providing for public participation, for attorney fees and for penalties.

Referred to Committee on STATE GOVERNMENT, July 1, 1997.

No. 1711 By Representatives CLYMER, EACHUS, BELARDI, HALUSKA, LAUGHLIN, LEH, MICHLOVIC, OLASZ, SAYLOR, E. Z. TAYLOR, TRELLO and YOUNGBLOOD

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 legislative intent, for consent to testing, for counseling and for confidentiality of records; and repealing provisions relating to certification of significant exposure and testing procedures.

Referred to Committee on HEALTH AND HUMAN SERVICES, July 7, 1997.

No. 1712 By Representatives DRUCE, DENT, STEVENSON, ROONEY, MASLAND, MARKOSEK, BOYES, KREBS, NICKOL, NAILOR, SAYLOR, LAUGHLIN, C. WILLIAMS, BOSCOLA, SCHRODER, CARONE, PLATTS, SANTONI, SCRIMENTI, EGOLF, SATHER, LEVDANSKY, ORIE, BARD, DALLY and HENNESSEY

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, reducing the number of members of the House of Representatives.

Referred to Committee on STATE GOVERNMENT, July 11, 1997.

No. 1713 By Representative NICKOL

An Act amending the act of March 1, 1974 (P.L.90, No.24), known as the Pennsylvania Pesticide Control Act of 1973, further providing for the exemption from certain regulation and certification requirements for persons using or applying antimicrobial pesticides.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, July 11, 1997.

No. 1714 By Representative NICKOL

An Act amending the act of December 6, 1972 (P.L.1383, No.293), entitled "An act requiring municipal pension systems to have an actuarial investigation of the fund made by an actuary who shall report his findings to the Department of Community Affairs," further providing for actuarial investigation; and providing for the filing of reports with the Public Employee Retirement Commission.

Referred to Committee on LOCAL GOVERNMENT, July 11, 1997.

No. 1715 By Representatives MILLER, CLYMER, ZIMMERMAN, ITKIN, DEMPSEY, SCHRODER, WILT and STERN

An Act amending the act of November 26, 1982 (P.L.744, No.203), referred to as the Prothonotary Fee Law, providing for the establishment and modification of fees and for the imposition of an additional fee.

Referred to Committee on JUDICIARY, July 15, 1997.

No. 1716 By Representatives BOSCOLA, GORDNER, YOUNGBLOOD, SAYLOR, BELARDI, READSHAW, BATTISTO, M. N. WRIGHT, TIGUE, BROWNE, CASORIO, BLAUM, WOJNAROSKI, J. TAYLOR, DALLY, DeLUCA, LEDERER, EACHUS, TRELLO, B. SMITH and GLADECK

An Act requiring certain inmates with mental abnormalities to be evaluated for and subject to involuntary civil commitment and providing for treatment during their commitment.

Referred to Committee on JUDICIARY, July 15, 1997.

No. 1717 By Representatives SAYLOR, FEESE, MASLAND, CLARK, ORIE, NICKOL, E. Z. TAYLOR, TRUE, KAISER, ARMSTRONG, J. TAYLOR, DeLUCA, PLATTS, RAYMOND, BATTISTO, McCALL, STABACK, BENNINGHOFF, EGOLF, TRELLO, CIVERA, HERSHEY, MILLER, STEELMAN, WASHINGTON, LYNCH, HALUSKA, BOSCOLA, GEIST, McNAUGHTON, CURRY, SCRIMENTI, BEBKO-JONES, MELIO, SATHER, SCHRODER and B. SMITH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for order of probation.

Referred to Committee on JUDICIARY, August 1, 1997.

No. 1718 By Representatives SAYLOR, FEESE, MASLAND, CLARK, ORIE, NICKOL, E. Z. TAYLOR, TRUE, KAISER, ARMSTRONG, J. TAYLOR, DeLUCA, PLATTS, RAYMOND, BATTISTO, McCALL, STABACK, BENNINGHOFF, EGOLF, TRELLO, CIVERA, HERSHEY,

MILLER, STEELMAN, WASHINGTON, LYNCH, HALUSKA, BOSCOLA, GEIST, McNAUGHTON, CURRY, SCRIMENTI, BEBKO-JONES, MELIO, SATHER, SCHRODER, B. SMITH and BELARDI

An Act amending the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, further providing for the power to parole.

Referred to Committee on JUDICIARY, August 1, 1997.

No. 1719 By Representatives STEVENSON, BELARDI, GEIST, BARRAR, BELFANTI, TIGUE, LAUGHLIN, C. WILLIAMS, E. Z. TAYLOR, ITKIN, BOSCOLA, ROSS, YOUNGBLOOD, CLARK, JAMES, CARN, EGOLF, HALUSKA, STABACK, VAN HORNE, CURRY, ROONEY, ORIE, FARGO, PETRONE, McNAUGHTON, TRAVAGLIO, WALKO, THOMAS and HENNESSEY

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for expiration dates on prescription labels.

Referred to Committee on HEALTH AND HUMAN SERVICES, July 28, 1997.

No. 1720 By Representatives WALKO, NAILOR, MASLAND, LEVDANSKY, HANNA, ARMSTRONG, OLASZ, ROBINSON, TANGRETTI, SHANER and McNAUGHTON

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for tax referenda.

Referred to Committee on LOCAL GOVERNMENT, July 28, 1997.

No. 1721 By Representative MASLAND

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for disabled veteran plates.

Referred to Committee on TRANSPORTATION, July 28, 1997.

No. 1722 By Representatives BUTKOVITZ, KELLER, STABACK, LEDERER, DALEY, BELFANTI, McGEEHAN, YOUNGBLOOD, PESCI, SCRIMENTI, E. Z. TAYLOR, WOJNAROSKI, BROWNE, J. TAYLOR and THOMAS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for issuance and content of driver's license and for restraint systems; providing for passenger seating; further providing for periodic inspection of vehicles; and making editorial changes.

Referred to Committee on TRANSPORTATION, July 28, 1997.

No. 1723 By Representatives VEON, BELARDI, BELFANTI, ROONEY, GODSHALL, SCRIMENTI, SCHRODER, WALKO, GIGLIOTTI, LUCYK, TRICH, FAIRCHILD, ROBINSON, STABACK, MELIO, JOSEPHS, TRELLO, STURLA and STERN

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for the definition of "shared custody"; adding definitions; and further providing for custody of children.

Referred to Committee on JUDICIARY, July 28, 1997.

No. 1724 By Representatives VEON, STABACK, BELARDI, WOGAN, WALKO, READSHAW, TRELLO, ROBINSON, SCRIMENTI, THOMAS, SCHRODER, JAMES, YOUNGBLOOD, BOSCOLA, JOSEPHS and KIRKLAND

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for hearings.

Referred to Committee on JUDICIARY, July 28, 1997.

No. 1725 By Representatives VEON, BLAUM, MANDERINO, JAROLIN, GORDNER, DeLUCA, OLIVER, WALKO, MICOZZIE, SEMMEL, TIGUE, MELIO, LaGROTTA, ROBINSON, TRELLO, WOGAN, STABACK, SAINATO, BELARDI, CORRIGAN, GEIST, TANGRETTI, BATTISTO, BROWNE, WOJNAROSKI, LEVDANSKY, ITKIN, CORPORA, RAMOS, BOSCOLA, BEBKO-JONES, CASORIO, PISTELLA, ROONEY, SURRA, GIGLIOTTI, PESCI, COLAFELLA, JAMES, ROEBUCK, COY, E. Z. TAYLOR, STEELMAN, TULLI, C. WILLIAMS, WASHINGTON, PETRARCA, A. H. WILLIAMS, OLASZ and HALUSKA

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for publication of delinquent support obligors; providing for posting of delinquent support obligor identifying information and for payment by the Department of Public Welfare of an annual bonus to certain persons; further providing for contempt for noncompliance with support order, for attachment of income and for continuing jurisdiction over support orders; and providing for a centralized system for reporting newly hired employees.

Referred to Committee on JUDICIARY, July 28, 1997.

No. 1726 By Representatives VEON, GEORGE, WALKO, GEIST, ROONEY, READSHAW, LAUGHLIN, McCALL, CALTAGIRONE, EACHUS, BELARDI, JAMES, MELIO, SHANER, WOJNAROSKI, PISTELLA, OLASZ, CARN, DALEY, STABACK, COWELL, HALUSKA, ITKIN, TRAVAGLIO, LUCYK, DeLUCA, SAINATO, SURRA, BELFANTI, PETRARCA, HANNA, C. WILLIAMS, YOUNGBLOOD, SCRIMENTI, TRICH, LEH, TANGRETTI, COLAFELLA, BLAUM and BROWNE

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

Referred to Committee on FINANCE, July 28, 1997.

No. 1727 By Representatives NICKOL, BUXTON, NAILOR, FARGO, BROWN, SATHER, DEMPSEY, GORDNER, FICHTER, McNAUGHTON, SANTONI, ZUG, MELIO, S. H. SMITH, LYNCH, SCHRODER, McCALL, STERN, BARD, READSHAW, WOGAN, COLAFELLA, TRICH, TANGRETTI, PLATTS, L. I. COHEN, STABACK, SEYFERT, WALKO, BENNINGHOFF, BOSCOLA, HUTCHINSON, TIGUE, MILLER, ROSS, EGOLF, E. Z. TAYLOR, ITKIN, SERAFINI, C. WILLIAMS, HALUSKA, SAYLOR, VANCE, MAITLAND, YOUNGBLOOD, WAUGH, TRAVAGLIO, BAKER, PHILLIPS, HENNESSEY, PISTELLA and BROWNE

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

Referred to Committee on FINANCE, August 1, 1997.

