

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JANUARY 27, 1998

SESSION OF 1998

182D OF THE GENERAL ASSEMBLY

No. 6

HOUSE OF REPRESENTATIVES

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

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

PRAYER

REV. KENNETH R. ARTHUR, Chaplain of the House of Representatives and executive director of the United Methodist Home for Children and Family Services, Inc., Mechanicsburg, Pennsylvania, offered the following prayer:

Let us pray:

Almighty God, we pray this day for wisdom to know and fulfill Your will as it benefits the good people of our Commonwealth.

Enable each of us to speak this day with eloquence, debate with brevity, and to accomplish much with great satisfaction. Help us to remember that it is not the length of a session that determines our success but, rather, the quality of our decisions and the decisiveness with which we make them.

May our session be spent knowingly in Your presence, and may these moments count for all that is good and beneficial for Pennsylvania's people. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Monday, January 26, 1998, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence and recognizes the Republican whip, Mr. Snyder, who requests a leave of absence for the gentleman from Montgomery, Mr. BUNT; the gentleman from Northumberland, Mr. PHILLIPS; and the

gentleman from Philadelphia County, Mr. O'BRIEN, for today's session. The Chair hears no objection, and leaves are granted.

The Chair recognizes the Democratic whip, Mr. Itkin, who requests leave for the following: the gentleman from Bucks, Mr. CORRIGAN; the gentleman from Philadelphia, Mr. HORSEY; the gentleman from Butler, Mr. TRAVAGLIO; and the lady from Philadelphia County, Ms. WASHINGTON, all for today's session. The Chair hears no objection, and leaves are granted.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2141 By Representatives MELIO, DeLUCA, SCHRODER, DALEY, BELARDI, TANGRETTI, VAN HORNE, COY, BELFANTI, HENNESSEY, PETRARCA, WILT, STERN, YOUNGBLOOD, READSHAW, McCALL, ITKIN, LAUGHLIN, MANDERINO, LEH, RAMOS, M. COHEN, TRELLO, JOSEPHS, WASHINGTON, BARRAR and SHANER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for periodic vehicle inspection.

Referred to Committee on TRANSPORTATION, January 27, 1998.

No. 2142 By Representative NICKOL

An Act amending the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, establishing a prerequisite to the issuance of bonds or notes for pension planning funding.

Referred to Committee on LOCAL GOVERNMENT, January 27, 1998.

No. 2143 By Representatives CALTAGIRONE, GEORGE, STERN, HASAY, B. SMITH, TRELLO and ITKIN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for defibrillation good Samaritan civil immunity.

Referred to Committee on JUDICIARY, January 27, 1998.

No. 2144 By Representatives BARD, HERMAN, HENNESSEY, YOUNGBLOOD, PISTELLA, BELARDI, BAKER, BELFANTI, LAUGHLIN, SAINATO, RAMOS, ORIE, C. WILLIAMS, BROWNE, DALLY and SEYFERT

An Act establishing the Pennsylvania Public Service Award, criteria and a selection process for the award; establishing the Pennsylvania Public Service Award Fund; and providing for presentation of the award.

Referred to Committee on STATE GOVERNMENT, January 27, 1998.

No. 2145 By Representatives BARD, ORIE, BARRAR, M. COHEN, STEELMAN, DeLUCA, YOUNGBLOOD and C. WILLIAMS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for roller skates, roller blades and skateboard helmets.

Referred to Committee on TRANSPORTATION, January 27, 1998.

No. 2146 By Representatives RUBLEY, ARGALL, DeWEESE, McCALL, ITKIN, COY, GEIST, COWELL, GORDNER, GODSHALL, BOSCOLA, OLASZ, BUNT, BAKER, VAN HORNE, FARGO, BELFANTI, DONATUCCI, DEMPSEY, HENNESSEY, READSHAW, YOUNGBLOOD, FICHTER, HASAY, STABACK, MUNDY, LEH, LaGROTTA, WALKO, E. Z. TAYLOR, RAYMOND, SAYLOR, MELIO, SURRA, COLAIZZO, KAISER, ORIE, CORNELL, FAIRCHILD, DeLUCA, SATHER, C. WILLIAMS, ADOLPH, L. I. COHEN, CASORIO, DALLY, BARRAR, ROEBUCK, STEELMAN, MILLER and SEYFERT

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing an exclusion for sales to public or private libraries.