No. 1728 By Representatives KAISER, WALKO, GEORGE, VAN HORNE, MICHLOVIC and BOSCOLA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for permit for movement during course of manufacture.

Referred to Committee on TRANSPORTATION, August 1, 1997.

No. 1729 By Representatives KAISER, READSHAW, TIGUE, STEVENSON, WOJNAROSKI, ITKIN, TRELLO, MARKOSEK, VAN HORNE, BELFANTI, SEYFERT, JAMES, ROSS, YOUNGBLOOD, HALUSKA, WALKO and BOSCOLA

An Act amending the act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945, repealing a provision relating to the investment of authority funds.

Referred to Committee on LOCAL GOVERNMENT, August 1, 1997.

No. 1730 By Representatives GODSHALL, B. SMITH and CAWLEY

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for certain activities by persons holding disabled person permits.

Referred to Committee on GAME AND FISHERIES, August 1, 1997.

No. 1731 By Representatives C. WILLIAMS, DALEY, READSHAW, SCRIMENTI, ITKIN, PRESTON and BELARDI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting children under the age of ten from riding in front seat of passenger vehicles.

Referred to Committee on TRANSPORTATION, August 5, 1997.

No. 1732 By Representatives C. WILLIAMS, DeWEESE, SANTONI, HERMAN, BELARDI, CARN, ORIE, ITKIN, GORDNER, ROBINSON, BATTISTO, LEVDANSKY, THOMAS, LAUGHLIN, BUXTON, DALLY, CASORIO, TIGUE, MANDERINO, MILLER, BEBKO-JONES, MUNDY, YOUNGBLOOD, EVANS, BARD, BOSCOLA, VAN HORNE, STURLA, RUBLEY, GLADECK, JOSEPHS and STEELMAN

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, establishing the Commission for Women and providing for its powers and duties.

Referred to Committee on STATE GOVERNMENT, August 5, 1997.

No. 1733 By Representatives CASORIO, TANGRETTI, VAN HORNE, TRELLO, TRICH, MAYERNIK, WOJNAROSKI, LAUGHLIN, HALUSKA, READSHAW, LEDERER, MELIO, ROBINSON, YOUNGBLOOD, TRUE and C. WILLIAMS

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for the powers and duties of the Department of Health in relation to methadone maintenance facilities.

Referred to Committee on HEALTH AND HUMAN SERVICES, August 5, 1997.

No. 1734 By Representatives STETLER, PESCI, VAN HORNE, CASORIO, WAUGH, C. WILLIAMS and BOSCOLA

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

Referred to Committee on LOCAL GOVERNMENT, August 14, 1997.

No. 1735 By Representatives STETLER, BELARDI, TULLI, B. SMITH, RUBLEY, HERSHEY, WAUGH, BROWNE, L. I. COHEN, VAN HORNE, STEELMAN, TIGUE, RAMOS, YOUNGBLOOD, STURLA, TRAVAGLIO, E. Z. TAYLOR, EACHUS, BENNINGHOFF, CURRY, BARRAR, ROSS and ROONEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing the use of radar by local police officers who meet certain qualifications.

Referred to Committee on TRANSPORTATION, August 14, 1997.

No. 1736 By Representatives STETLER, PESCI, ROONEY, ITKIN, WALKO, WAUGH, MILLER, JAMES, MICOZZIE, GEIST, BELFANTI and PRESTON

An Act amending the act of May 31, 1933 (P.L.1108, No.272), entitled, as amended, "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," further providing for applicants for any position in the fire department.

Referred to Committee on URBAN AFFAIRS, August 14, 1997.

No. 1737 By Representatives STETLER, VAN HORNE, PESCI, WALKO, JAMES, MELIO, PLATTS, GEIST, BELFANTI and PRESTON

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for county boards of elections.

Referred to Committee on STATE GOVERNMENT, August 14, 1997.

No. 1738 By Representatives GODSHALL, LEVDANSKY, WILT, C. WILLIAMS, CLYMER, CLARK, SCRIMENTI, RUBLEY, PLATTS, LAUGHLIN, LEH, OLASZ, EGOLF, KAISER, DeWEESE, HERMAN, READSHAW, TRELLO, ROBINSON, HENNESSEY, HESS, MILLER, SEYFERT, McNAUGHTON and ROBERTS

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for the establishment of a new class of regulated lakes.

Referred to Committee on GAME AND FISHERIES, August 14, 1997.

No. 1739 By Representatives GODSHALL, MICOZZIE, LYNCH, KENNEY, CLARK, HERSHEY, ROSS, HENNESSEY, CIVERA, and YOUNGBLOOD

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 approval of policies and contracts.

Referred to Committee on INSURANCE, August 14, 1997.

No. 1740 By Representatives EGOLF, CLARK, BENNINGHOFF, VANCE, MARSICO, FEESE, NAILOR, McNAUGHTON, SAYLOR, STABACK, TIGUE, BAKER, GODSHALL, PHILLIPS, HUTCHINSON, COY, ZUG, MUNDY, GLADECK, SANTONI, WAUGH, BARRAR, MASLAND, DEMPSEY, SEMMEL, MELIO, RUBLEY, FAIRCHILD, JADLOWIEC, LEH, ROHRER, MAJOR, TULLI, LAWLESS, ADOLPH, BROWNE, STEVENSON, HESS, ALLEN,

CORNELL, HERSHEY, McILHATTAN, REBER, ARMSTRONG, DENT, CASORIO, ORIE, TRAVAGLIO, TRUE, HALUSKA, FICHTER, HERMAN, CHADWICK, BUNT, KREBS, J. TAYLOR, MAYERNIK, WOJNAROSKI, LYNCH, NICKOL, DALEY, CORRIGAN, D. W. SNYDER, PIPPY, E. Z. TAYLOR, M. N. WRIGHT, PLATTS, ARGALL, WALKO, STRITTMATTER, GEIST, OLASZ, ITKIN, VAN HORNE and ZIMMERMAN

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 ineligibility of incarcerated employees.

Referred to Committee on LABOR RELATIONS, September 11, 1997.

No. 1741 By Representatives ROONEY, DeLUCA, DeWEESE, WASHINGTON, TRELLO, BOSCOLA, MELIO, STABACK and JOSEPHS

An Act providing for medical practice disclosure; imposing powers and duties on the Department of State; and providing for penalties.

Referred to Committee on PROFESSIONAL LICENSURE, August 27, 1997.

No. 1742 By Representatives FLICK, WAUGH, ARMSTRONG, ROSS, FICHTER, ZIMMERMAN, FARGO, E. Z. TAYLOR, CONTI, McGILL, ADOLPH, STERN, EGOLF, HENNESSEY, HERSHEY and McNAUGHTON

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 ineligibility for compensation.

Referred to Committee on LABOR RELATIONS, August 27, 1997.

No. 1743 By Representatives STETLER, STURLA, PETRONE, BELARDI, MASLAND, RUBLEY, KREBS, BENNINGHOFF, DALEY, WOGAN, READSHAW, SANTONI, TRELLO, C. WILLIAMS, TRUE, ORIE, PLATTS, SEYFERT, BOSCOLA and STEELMAN

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for filing for office with more than one party.

Referred to Committee on STATE GOVERNMENT, August 27, 1997.

No. 1744 By Representatives BIRMELIN, BATTISTO, CLYMER, OLASZ, BELARDI, PHILLIPS, HENNESSEY, MARSICO, B. SMITH, ORIE, GODSHALL, MASLAND, LYNCH, DALEY, M. N. WRIGHT, FLEAGLE, COY, STABACK, WILT, GEIST, WAUGH, ROONEY, PLATTS, KENNEY, RAYMOND, ALLEN, BROWN, FICHTER,

BOSCOLA, MELIO, READSHAW, DeLUCA, SERAFINI, BROWNE, BAKER, HUTCHINSON, S. H. SMITH, NICKOL, BARD, FARGO, MAITLAND, SAYLOR, LEDERER, HARHART, TRELLO, DALLY, SANTONI, HESS, BENNINGHOFF, STERN, ADOLPH, TRUE, DRUCE, LEH, MILLER, WALKO, ARMSTRONG, ITKIN, ROHRER, E. Z. TAYLOR, EGOLF, JOSEPHS, STEELMAN, SEYFERT, McNAUGHTON, CALTAGIRONE and ROBERTS

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for collection of restitution, reparation, fees, costs, fines and penalties and for record requirements.

Referred to Committee on JUDICIARY, September 3, 1997.

No. 1745 By Representatives BIRMELIN, BATTISTO, CLYMER, OLASZ, BELARDI, PHILLIPS, HENNESSEY, MARSICO, B. SMITH, ORIE, GODSHALL, MASLAND, LYNCH, DALEY, M. N. WRIGHT, FLEAGLE, COY, STABACK, WILT, GEIST, WAUGH, ROONEY, PLATTS, KENNEY, RAYMOND, ALLEN, BROWN, FICHTER, BOSCOLA, MELIO, READSHAW, DeLUCA, SERAFINI, BROWNE, BAKER, HUTCHINSON, S. H. SMITH, NICKOL, BARD, FARGO, MAITLAND, SAYLOR, LEDERER, HARHART, TRELLO, DALLY, SANTONI, HESS, BENNINGHOFF, STERN, ADOLPH, TRUE, DRUCE, LEH, MILLER, WALKO, ARMSTRONG, ITKIN, ROHRER, E. Z. TAYLOR, EGOLF, JOSEPHS, STEELMAN, SEYFERT, McNAUGHTON, CALTAGIRONE and ROBERTS

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for restitution for injuries to person or property.

Referred to Committee on JUDICIARY, September 3, 1997.

No. 1746 By Representatives SAYLOR, McNAUGHTON, FAIRCHILD, ARGALL, LEVDANSKY, STEELMAN, SURRA, HERMAN, EGOLF, STERN, WAUGH, E. Z. TAYLOR, PLATTS, M. N. WRIGHT, YOUNGBLOOD, TIGUE, BARD, BENNINGHOFF, STEIL, STURLA, SATHER, MELIO and BELARDI

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, further providing for unlawful conduct relating to waste from other states.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, September 3, 1997.

No. 1747 By Representatives STEVENSON, FARGO, B. SMITH, MASLAND, ARMSTRONG, HALUSKA, BROWNE, GODSHALL, E. Z. TAYLOR, DeLUCA, READSHAW, TIGUE, BOSCOLA, CLYMER, CLARK, BAKER, NAILOR, McGEEHAN, TRUE, DENT, LYNCH, RUBLEY, WOGAN, SHANER, CHADWICK, BATTISTO, EGOLF, SEYFERT and McNAUGHTON

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, recognizing expulsions by other entities.

Referred to Committee on EDUCATION, September 3, 1997.

No. 1748 By Representatives DeLUCA, M. COHEN, READSHAW, MUNDY, GORDNER and YOUNGBLOOD

An Act amending the act of May 28, 1715 (1 Sm.L.94, Ch.208), entitled "An act for acknowledging and recording of deeds," further providing for satisfaction of mortgages.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, September 4, 1997.

No. 1749 By Representatives DeLUCA, M. COHEN, BOSCOLA, YOUNGBLOOD, MASLAND and McNAUGHTON

An Act amending the act of July 2, 1993 (P.L.345, No.48), entitled "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension," providing criminal penalties for failing to disclose certain disciplinary and other information.

Referred to Committee on JUDICIARY, September 4, 1997.

No. 1750 By Representatives DeLUCA, M. COHEN, C. WILLIAMS, CURRY, YOUNGBLOOD and HENNESSEY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for possession of firearms by minors and revoking the firearm license for certain offenders.

Referred to Committee on JUDICIARY, September 4, 1997.

No. 1751 By Representatives DeLUCA, LEVDANSKY, BOSCOLA and ROBERTS

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, excluding gas companies from the gross receipts tax.

Referred to Committee on FINANCE, September 4, 1997.

No. 1752 By Representatives DiGIROLAMO, FARGO, E. Z. TAYLOR, DeWEESE, CLYMER, ADOLPH, HABAY, HENNESSEY, JAMES, KAISER, MELIO, OLASZ, SERAFINI, STABACK, M. COHEN, TRELLO, YOUNGBLOOD and McNAUGHTON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for sale or illegal use of certain solvents.

Referred to Committee on JUDICIARY, September 4, 1997.

No. 1753 By Representatives VEON, DeWEESE, DeLUCA, GEORGE, MASLAND, LAUGHLIN, M. COHEN, GORDNER, YOUNGBLOOD, READSHAW, CASORIO, STABACK,

BOSCOLA, OLASZ, VAN HORNE, GRUITZA, PESCI, DALEY, COLAFELLA, TANGRETTI, TRICH, WOGAN, CORPORA, TRELLO, YEWIC, ROONEY, SANTONI, C. WILLIAMS, STETLER, McCALL, KENNEY, WALKO, LEVDANSKY, PRESTON, DONATUCCI, MICOZZIE, CAPPABIANCA, STERN, MELIO, WOJNAROSKI, BELARDI, LUCYK, GEIST, ALLEN, JOSEPHS, MANDERINO and McNAUGHTON

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for compensation of election officers.

Referred to Committee on STATE GOVERNMENT, September 9, 1997.

No. 1754 By Representatives SEYFERT, LAUGHLIN, MELIO, HALUSKA, JAROLIN, SEMMEL, CASORIO, DALEY, DeLUCA, STABACK, OLASZ, E. Z. TAYLOR, SERAFINI, SCRIMENTI, YOUNGBLOOD, HENNESSEY, WALKO, BOSCOLA and CAPPABIANCA

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for appeals for personal care home residents discharge notification.

Referred to Committee on HEALTH AND HUMAN SERVICES, September 9, 1997.

No. 1755 By Representatives GODSHALL, CORNELL, LAWLESS, HERSHEY, ARMSTRONG, RAYMOND, FICHTER, STEIL, ROBERTS, TRELLO, REBER and BUNT

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for the valuation of property in counties of the second class A and third class and for auxiliary boards of assessment appeals.

Referred to Committee on URBAN AFFAIRS, September 10, 1997.

No. 1756 By Representatives BIRMELIN and CALTAGIRONE

An Act amending the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, further providing for the power to parole.

Referred to Committee on JUDICIARY, September 10, 1997.

No. 1757 By Representatives WOJNAROSKI, READSHAW, MAYERNIK, KAISER, GODSHALL, COY, ROSS, CASORIO, LEDERER, STABACK, SHANER, STURLA, B. SMITH, FARGO, DeLUCA, PISTELLA, BENNINGHOFF, TANGRETTI, HUTCHINSON, M. COHEN, WASHINGTON, WAUGH, KELLER, DALLY, BROWNE, TIGUE, ORIE, BOSCOLA, YOUNGBLOOD, STERN, WILT, PLATTS, CORPORA, SERAFINI, LYNCH, EGOLF, LAUGHLIN, PHILLIPS, HENNESSEY, TRICH, STEELMAN, PETRARCA and McNAUGHTON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of solicitation of minors to traffic drugs.

Referred to Committee on JUDICIARY, September 11, 1997.

No. 1758 By Representative M. N. WRIGHT

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for civil actions for crime victims.

Referred to Committee on JUDICIARY, September 11, 1997.

No. 1759 By Representatives FLICK, BENNINGHOFF and BARRAR

An Act repealing the act of April 14, 1905 (P.L.162, No.118), entitled "An act regulating the method and procedure in the erection of line or partition fences."

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, September 16, 1997.

No. 1760 By Representatives FLICK, BENNINGHOFF and BARRAR

An Act repealing the act of May 13, 1925 (P.L.663, No.355), entitled "An act providing for the enumeration of registered persons in the Commonwealth, and the publication of a tabulation thereof by the Secretary of the Commonwealth; and imposing certain duties upon registrars, assessors, registry assessors, and county commissioners."

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, September 16, 1997.

No. 1761 By Representatives BARRAR, FLICK, FICHTER, FARGO, M. COHEN, WILT, BENNINGHOFF, ARGALL, LESCOVITZ, HENNESSEY, ROSS, SAYLOR, RUBLEY, BROWN, McNAUGHTON and MAITLAND

An Act repealing the act of December 1, 1965 (P.L.977, No.357), entitled "An act authorizing cities of the first class and counties of the first class to adopt the food stamp program and providing for payment of the costs of administration thereof."

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, September 16, 1997.

No. 1762 By Representatives BARRAR, FLICK, FICHTER, FARGO, M. COHEN, WILT, BENNINGHOFF, ARGALL, LESCOVITZ, HENNESSEY, ROSS, SAYLOR, RUBLEY, BROWN, McNAUGHTON and MAITLAND

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, repealing the food stamp program.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, September 16, 1997.

No. 1763 By Representatives BENNINGHOFF, FLICK, BARRAR, WILT and FICHTER

An Act repealing certain parts of acts as being supplemented or superseded by other acts or otherwise obsolete.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, September 16, 1997.

No. 1764 By Representatives BENNINGHOFF, FLICK, BARRAR, WILT and FICHTER

An Act repealing the act of May 8, 1889 (P.L.125, No.138), entitled "An act providing for the paving and curbing of such portions of Third street, Fourth street, Walnut street and North street in the City of Harrisburg, as the Public Grounds of the Commonwealth abut on, as is properly chargeable to the State, and making appropriation for the cost of the same."

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, September 16, 1997.

No. 1765 By Representatives BENNINGHOFF, FLICK, BARRAR, WILT and FICHTER

An Act repealing certain acts as being supplemented or superseded by other acts or otherwise obsolete.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, September 16, 1997.

No. 1766 By Representatives BARRAR, FLICK, FICHTER, FARGO, M. COHEN, WILT, BENNINGHOFF, ARGALL, LESCOVITZ, HENNESSEY, SAYLOR, RUBLEY, ROSS, BROWN, McNAUGHTON and MAITLAND

An Act repealing the act of July 9, 1986 (P.L.1216, No.108), known as the Enterprise Zone Municipal Tax Exemption Reimbursement Act.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, September 16, 1997.