Referred to Committee on FINANCE, January 27, 1998.

No. 2147 By Representatives RUBLEY, E. Z. TAYLOR, DeWEESE, SCHRODER, BOSCOLA, HENNESSEY, ROSS, WILT, YOUNGBLOOD, WOGAN, C. WILLIAMS, L. I. COHEN and VAN HORNE

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for the definition of "case" of malt or brewed beverages.

Referred to Committee on LIQUOR CONTROL, January 27, 1998.

No. 2148 By Representatives WALKO, ITKIN, LAUGHLIN, READSHAW, TRELLO, WOJNAROSKI, SAINATO, M. COHEN, STEELMAN, ROBINSON and RAMOS

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers.

Referred to Committee on LOCAL GOVERNMENT, January 27, 1998.

No. 2149 By Representatives LLOYD, BAKER, BARRAR, BELARDI, BELFANTI, BENNINGHOFF, BOSCOLA, CALTAGIRONE, CARN, M. COHEN, CORPORA, COWELL,

CURRY, DeLUCA, DeWEESE, FAIRCHILD, GIGLIOTTI, HORSEY, JAROLIN, JOSEPHS, LAUGHLIN, LEDERER, MELIO, OLASZ, ORIE, PESCI, PISTELLA, JAMES, YOUNGBLOOD, READSHAW, ROBINSON, SANTONI, SERAFINI, SHANER, STABACK, SURRA, E. Z. TAYLOR, TRELLO, TRICH, VAN HORNE, C. WILLIAMS and RAMOS

An Act amending the act of June 5, 1968 (P.L.140, No.78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance; and imposing powers and duties on the Insurance Commissioner therefor," further providing for expiration of automobile insurance policies.

Referred to Committee on INSURANCE, January 27, 1998.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

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

In the Senate
January 26, 1998

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, February 2, 1998, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, February 2, 1998, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

JOINT SESSION

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

In the Senate
January 26, 1998

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session, Tuesday, February 3, 1998, at 11:30 a.m., in the Hall of the House of Representatives for the purpose of hearing an address by His Excellency, Governor Thomas J. Ridge; and be it further

RESOLVED, That a committee of three, on the part of the Senate, be appointed to act with a similar committee on the part of the House of Representatives, to escort His Excellency, the Governor of the

Commonwealth of Pennsylvania, to the Hall of the House of Representatives.

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

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

SB 585, PN 614 By Rep. GANNON

An Act amending the act of November 22, 1978 (P.L.1166, No.274), entitled Pennsylvania Commission on Crime and Delinquency Law, further providing for composition of the commission.

JUDICIARY.

SB 981, PN 1615 (Amended) By Rep. HERSHEY

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further adding to the powers and duties of the Adjutant General; further providing for maintenance, construction and repair contracts to be performed by the Armory Board; and making a repeal.

VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS.

SB 1087, PN 1498 By Rep. GANNON

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for contempt for violation of a protection order or agreement and for the definition of "delinquent act."

JUDICIARY.

GUESTS INTRODUCED

The SPEAKER. There are a number of guests in the hall today that the Chair now takes the opportunity to introduce.

Today, as the guest of Representative Buxton, the House welcomes Gregory Pope, a ninth grade student at John Harris campus in Harrisburg, who is serving as a guest page. He is here today accompanied by his grandmother, Jackie Penn, who is seated in the gallery. Would the guests please rise.

An intern in the office of Representative Kathy Manderino is here today. The Chair welcomes Jason Daly, a student at the University of Pennsylvania Law School, seated to the left of the Speaker. Would Jason Daly please rise.