No. 1767 By Representatives VEON, GEORGE, LAUGHLIN, DeWEESE, PETRARCA, DeLUCA, BELFANTI, ROBINSON, SURRA, BELARDI, TRELLO, JAMES, STABACK, TANGRETTI, ITKIN, MELIO, LEVDANSKY and JOSEPHS

An Act amending the act of October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act, further providing for financial assistance.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, September 22, 1997.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 224 By Representatives GEORGE, BELARDI, TRELLO, PISTELLA, BELFANTI, READSHAW, BEBKO-JONES, SATHER, MELIO, JOSEPHS, JAMES, LAUGHLIN, SHANER, SERAFINI, TRAVAGLIO, LaGROTTA, STABACK, SCRIMENTI, YOUNGBLOOD and STEELMAN

A Resolution requesting the Pennsylvania Public Utility Commission to take certain action under Act 138 of 1996, to provide stronger consumer protection measures in pilot projects.

Referred to Committee on RULES, June 23, 1997.

No. 226 By Representatives BUXTON, SEMMEL, LLOYD, WOGAN, TULLI, McNAUGHTON, MARSICO, STABACK, LEH, LaGROTTA, KENNEY, McCALL, FICHTER, HERSHEY and COLAIZZO

A Resolution amending House Resolution No. 111, adopted April 29, 1997, entitled "A resolution directing the Subcommittee on Telecommunications of the House Committee on Consumer Affairs to investigate all aspects of cellular transmission antennas," further providing for the date of submission of recommendations.

Referred to Committee on RULES, September 22, 1997.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 10, PN 2194 (Amended) By Rep. B. SMITH

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for marking of dams.

GAME AND FISHERIES.

HB 492, PN 2195 (Amended) By Rep. REINARD

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.

URBAN AFFAIRS.

HB 1512, PN 1835 By Rep. B. SMITH

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for issuance of reduced fee fishing licenses to certain owners or possessors of land open to public fishing.

GAME AND FISHERIES.

HB 1730, PN 2154 By Rep. B. SMITH

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for certain activities by persons holding disabled person permits.

GAME AND FISHERIES.

HB 1739, PN 2196 (Amended)

By Rep. MICOZZIE

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 approval of policies and contracts.

INSURANCE.

SB 55, PN 953

By Rep. B. SMITH

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for operating watercraft under influence of alcohol or controlled substance, for chemical testing and for classification of offenses and penalties.

GAME AND FISHERIES.

SB 213, PN 1027

By Rep. GEIST

An Act designating a covered bridge on which SR 3021 crosses over Tom's Creek in Adams County as the G. Donald McLaughlin Memorial Covered Bridge.

TRANSPORTATION.

SB 279, PN 279

By Rep. GEIST

An Act designating a section of Route 3013 in Westmoreland County, Pennsylvania, as the C. Vance DeiCas Memorial Highway.

TRANSPORTATION.

SB 307, PN 1298 (Amended)

By Rep. GLADECK

An Act prohibiting termination and discipline of an employee for failing to report to work during a state of emergency; and providing penalties.

LABOR RELATIONS.

BILL REMOVED FROM TABLE

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

Mr. PERZEL. Mr. Speaker, I move that SB 279 be removed from the table and placed on the active calendar.

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

BILL RECOMMENDED

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

Mr. PERZEL. Mr. Speaker, I move that SB 279 be recommitted to the Committee on Appropriations.

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

BILL AND VETO MESSAGE Tabled

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

Mr. PERZEL. Mr. Speaker, I move that the veto message of the Governor of the Commonwealth with respect to HB 502 be placed on the table.

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair is pleased to interrupt today's proceedings momentarily to call to the attention of the House that Representative and Mrs. Wojnaroski had their first grandchild, Aleksander H. Wojnaroski, who arrived at 1:14 a.m. on Saturday, September 20, at Allegheny General Hospital. He weighed in at 7 pounds 7 ounces. The mother and father, Sabrina and Edward, Jr., are doing fine, much better than the grandfather, I hear.

**REPORT OF
COMMITTEE ON COMMITTEES**

The SPEAKER. The clerk is instructed to read the following supplemental report of the Committee on Committees.

The following report was read:

July 18, 1997

**REPORT OF
COMMITTEE ON COMMITTEES**

Jane Orie appointed to fill the vacancy on the House Standing Appropriations Committee created by the death of Representative Al Pettit.

Respectfully submitted,
George C. Hasay, Chairman
Committee on Committees

September 19, 1997

**REPORT OF
COMMITTEE ON COMMITTEES****LABOR RELATIONS**

Representative John Maher appointed to fill the vacancy on the House Standing Committee on Labor Relations, created by the death of Representative Al Pettit.

LOCAL GOVERNMENT

Representative John Maher appointed to fill the vacancy on the House Standing Committee on Local Government, created by the death of Representative Al Pettit.

STATE GOVERNMENT

Jane Orie resigns from the House Standing Committee on State Government.

Larry Sather appointed to fill the vacancy on the House Standing Committee on State Government.

TRANSPORTATION

Representative John Maher appointed to fill the vacancy on the House Standing Committee on Transportation as Secretary, created by the death of Representative Al Pettit.

URBAN AFFAIRS

Jane Orié resigns from the House Standing Committee on Urban Affairs.

Representative John Maher appointed to fill the vacancy on the House Standing Committee on Urban Affairs.

Patricia Carone resigns from the House Standing Committee on Urban Affairs.

Frank Tulli appointed to fill the vacancy on the House Standing Committee on Urban Affairs.

Respectfully submitted,
George C. Hasay, Chairman
Committee on Committees

On the question,
Will the House adopt the resolution?
Resolution was adopted.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. Members, may I have your attention, please. May I please have your attention.

On Saturday, September 20, Connie McHugh, a former member of the House, passed away. She is a recent member, and that is why I interrupt the proceedings to advise you of it. Funeral services are this Wednesday, September 24, at 8:30 a.m., from the Rogers Funeral Home at 1426-30 South 3d Street in Philadelphia, followed by a Mass of Christian Burial at Sacred Heart of Jesus Church at 10 a.m., with interment at Arlington Cemetery in Drexel Hill. There will be a memorandum available and forwarded by the Chief Clerk's Office. However, because of the time pressures, I thought I would take this opportunity in our proceedings to interrupt the proceedings to advise you of this. There will be a viewing on Tuesday evening from 7 p.m. until 9 p.m.

CONDOLENCE RESOLUTIONS

The SPEAKER. We are now about to take up two condolence resolutions on the death of former members of this House. The Sergeant at Arms will close the doors of the House. Members will take their seats. The Sergeant at Arms will close the doors of the House.

The clerk will read both resolutions in sequence, please.

The following resolutions were read:

COMMONWEALTH OF PENNSYLVANIA THE HOUSE OF REPRESENTATIVES

RESOLUTION

WHEREAS, Fred J. Shupnik of Luzerne, former member of the Pennsylvania Legislature, passed away July 15, 1997 at the age of eighty; and

WHEREAS, Mr. Shupnik served his constituents from the 119th District as a member of the House of Representatives for twelve terms, retiring in 1982. He served on the House education committees and as the chairman of the executive committee of the Pennsylvania Higher Education Assistance Administration. In addition, Mr. Shupnik was most proud of his endeavors which resulted in the 1968 opening of Frances Slocum State Park and the 1973 extinguishing of the Glen Lyon culm bank fire; and

WHEREAS, A graduate of the University of Scranton and New York University, Mr. Shupnik was a teacher for the former Luzerne High School and later the Wyoming Valley West School District. He was also the head basketball coach at Luzerne High School for fifteen years, where his teams won several conference championships, and an assistant football coach. He retired from teaching in 1971 and was inducted into the Northeast Region of the Pennsylvania Sports Hall of Fame, Luzerne County Chapter, in 1994. Mr. Shupnik was a United States Navy veteran of World War II where he served in the southwest Pacific; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with great sadness the passing of Fred J. Shupnik, beloved family member, esteemed governmental leader and dedicated educator; extend heartfelt condolences to his wife, Margaret Hutsko Shupnik; daughters, Margaret Shupnik-Barrett and Susan Anderson; and one grandchild; and be it further

RESOLVED, That a copy of this resolution, sponsored by Stanley J. Jarolin, be transmitted to Mrs. Margaret Hutsko Shupnik, 550 Charles Street, Luzerne, Pennsylvania 18709.

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

COMMONWEALTH OF PENNSYLVANIA THE HOUSE OF REPRESENTATIVES

RESOLUTION

WHEREAS, William Robert Korns, DVM, of Somerset, a retired veterinarian and a Paul Harris Fellow of Rotary International, passed away on July 13, 1997 at the age of eighty-two; and

WHEREAS, A graduate of the University of Pennsylvania School of Veterinary Medicine, Dr. Korns retired from veterinary medicine in 1989. In addition to his practice, he served in the Pennsylvania House of Representatives from 1954 to 1964 and was elected to the Somerset Borough Council in 1987. He also served two decades on the Somerset School Board. A member of St. Paul's United Church of Christ; Somerset Lodge 858, F&AM; and Jaffa Shrine, Dr. Korns had been a member of the Somerset Rotary Club since 1939 and was a Paul Harris Fellow of Rotary International; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with great sadness the passing of William Robert Korns, DVM, whose life greatly benefited all those who lived, served and worked with him; extend heartfelt condolences to his sons, Dr. William Preston and Richard Edmund; daughters, Barbara Ann Swanson, Roberta Louise Long, and Linda Jeanne Troll; and six grandchildren; and be it further

RESOLVED, That a copy of this resolution, sponsored by William R. Lloyd, Jr., be transmitted to the Family of William Robert Korns, DVM.