The Chair welcomes to the hall of the House today, as the guest of Representative Caltagirone, Olivia Hope Haist from Berks County, who is working as a paralegal intern at the Harrisburg and Reading offices of the Representative. Would she please rise. She is seated next to the lawyer.

Earlier today the Chair had the opportunity to meet some young people, guests of Representative Orié. The Chair at this time would like to rewelcme them here to the House: Jessica Anderson; Mara Anderson, Jessica's mother; Steven Anderson, her father; Carrie Lynn Anderson, her sister; and Danny Anderson, her brother. Jessica is the winner of the "There Ought To Be a Law" contest. At this time I would ask them to please rise. They are here to the left of the Speaker. Representative Orié will shortly present to the young lady, Jessica Anderson, a citation for winning that contest.

The Chair is pleased to welcome to the hall today, as the guest of Representative Karl Boyes and Representative Tracy Seyfert, Dr. Frank Pogue, the president of Edinboro University. Would Dr. Pogue please rise.

CALENDAR

BILLS ON THIRD CONSIDERATION

BILLS PASSED OVER

The SPEAKER. The Chair turns to page 1 of today's calendar. HBs 482 and 2005 are over.

* * *

The House proceeded to third consideration of **SB 10, PN 1407**, entitled:

An Act amending the act of June 29, 1996 (P.L.434, No.67), entitled Job Enhancement Act, further defining "financing programs"; and providing for the Community Development Bank Grant and Loan Program.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that SB 10 be recommitted to the Committee on Appropriations.

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

* * *

The House proceeded to third consideration of **SB 95, PN 1408**, entitled:

An Act amending the act of December 14, 1967 (P.L.746, No.345), entitled Savings Association Code of 1967, adding or amending certain definitions; providing for conversion to federally insured status; further providing for refund of capital deposits, for alternate conversion procedures, for dissolution of associations, for appointment of directors and for the dissolution of the Pennsylvania Savings Association Insurance Corporation; and making repeals.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that SB 95 be recommitted to the Committee on Appropriations.

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

* * *

BILL PASSED OVER

The SPEAKER. HB 1327 is over.

* * *

The House proceeded to third consideration of **HB 762, PN 862**, entitled:

An Act amending the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act, providing for financial assistance.

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

BILL RECOMMENDED

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

Mr. PERZEL. Mr. Speaker, I move that HB 762 be recommitted to the Committee on Appropriations.

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

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—194

Adolph	Donatucci	Lynch	Saylor
Allen	Druce	Maher	Schroder
Argall	Eachus	Maitland	Schuler
Armstrong	Egolf	Major	Scrimenti
Baker	Evans	Manderino	Semmel
Bard	Fairchild	Markosek	Serafini
Barley	Fargo	Marsico	Seyfert
Barrar	Feese	Masland	Shaner
Battisto	Fichter	Mayernik	Smith, B.

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—7

Bunt	Horsey	Phillips	Washington
Corrigan	O'Brien	Travaglio	

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1827, PN 2299**, entitled:

An Act repealing the act of May 14, 1874 (P.L.175, No.105), entitled "An act relating to accounts of the several county officers of this commonwealth."

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

Mr. **GEORGE** offered the following amendment No. **A5082**:

Amend Title, page 1, line 3, by removing the period after "commonwealth" and inserting
and deleting provisions relating to liquid fuels and fuels tax.

Amend Bill, page 1, by inserting between lines 8 and 9
 Section 2. Chapter 90 of Title 75 of the Pennsylvania Consolidated
 Statutes is repealed.
 Amend Sec. 2, page 1, line 9, by striking out "2" and inserting
 3

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

AMENDMENT WITHDRAWN

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

Mr. GEORGE. Mr. Speaker, it is my intent to withdraw this
 amendment in that we have found that just so quickly either you
 or the majority leader would jump up and go through the germane
 issue this morning, and I do not have time for that, so I am just
 going to withdraw the amendment.

The SPEAKER. The Chair thanks the gentleman.

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

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

The question is, shall the bill pass finally?

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

YEAS-194

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

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

NAYS-0

NOT VOTING-0

EXCUSED-7

- | | | | |
|----------|---------|-----------|------------|
| Bunt | Horsey | Phillips | Washington |
| Corrigan | O'Brien | Travaglio | |

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

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

The House proceeded to third consideration of **HB 1828, PN
 2300**, entitled:

An Act repealing the act of April 8, 1851 (P.L.353, No.227), entitled
 "An act relating to County Prisons, to the Foster Home Association, and
 Cawanesque Plank Road Company, to apportion the rent of wharves and
 docks in the port of Philadelphia, and relative to the service of process on
 foreign insurance companies and other corporations."

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

The SPEAKER. The Chair recognizes the gentleman,
 Mr. George, for the purpose of offering an amendment.

Mr. GEORGE. Mr. Speaker, for the same reason that I
 announced on the previous bill, I am withdrawing this singular
 amendment.

The SPEAKER. The Chair thanks the gentleman.

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

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

The question is, shall the bill pass finally?

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

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Bunt	Horsley	Phillips	Washington
Corrigan	O'Brien	Travaglio	

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

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

* * *

The House proceeded to third consideration of **HB 1829, PN 2301**, entitled:

An Act repealing the act of June 19, 1941 (P.L.142, No.77), entitled "An act authorizing political subdivisions to appropriate money for participation in Federal Surplus Commodities Stamp plans; to borrow money and issue bonds for said purpose; providing for payment of such appropriations into a special fund in the State Treasury; appropriating the money in such fund, and authorizing the purchase of necessary insurance."

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

The SPEAKER. The Chair recognizes the gentleman, Mr. George, who withdraws his amendment.

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

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

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

YEAS—194

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

Coy	Krebs	Roberts	Wogan
Curry	LaGrotta	Robinson	Wojnaroski
Daley	Laughlin	Roebuck	Wright, M. N.
Dally	Lawless	Rohrer	Yewcic
DeLuca	Lederer	Rooney	Youngblood
Dempsey	Leh	Ross	Zimmerman
Dent	Lescovitz	Rubley	Zug
Dermody	Levdansky	Sainato	
DeWeese	Lloyd	Santoni	Ryan,
DiGirolamo	Lucyk	Sather	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-7

Bunt	Horsley	Phillips	Washington
Corrigan	O'Brien	Travaglio	

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

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

The House proceeded to third consideration of **HB 76, PN 2465**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for police animals; and providing penalties.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 76, PN 2465, be placed on the tabled bill calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 76 be removed from the tabled calendar.

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

BILL PASSED OVER

The SPEAKER. HB 728, on page 4, is over.

The House proceeded to third consideration of **HB 1058, PN 1180**, entitled:

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

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 1058 be placed on the tabled bill calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 1058 be removed from the table.

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

BILL PASSED OVER

The SPEAKER. HB 1586 is over.

The House proceeded to third consideration of **HB 1745, PN 2467**, entitled:

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

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 1745 be placed on the table.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 1745 be removed from the table.

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

* * *

BILL PASSED OVER

The SPEAKER. Page 5. HB 1473 is over.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guests of Representative Ramos, Mr. Anthony Lewis, teachers and students from the Thomas A. Edison High School from the gentleman's district. Would these folks please wave so that we know where you are located.

BILLS ON THIRD CONSIDERATION

BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 985 is over temporarily.

* * *

The House proceeded to third consideration of **HB 907, PN 1015**, entitled:

An Act repealing the act of May 16, 1951 (P.L.300, No.60), entitled, as amended, "An act authorizing certain counties to establish fire training schools for the paid and volunteer firemen of municipalities within the county."

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

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

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

YEAS—193

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

NAYS—0

NOT VOTING—1

Raymond

EXCUSED—7

Bunt	Horsey	Phillips	Washington
Corrigan	O'Brien	Travaglio	

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

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

BILLS PASSED OVER

The SPEAKER. SB 220 is over.
Page 6. SB 669 and HB 1326 are over.