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

On the question,
Will the House adopt the resolutions?

The SPEAKER. Those in favor of the resolutions will rise and remain standing as a mark of respect for the deceased former members. Guests will also please rise.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memories of the Honorable Fred J. Shupnik and the Honorable William Robert Korns.)

The SPEAKER. The resolutions have been unanimously adopted.

The Sergeant at Arms will open the doors of the House.

VOTE CORRECTIONS

The SPEAKER. The gentleman, Mr. Shaner. Did you seek recognition to correct a vote?

Mr. SHANER. Thank you, Mr. Speaker.

I would like to correct the record of June 11.

The SPEAKER. The gentleman is in order.

Mr. SHANER. On amendment 3012 to SB 631, I would like to be registered in the affirmative, please.

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

The gentleman, Mr. Lescovitz. Did you desire recognition?

Mr. LESCOVITZ. Thank you, Mr. Speaker.

I would like to correct the record.

For amendment 2886 for SB 423 on June 11, I was recorded as a "no" vote. I would like to be recorded in the affirmative.

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

URBAN AFFAIRS COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Reinard.

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a committee announcement.

The SPEAKER. The gentleman is in order.

Mr. REINARD. The House Urban Affairs Committee meeting originally scheduled for Thursday of this week has been changed. The new date will be Wednesday at 10 a.m. in 302 South Office Building.

The SPEAKER. The Chair thanks the gentleman.

VOTE CORRECTIONS

The SPEAKER. The gentleman, Mr. Petrone.

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, on June 11 on SB 125, my vote was not recorded on amendment 3187. I would like to be recorded in the affirmative.

On amendment 3202, SB 125, on the same date, I want to be recorded in the negative. Thank you, Mr. Speaker.

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

The gentleman, Mr. Walko.

Mr. WALKO. Thank you, Mr. Speaker.

I rise to correct the record.

I was not recorded as having voted on HR 216 on June 11. I would like to be recorded in the affirmative.

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

CALENDAR

BILLS ON THIRD CONSIDERATION

BILLS PASSED OVER

The SPEAKER. The Chair turns to page 1 of today's calendar. SB 672 and HB 1258, without objection, are over. The Chair hears none.

* * *

The House proceeded to third consideration of **SB 635, PN 667**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the definition of the offense of assault by prisoner; providing for consecutive sentences in certain aggravated assault cases and in cases involving assaults by prisoners and for aggravated harassment by prisoner; and further providing for assault by life prisoner.

On the question recurring,

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

The SPEAKER. Is the gentleman, Mr. Chadwick, on the floor?

Mr. Chadwick, when last we met, the House was discussing amendment 3127, and you were the sponsor, I believe, of that amendment. It is my understanding that that has since been withdrawn. Is that accurate? The Chair thanks the gentleman.

Members, may I please have your attention. At least some of you had amendments to this bill earlier in the year. It is my information that all amendments to SB 635, with the exception of the amendments of the lady, Ms. Steelman, have been withdrawn. Now, I am going to go through the names: Haluska, Dent, Masland, Stetler, Chadwick, Caltagirone — we have done them — Blaum, Trello.

The gentleman, Mr. Caltagirone, your amendment was adopted.

Mr. CALTAGIRONE. It has been adopted?

The SPEAKER. Yes.

Mr. CALTAGIRONE. Okay. Thank you, Mr. Speaker.

The SPEAKER. The Masland amendment was adopted.

Mr. Lloyd, my recollection is that your amendment was withdrawn.

Mr. LLOYD. Mr. Speaker, the packets which were passed out have six amendments of mine. I am willing to withdraw all of them based on an answer to a question with regard to

Mr. Chadwick's amendments. The first two amendments, 2750 and 2845, are withdrawn because they dealt with a subject which was enacted in a separate piece of legislation.

In packet No. 2, I am listed for amendments 3400 through 3403. Those were to be amendments to the Chadwick amendment. Am I correct in assuming that when Mr. Chadwick withdrew 3127, that he has not replaced that with some other amendment?

The SPEAKER. Mr. Chadwick, would you care to answer that?

Mr. CHADWICK. Thank you, Mr. Speaker.

It is my intention to make a motion to suspend the rules to offer a replacement amendment.

Mr. LLOYD. Well, then, Mr. Speaker, if that motion to suspend the rules is successful and I can get down from the Reference Bureau my four amendments drafted to his new amendment, I would also ask to suspend the rules at that time, but 3400 through 3403 would be out of order assuming that 3127 is withdrawn.

On the question recurring,

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

Mr. KAISER offered the following amendment No. A3339:

Amend Title, page 1, line 9, by inserting after "providing" for sentencing for the offense of drug delivery resulting in death and

Amend Sec. 1, page 1, lines 10 and 11, by striking out all of said lines and inserting

Section 1. Sections 2506 and 2703 of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:

§ 2506. Drug delivery resulting in death.

(a) General rule.—A person commits murder of the third degree who administers, dispenses, delivers, gives, prescribes, sells or distributes any controlled substance or counterfeit controlled substance in violation of section 13(a)(14) or (30) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, and another person dies as a result of using the substance.

(b) Mandatory minimum sentence.—A person convicted under subsection (a) shall be sentenced to a [mandatory minimum term of imprisonment of five years] minimum sentence of at least five years of total confinement and a fine of \$15,000, or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity, notwithstanding any other provision of this title or other statute to the contrary.

[(c) Proof of sentencing.—Provisions of this section shall not be an element of the crime. Notice of the applicability of this section to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing. The court shall consider evidence presented at trial, shall afford the Commonwealth and the defendant an opportunity to present necessary additional evidence and shall determine, by a preponderance of the evidence, if this section is applicable.]

(d) [Mandatory] Authority of court in sentencing.—There shall be no authority in any court to impose on an offender to which this section is applicable a lesser sentence than provided for herein or to place the offender on probation, parole, work release or prerelease or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than provided herein. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided herein. Disposition under

section 17 or 18 of The Controlled Substance, Drug, Device and Cosmetic Act shall not be available to a defendant to which this section applies.

(e) [Appellate review] Appeal by Commonwealth.—If a sentencing court refuses to apply [this section] subsection (b) where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with [this section] subsection (b) if it finds that the sentence was imposed in violation of [this section] subsection (b).

(f) Forfeiture.—Assets against which a forfeiture petition has been filed and is pending or against which the Commonwealth has indicated an intention to file a forfeiture petition shall not be subject to a fine. Nothing in this section shall prevent a fine from being imposed on assets which have been subject to an unsuccessful forfeiture petition.

On the question,

Will the House agree to the amendment?

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

Mr. KAISER. Mr. Speaker, this amendment is corrective language to drug delivery resulting in death. I ask for an affirmative vote. Thank you.

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

Mr. PERZEL. Thank you, Mr. Speaker.

This is an agreed-to amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

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

| | | | |
|------------|-----------|----------|-----------------|
| Cohen, M. | Josephs | Preston | Vitali |
| Colaafella | Kaiser | Ramos | Walko |
| Colaizzo | Keller | Raymond | Washington |
| Conti | Kenney | Readshaw | Waugh |
| Cornell | Kirkland | Reber | Williams, A. H. |
| Corpora | Krebs | Reinard | Williams, C. |
| Corrigan | LaGrotta | Rieger | Wogan |
| Cowell | Laughlin | Roberts | Wojnaroski |
| Coy | Lawless | Robinson | Wright, M. N. |
| Curry | Lederer | Roebuck | Yewcic |
| Daley | Leh | Rohrer | Youngblood |
| Dally | Lescovitz | Rooney | Zimmerman |
| DeLuca | Levdansky | Ross | Zug |
| Dempsey | Lloyd | Rubley | |
| Dent | Lucyk | Sainato | Ryan, |
| Dermody | Lynch | Santoni | Speaker |
| DeWeese | | | |

NAYS-0

NOT VOTING-0

EXCUSED-8

| | | | |
|-------------|--------|----------|--------|
| Bebko-Jones | Herman | Mihalich | Trello |
| Haluska | Horsey | Serafini | Wilt |

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

LEAVE OF ABSENCE CANCELED

The SPEAKER. The gentleman, Mr. Itkin, seeks recognition. For what purpose?

Mr. ITKIN. Mr. Speaker, to return to leaves of absence.

The gentleman, Mr. Haluska, from Cambria County has appeared in the hall of the House. I would like him removed from the leave of absence and placed on the master roll.

The SPEAKER. Without objection, that will be done. The Chair hears none.

CONSIDERATION OF SB 635 CONTINUED

On the question recurring,

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

MOTION TO SUSPEND RULES

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

Mr. CHADWICK. Thank you, Mr. Speaker.

I would like to move that the rules of the House be suspended so that I may immediately offer amendment A3439 to SB 635.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question, Mr. Cohen.

Mr. COHEN. Mr. Speaker, I would urge that we not suspend the rules.

This is a very, very complex question of wiretapping. Representative Chadwick's proposal is very long, very

comprehensive. There is no inherent reason why this issue cannot go through the House Judiciary Committee.

The SPEAKER. The question is on suspension. The gentleman, Mr. Chadwick, did not put anything before the House regarding the merits of what he is going to offer.

Mr. COHEN. Well, I am not discussing merits, Mr. Speaker. I am discussing whether or not we ought to be confronted right after we get back into session with a very complex legislative proposal on the floor of the House or whether we ought to go through the regular committee process. I would think we would be better off going through the regular committee process and not routinely suspending the rules and ignoring the committee process.

I would again urge a "no" vote on the motion to suspend the rules.

The SPEAKER. I would remind the members on suspension of the rules that it requires 112 members to suspend.

The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I am confident that much of what the gentleman is attempting to do is worthy, but nevertheless, wiretap—

The SPEAKER. Mr. DeWeese, a moment ago you were not at the minority leader's desk. Mr. Cohen, a leader, stood up and debated in what I thought was your stead. This is a nondebatable issue. He debated, I believed, for the minority leader, and under the rules, I think you really should step back off, and I apologize, but you were not at the station.

Mr. DeWEESE. I accept the Chair's ruling on that matter.

The SPEAKER. Thank you.

Mr. Chadwick.

Mr. CHADWICK. Thank you, Mr. Speaker.

I did not realize my voice had gotten so much stronger over the summer. I apologize.

Without addressing the merits, since we are simply on the motion to suspend, let me just suggest to the members that there is very little, if anything, in this amendment that was not before them in June when we addressed this before.

I urge a positive vote on the motion.

The SPEAKER. On the question of suspension, keeping in mind it requires 112 votes to suspend, those in favor of suspension will vote "aye"; opposed, "no."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-108

| | | | |
|-------------|-----------|------------|---------------|
| Adolph | Druce | Maier | Rubley |
| Allen | Egolf | Maitland | Sather |
| Argall | Fairchild | Major | Saylor |
| Armstrong | Fargo | Markosek | Schroder |
| Baker | Feese | Marsico | Schuler |
| Bard | Fichter | Masland | Semmel |
| Barley | Fleagle | Mayernik | Seyfert |
| Barrar | Flick | McGeehan | Smith, B. |
| Benninghoff | Gannon | McGill | Smith, S. H. |
| Birmelin | Geist | Mellhattan | Snyder, D. W. |
| Boscola | Gladeck | McNaughton | Stairs |
| Boyes | Godshall | Micozzie | Stern |
| Brown | Gruppo | Miller | Stevenson |
| Browne | Habay | Nailor | Strittmatter |
| Bunt | Harhart | Nickol | Taylor, E. Z. |

| | | | |
|--------------|------------|----------|---------------|
| Butkowitz | Hasay | O'Brien | Taylor, J. |
| Chadwick | Hennessey | Orie | True |
| Civera | Hershey | Perzel | Tulli |
| Clark | Hess | Phillips | Vance |
| Clymer | Hutchinson | Pippy | Wagh. |
| Cohen, L. I. | Jadlowiec | Platts | Wogan |
| Conti | Kaiser | Raymond | Wright, M. N. |
| Cornell | Keller | Readshaw | Zimmerman |
| Corrigan | Kenney | Reber | Zug |
| Dally | Lawless | Reinard | |
| Dempsey | Lederer | Rohrer | Ryan, |
| Dent | Leh | Ross | Speaker |
| DiGirolamo | Lynch | | |

NAYS-87

| | | | |
|-------------|------------|-----------|--------------|
| Battisto | DeWeese | Manderino | Shaner |
| Belardi | Donatucci | McCall | Staback |
| Belfanti | Eachus | Melio | Steelman |
| Bishop | Evans | Michlovic | Steil |
| Blaum | George | Mundy | Stetler |
| Buxton | Gigliotti | Myers | Sturla |
| Caltagirone | Gordner | Olasz | Surra |
| Cappabianca | Gruitza | Oliver | Tangretti |
| Carn | Haluska | Pesci | Thomas |
| Carone | Hanna | Petrarca | Tigue |
| Casorio | Itkin | Petrone | Travaglio |
| Cawley | James | Pistella | Trich |
| Cohen, M. | Jarolin | Preston | Van Horne |
| Colafiglia | Josephs | Ramos | Veon |
| Colaizzo | Kirkland | Rieger | Vitali |
| Corpora | Krebs | Roberts | Walko |
| Cowell | LaGrotta | Robinson | Washington |
| Coy | Laughlin | Roebuck | Williams, C. |
| Curry | Lescovitz | Rooney | Wojnaroski |
| Daley | Levdanskyy | Sainato | Yewcic |
| DeLuca | Lloyd | Santoni | Youngblood |
| Dermody | Lucyk | Scrimenti | |

NOT VOTING-1

Williams, A. H.

EXCUSED-7

| | | | |
|-------------|----------|----------|------|
| Bebko-Jones | Horsey | Serafini | Wilt |
| Herman | Mihalich | Trello | |

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

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

Ms. STEELMAN offered the following amendment No. A3263:

Amend Title, page 1, line 6, by striking out "and"

Amend Title, page 1, line 7, by removing the period after "prisoner" and inserting

; and providing for cruelty to animals.

Amend Bill, page 3, by inserting between lines 21 and 22

Section 4. Section 5511(q) of Title 18 is amended and the section is amended by adding a subsection to read:

§ 5511. Cruelty to animals.

(k.1) Transporting, capturing or breeding pigeons for pigeon shoots.—A person commits a summary offense if he imports, receives, transports, delivers, sells or offers for sale, breeds, captures or confines a pigeon for use at a pigeon shoot.

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

"Animal fighting." Fighting or baiting any bull, bear, dog, cock or other creature.

"Audibly impaired." The inability to hear air conduction thresholds at an average of 40 decibels or greater in the better ear.

"Blind." Having a visual acuity of 20/200 or less in the better eye with correction or having a limitation of the field of vision such that the widest diameter of the visual field subtends an angular distance not greater than 20 degrees.

"Deaf." Totally impaired hearing or hearing with or without amplification which is so seriously impaired that the primary means of receiving spoken language is through other sensory input, including, but not limited to, lip reading, sign language, finger spelling or reading.

"Domestic animal." Any dog, cat, equine animal, bovine animal, sheep, goat or porcine animal.

"Domestic fowl." Any avis raised for food, hobby or sport.

"Normal agricultural operation." Normal activities, practices and procedures that farmers adopt, use or engage in year after year in the production and preparation for market of poultry, livestock and their products in the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquicultural crops and commodities.

"Physically limited." Having limited ambulation, including, but not limited to, a temporary or permanent impairment or condition that causes an individual to use a wheelchair or walk with difficulty or insecurity, affects sight or hearing to the extent that an individual is insecure or exposed to danger, causes faulty coordination or reduces mobility, flexibility, coordination or perceptiveness.

"Pigeon shoot." An event or contest taking place in this Commonwealth involving the release of live pigeons as targets.

"Zoo animal." Any member of the class of mammalia, aves, amphibia or reptilia which is kept in a confined area by a public body or private individual for purposes of observation by the general public.

Amend Sec. 4, page 3, line 22, by striking out "4" and inserting

5

On the question,

Will the House agree to the amendment?

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

Ms. STEELMAN. Thank you, Mr. Speaker.

This is an issue this House has visited before but not precisely in this form. This amendment makes it a summary offense, roughly equivalent to a parking ticket, to confine a bird for use in a pigeon shoot. The amendment speaks specifically to one of the cruelest aspects of pigeon shoots — the custom of caging birds for days in advance of the shoot without food and water. I think that everyone in this hall can agree that to keep a living animal without food and water for an extended period of time is cruelty to animals, and this amendment would make that explicit.

I think that this is an amendment to the animal cruelty laws that every sports man and woman in this hall could be proud to vote for. However, I appreciate the fact that this bill has nothing to do with animal cruelty, and as is so often the case, it has been necessary to create an amendment—

The SPEAKER. Will the lady yield.

Ms. STEELMAN. —to an appropriate title but not to—

The SPEAKER. Will the lady yield.

Ms. STEELMAN. —the appropriate subject.

The SPEAKER. Will the lady yield.

Please, it was a long summer, and we are all going to spend a little time— It is going to take us all a little bit of time to settle down, but let us start now. The lady deserves our attention.

Ms. Steelman.

Ms. STEELMAN. I appreciate the fact that although written to the same title, the amendment is in fact extraneous to this important bill.

I also appreciate and fully understand the fact that the Republican leadership has committed itself to the continuation of pigeon shoots, those celebrations of animal cruelty for which Pennsylvania is justly infamous, and that earlier in the session, they utilized threats, bribes, and blackmail in order to keep the vote from coming up.

AMENDMENT WITHDRAWN

Ms. STEELMAN. I would like the members of this House to have an opportunity to vote on this issue independently, with a clean bill. I hope we will be able to do that by the end of this session, and I am withdrawing today's amendment.

The SPEAKER. The Chair thanks the lady, and the amendment is withdrawn.

BILL PASSED OVER

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Thank you, Mr. Speaker.

I would just like to move that we take the bill over for the day, Mr. Speaker.

The SPEAKER. Without objection, the bill will go over for the day. The Chair hears none.

* * *

BILL PASSED OVER

The SPEAKER. Without objection, SB 640 is over for the day.

BILL ON CONCURRENCE IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 45, PN 1167**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for territorial applicability, for classes of offenses, for limitation of actions and for sentencing for murder; providing for crimes against the unborn; and further providing for harassment and stalking.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. On that question, the gentleman, Mr. O'Brien, moves that the House do concur.

The Chair recognizes the gentleman, Mr. O'Brien.

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

Mr. Speaker, I ask that the House concur in Senate amendments to SB 45.

I will briefly summarize the Senate amendments for the benefit of the House. I had preferred an approach which clearly spelled out the precise circumstances under which district attorneys could prosecute offenders for atrocious acts which resulted in death or serious bodily injury to unborn children. However, the Senate preferred to more closely track the existing Crimes Code language for murder, voluntary manslaughter, and aggravated assault.

Among those changes made by the Senate are the following: As part of its fixation with symmetry, the Senate eliminated the proposed crime of malicious homicide of an unborn child by aggravated assault. However, I am confident that these cases can be successfully prosecuted under the bill's provisions governing murder of the unborn child in the third degree.

As I had mentioned during the House debate, it was my view that the mental state for committing third-degree murder and for committing aggravated assault are very similar, if not identical. Since that time, I have come across a statement of our Pennsylvania Supreme Court in the case of *Commonwealth v. O'Hanlon* which confirms this view. In *O'Hanlon*, the Supreme Court noted that aggravated assault is, indeed, the functional equivalent of a murder in which, for some reason, death fails to occur.

The Senate version adds the term "unborn child" and makes references to the new offenses in several other parts of the Crimes Code, including the sections dealing with classifications of crimes, with sentencing, and territorial applicability. While those changes were not necessary, they are technical in nature and do not harm the bill.

The Senate amendments add a statute of limitations for new crimes which mirrors the statute of limitations for the same crimes which are committed against persons born alive. In essence, a prosecution for criminal homicide of the unborn can be initiated at any time, and a prosecution for aggravated assault of an unborn child must be commenced within 5 years after its commission. I believe this was a constructive change which improves the bill.

The Senate substituted the term "murder" for the term "malicious homicide" on the grounds that this would be less confusing to the courts. This change has no substantive effect upon the application of the bill.

The Senate amendments define the terms "intentional killing" and "serious bodily injury" within the four corners of chapter 26 rather than incorporate those terms by reference as did the House-passed version. The Senate felt that this would make it clearer that those terms refer to the unborn child. Since I believe that their interpretation is equally clear, regardless of whether their content is set out in chapter 25 or 26, I have no objection to this change.

In addition, the Senate version adds a definition of "murder" in the context of the unborn child. The amendments define "murder" as including malice. This accomplishes the same goal as the House version which had defined "malicious" in "malicious homicide" as including malice as defined by common law.

The Senate amendments clarify that the term “different person,” as used in the transferred-intent portion of the culpability chapter of the Crimes Code, also includes an unborn child. In this regard, the Senate specifies that the transferred-intent provision in section 303 of the Crimes Code applies to unborn children.

The Senate version adds protective language to the exemption for consensual or good-faith medical procedures, diagnostic testing, and therapeutic treatment by including those terms within a general exemption for medical practice and by adding specific exemptions relating to contraception and the implantation of a fertilized ovum within the uterus. Since I felt this was adequately covered under the House version, I have no objection to the additional protective language. The list of medical procedures and treatments included in section 2608(A)(2) merely illustrates some of the procedures and treatments covered by that section and is not intended to limit in any manner the scope of the section.

The Senate amendments add language stating that the bill does not affect the killing of the pregnant woman as an aggravating circumstance for the first-degree murder of the woman, which was already self-evident in the House-passed version.

The Senate amendments add penalties for attempted murder of the unborn child which mirror the penalties for attempted murder of a live-born person. I believe this change improves the bill.

The Senate amendments specify that the use of force which causes the death or serious bodily injury to the unborn child is a defense to a prosecution if justified under chapter 5 of the Crimes Code. While this added language was unnecessary, it does not harm the bill.

Finally, the Senate amendments extend the effective date from a period of 60 days, under the House-passed version, to a period of 180 days. I am advised that this was done for the purpose of allowing time for various types of training programs for implementing the bill. While I do not like this extension of the effective date, I am constrained to conclude that any rejection of this bill on this basis will only lead to further delays.

I believe this is still an excellent piece of legislation, and it represents a substantial improvement over existing law. For these reasons I urge the House to concur in the Senate amendments to SB 45.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, before we left, I complained about the speed at which this bill was being pushed and the wording by which what I said was a worthwhile goal was being implemented. I think the Senate has substantially improved the wording of the bill. They have substantially, although not totally, dealt with my concerns. I still believe there are other definitions that would help this bill make it much more enforceable, but this is a much more clear version, a much more enforceable version, and a version that is much less likely to get protracted in legal wrangling.

For these reasons I support this version of SB 45.

The SPEAKER. On the question of concurrence, the question recurs, will the House concur in the amendments inserted by the Senate?

Mr. COHEN. Mr. Speaker, Representative Josephs seeks recognition.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I wonder if I might interrogate the prime mover of this amendment.

The SPEAKER. The gentleman, Mr. O'Brien, indicates he will stand for interrogation. You may begin.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I want to ask some questions that have to do with the Senate amendments, some things that we discussed in the previous debate, just to make sure that they are absolutely clear, and I hope that you can hear me.

The last time—

Mr. O'BRIEN. I am having some difficulty, but I will do my best.

Ms. JOSEPHS. The last time that this bill was before the House, there was a lengthy colloquy in which you or in which Representative O'Brien stated that the bill would criminalize the intentional destruction of fertilized eggs in petri dishes. If this bill actually does that, it would be extremely chilling for medical providers and researchers who work in in vitro fertilization and embryo transfer procedures. As amended by the Senate, would this bill criminalize any medical procedures or ancillary procedures performed by fertility clinics or other medical personnel?

Mr. O'BRIEN. Mr. Speaker, I believe that— Can you rephrase the last part of that question again?

Ms. JOSEPHS. As amended by the Senate, will this bill criminalize any medical procedures or ancillary procedures performed by fertility clinics or other medical personnel?

Mr. O'BRIEN. Nothing that involves a good-faith medical procedure.

Ms. JOSEPHS. So if part of the procedure was to destroy fertilized eggs or nonfertilized eggs, there would be no criminal liability under this bill. Am I correct in making that statement?

Mr. O'BRIEN. With the woman's consent, that is part of the accepted good-faith procedure, and no criminal liability would be attached.

Ms. JOSEPHS. All right. Let me go to— In the absence of the woman's consent, suppose there is neither consent nor nonconsent. The laboratory has the specimen and they need to dispose of it. Is there criminal liability under that situation?

Mr. O'BRIEN. Only if it were done maliciously or intentionally without the woman's consent.

Ms. JOSEPHS. To a slightly different area. Pregnant women all over the country are being inappropriately prosecuted for behavior that somebody considers unhealthy for their fetuses. For instance, just so that you know this really happens—

The SPEAKER. Will the lady yield.

Ms. JOSEPHS. Certainly, sir.

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

The lady may proceed.

Ms. JOSEPHS. Thank you, Mr. Speaker.

For instance, a woman named Pamela Rae Stewart was prosecuted in California for not getting to her doctor fast enough when she went into labor and for having intercourse too late in her pregnancy. A woman in Wisconsin named Deborah Zimmerman was prosecuted for attempted homicide because she drank alcohol shortly before giving birth. In Florida, a woman named Kawana Ashley was prosecuted for manslaughter felony murder because she shot herself in the stomach when she was 25 to 26 weeks

pregnant. In almost every case of this nature, the courts have thrown out the prosecutions.

Sometimes after the woman has already spent time in prison, the courts usually base their conclusion on an interpretation that the State legislature could not possibly have meant to criminalize pregnant women's prenatal conduct.

I am worried, in passing SB 45, Pennsylvania will be encouraging the prosecution of pregnant women who engage in arguably unhealthy behavior during their pregnancies. Is it the intention of the Senate language to this bill or the bill that it should be used against pregnant women in any way? That is my question.

Mr. O'BRIEN. The answer to that question is, nothing in this chapter shall impose criminal liability upon the pregnant woman in regard to crimes against her unborn child.

Ms. JOSEPHS. That is criminal liability. What about civil liability? Is there any possibility we are going to have somebody step in, say they are representing the fetus, and getting an injunction against certain kinds of behavior that the pregnant woman might engage in?

Mr. O'BRIEN. Not by virtue of this specific legislation.

Ms. JOSEPHS. A different area slightly. The abortion exception in the bill refers to abortions, quote, "...IN WHICH THE PREGNANT WOMAN COOPERATED OR CONSENTED," unquote. Does this include abortions in which the consent was obtained through a court order, which there is a section in Title 18, section 3206, which deals with abortions for incapacitated women? Does SB 45 apply to women whose consent was obtained through a court order because for some reason they are incapable of giving that consent themselves?

Mr. O'BRIEN. That is the intent.

Ms. JOSEPHS. So it might interfere in—

Mr. O'BRIEN. No.

Ms. JOSEPHS. Okay. I got your answer backwards. Let me see if I can get it right. If the consent is obtained through a court order because the woman herself cannot give it, there is still no criminal liability under SB 45.

Mr. O'BRIEN. That is correct.

Ms. JOSEPHS. How about situations in which there is a technical deficiency in giving consent? For instance, we require now that a woman wait 24 hours after she has been counseled before she gets the procedure. Suppose for some reason the procedure happens 23 hours and 32 minutes. Would SB 45, with the Senate language, imply that there was or expressly create a criminal act if the consent is somehow technically flawed and yet the woman if you asked her or she would volunteer that she was giving her consent?

Mr. O'BRIEN. There may be a problem under chapter 32, which is the Abortion Control Act, but not under this bill. It protects legal and illegal abortions.

Ms. JOSEPHS. And finally, I have to ask you about language in the Abortion Control Act, which is my language, which protects — and you may have answered this; I just want to make it crystal clear — which protects or which says, "The Commonwealth shall not interfere with the use of medically appropriate methods of contraception or the manner in which medically appropriate methods of contraception are provided." The purpose of this provision, obviously, was to make sure that the laws of Pennsylvania would not be used to deprive women of any kinds of access to any kind of birth control, birth control that we use now

or what might be considered in the future. Will the adoption of this bill weaken that provision in any way?

Mr. O'BRIEN. It has no effect on that provision.

Ms. JOSEPHS. Thank you. Thank you, Mr. Speaker.

If I may speak on the bill, I would appreciate that.

The SPEAKER. The lady is in order.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I partly agree with my colleague, Mr. Cohen, that this bill is better coming back from the Senate than it was when it went to the Senate, but I still urge a "no" vote.

I think that it is extremely dangerous for us to have in our code a definition that says when life begins. None of us knows that; none of us is privileged to know that. Nobody in this chamber or in this country or in this world is ever going to know that in this life.

Second of all, I am concerned because I do not believe, with all due respect to my esteemed chairman, that this bill does protect pregnant women who are attacked. That is why the domestic violence advocates are against this bill, and I fear very much, in spite of the best intentions of many people who support SB 45, that the impression that we will get as legislators is, oh, we dealt with violence against pregnant women; we are not going to revisit that again. That is very dangerous. I believe we have not dealt with violence against pregnant women. It would be much simpler, much better, and much better protection to simply make it illegal to cause a miscarriage. Domestic violence advocates would support a bill like that. They support that concept already.

I suggest this is a bill that is simply part of some grand scheme of the antiabortion forces, which is hard for me to understand, and it deserves nothing better than a "no" vote. I hope you vote "no." Thank you, Mr. Speaker.

The SPEAKER. On the question, those voting to concur will vote "aye"; those voting to nonconcur will vote "no."

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

YEAS-171

| | | | |
|-------------|-----------|------------|---------------|
| Adolph | Donatucci | Lynch | Santoni |
| Allen | Druce | Maher | Sather |
| Argall | Eachus | Maitland | Saylor |
| Armstrong | Egolf | Major | Schroder |
| Baker | Fairchild | Markosek | Schuler |
| Barley | Fargo | Marsico | Scrimenti |
| Barrar | Feese | Masland | Semmel |
| Battisto | Fichter | Mayernik | Seyfert |
| Belardi | Fleagle | McCall | Shaner |
| Belfanti | Flick | McGeehan | Smith, B. |
| Bennhoff | Gannon | McGill | Smith, S. H. |
| Birmelin | Geist | McIlhattan | Snyder, D. W. |
| Blaum | George | McNaughton | Staback |
| Boscola | Gigliotti | Melio | Stairs |
| Boyes | Gladeck | Michlovic | Steil |
| Brown | Godshall | Micozzie | Stern |
| Browne | Gordner | Miller | Stetler |
| Bunt | Gruitza | Nailor | Stevenson |
| Buxton | Gruppo | Nickol | Strittmatter |
| Caltagirone | Habay | O'Brien | Sturla |
| Cappabianca | Haluska | Olasz | Surra |
| Carone | Hanna | Oliver | Tangretti |
| Casorio | Harhart | Orie | Taylor, E. Z. |

| | | | |
|------------|------------|----------|---------------|
| Cawley | Hasay | Perzel | Taylor, J. |
| Chadwick | Hennessey | Pesci | Tigue |
| Civera | Hershey | Petrarca | Travaglio |
| Clark | Hess | Petrone | Trich |
| Clymer | Hutchinson | Phillips | True |
| Cohen, M. | Jadlowiec | Pippy | Tulli |
| Colafella | Jarolin | Pistella | Vance |
| Colaizzo | Kaiser | Platts | Van Home |
| Conti | Keller | Ramos | Vcon |
| Cornell | Kenney | Raymond | Walko |
| Corpora | Krebs | Readshaw | Waugh |
| Corrigan | LaGrotta | Reber | Wogan |
| Cowell | Laughlin | Reinard | Wojnaroski |
| Coy | Lawless | Roberts | Wright, M. N. |
| Daley | Lederer | Robinson | Yewcic |
| Dally | Leh | Rohrer | Zimmerman |
| DeLuca | Lescovitz | Rooney | Zug |
| Dempsey | Levdansky | Ross | |
| Dent | Lloyd | Rubley | Ryan, |
| Dermody | Lucyk | Sainato | Speaker |
| DiGirolamo | | | |

NAYS-23

| | | | |
|--------------|----------|-----------|--------------|
| Bard | DeWeese | Manderino | Thomas |
| Bishop | Evans | Mundy | Vitali |
| Butkovitz | Itkin | Myers | Washington |
| Carn | James | Preston | Williams, C. |
| Cohen, L. I. | Josephs | Roebuck | Youngblood |
| Curry | Kirkland | Steelman | |

NOT VOTING-2.

| | |
|--------|-----------------|
| Rieger | Williams, A. H. |
|--------|-----------------|

EXCUSED-7

| | | | |
|-------------|----------|----------|------|
| Bebko-Jones | Horsley | Serafini | Wilt |
| Herman | Mihalich | Trello | |

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

Ordered, That the clerk inform the Senate accordingly.

RULES COMMITTEE MEETING

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

BILL REREPORTED FROM COMMITTEE

HB 109, PN 118 By Rep. PERZEL

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, authorizing counties to make appropriations to municipal corporations for disaster or emergency aid.

RULES.

The SPEAKER. There are no more votes scheduled for today.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that the following bills be removed from the table:

- HB 681;
- HB 1107;
- HB 1108;
- HB 1111;
- HB 1113;
- HB 1114;
- HB 1116;
- HB 1189;
- HB 1215;
- HB 1331;
- SB 176;
- SB 207;
- HB 155;
- HB 207;
- HB 371;
- HB 474;
- HB 540;
- HB 943;
- HB 601;
- HB 623;
- HB 1463;
- HB 1494;
- HB 1520; and
- HB 1573.

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

BILLS RECOMMITTED

The SPEAKER. The majority leader is recognized.
Mr. PERZEL. Mr. Speaker, I move that the following bills be recommitted to the Committee on Appropriations:

- HB 681;
- HB 1107;
- HB 1108;
- HB 1111;
- HB 1113;
- HB 1114;
- HB 1116;
- HB 1189;
- HB 1215;
- HB 1331;
- HB 155;
- HB 207;
- HB 371;
- HB 474;
- HB 540;
- HB 943;
- HB 601;
- HB 623;

HB 1463;
 HB 1494;
 HB 1520;
 HB 1573;
 SB 176; and
 SB 207.

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

VOTE CORRECTION

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

Mr. HALUSKA. Thank you, Mr. Speaker.

Can I correct the record at this time?

The SPEAKER. The gentleman is in order.

Mr. HALUSKA. On SB 635, amendment 3339, my button malfunctioned. I would like to be recorded in the affirmative.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 10 be removed from the table.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 10 be recommitted to the Committee on Appropriations.

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

REPUBLICAN CAUCUS

The SPEAKER. The Republican members should note that there will be a caucus tomorrow morning at 10 a.m. in the Republican caucus room.

DEMOCRATIC CAUCUS

The SPEAKER. Does the Democrat leadership have any caucus announcements? The Chair recognizes the gentleman from Philadelphia County, Mr. Cohen.

Mr. COHEN. Mr. Speaker, in case there are any amendments that have been filed to bills for tomorrow, we will discuss them at 10:30 tomorrow morning.

COMMUNICATION

LOBBYIST LIST PRESENTED

The SPEAKER. The Chair acknowledges receipt of a list of lobbyists who have registered under the Lobbying Registration and Regulation Act, which the clerk will file.

The following communication was submitted:

The General Assembly of Pennsylvania
 Main Capitol Building
 Harrisburg, Pennsylvania 17120

September 2, 1997

To the Honorable, the Senate
 of the Commonwealth of Pennsylvania
 To the Honorable, the House of Representatives
 of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from June 1, 1997 through August 31, 1997 inclusive, for the 181st Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:
 Mark R. Corrigan, Secretary
 Senate of Pennsylvania

Ted Mazia, Chief Clerk
 House of Representatives

(For list, see Appendix.)

ADDITIONS AND DELETIONS OF SPONSORS

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

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

ADJOURNMENT

The SPEAKER. Does the Republican leader or Democrat leader have any further business?

The Chair recognizes the Democrat leader, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I move that this House do now adjourn until Tuesday, September 23, 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 5:10 p.m., e.d.t., the House adjourned.