The House proceeded to third consideration of **SB 213, PN 1027**, entitled:

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.

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

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

The question is, shall the bill pass finally?

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

YEAS—194

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

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Bunt	Horsey	Phillips	Washington
Corrigan	O'Brien	Travaglio	

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

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

RESOLUTION PURSUANT TO RULE 35

RESOLUTION PASSED OVER

The SPEAKER. HR 314 is over.

RESOLUTION

RESOLUTION PASSED OVER

The SPEAKER. SR 94 is over.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Lauren Pacella and Alison Waple, stepdaughter of Representative Roy Reinard. They are here today as guest pages and are the guests of Representative Mark McNaughton and also, of course, Representative Roy Reinard. Would the guests please rise.

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 tabled bill calendar:

- HB 158;
- HB 533;
- HB 1438;
- HB 1807;
- HB 1835;
- SB 888; and
- SB 914.

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

BILLS RECOMMENDED

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

HB 158;
HB 533;
HB 1438;
HB 1807;
HB 1835;
SB 888; and
SB 914.

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

FINANCE COMMITTEE MEETING

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

Mr. BOYES. Thank you, Mr. Speaker.

I rise to make an announcement about a change in a committee meeting for the Finance Committee.

The House Finance Committee meeting was originally scheduled for Thursday, January 29, at 9:30 a.m. in room 302, South Office Building. The Finance Committee meeting is being changed, and the meeting is rescheduled for Wednesday, January 28, at 10:30 in room 60, East Wing. For all members of the Finance Committee, it will not be held on Thursday but will be held at 10:30 a.m., room 60, on Wednesday. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The House will be temporarily at ease. We are awaiting the arrival of a packet of amendments for the members to HB 985.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 985, PN 2526**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for the time period of special occasion permits and for local option.

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

Mr. ITKIN offered the following amendment No. **A0296**:

Amend Title, page 1, line 18, by removing the period after "OPTION" and inserting
; and authorizing retail dispenser eating place and club licensees to accept credit cards for purchases.

Amend Sec. 2, page 2, line 29, by striking out "SECTION 472(A)" and inserting

Sections 472(a) and 493(2)

Amend Sec. 2, page 2, line 30, by striking out "IS" and inserting
are

Amend Sec. 2, page 7, by inserting between lines 27 and 28

Section 493. Unlawful Acts Relative to Liquor, Malt and Brewed Beverages and Licensees.—The term "licensee," when used in this section, shall mean those persons licensed under the provisions of Article IV, unless the context clearly indicates otherwise.

It shall be unlawful—

* * *

(2) Purchase or Sale of Liquor or Malt or Brewed Beverages on Credit. For any licensee, his agent, servant or employe, to sell or offer to sell or purchase or receive any liquor or malt or brewed beverages except for cash, excepting credit extended by a hotel or club to a bona fide guest or member, or by railroad or pullman companies in dining, club or buffet cars to passengers, for consumption while enroute, holding authorized credit cards issued by railroad or railroad credit bureaus or by hotel, restaurant, retail dispenser eating place, club and public service licensees, importing distributors or distributors to customers not possessing a license under this article and holding credit cards issued in accordance with regulations of the board or credit cards issued by banking institutions subject to State or Federal regulation: Provided further, That nothing herein contained shall be construed to prohibit the use of checks or drafts drawn on a bank, banking institution, trust company or similar depository, organized and existing under the laws of the United States of America or the laws of any state, territory or possession thereof, in payment for any liquor or malt or brewed beverages if the purchaser is the payor of the check or draft and the licensee is the payee. No right of action shall exist to collect any claim for credit extended contrary to the provisions of this clause. Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for original containers returned by the original purchaser as a credit on any sale, or from refunding to any purchaser the amount paid by such purchaser for such containers or as a deposit on containers when title is retained by the vendor, if such original containers have been returned to the licensee. Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for liquor or malt or brewed beverages sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennsylvania, when the liquor or malt or brewed beverages so sold are actually transported and delivered to points outside of the Commonwealth: Provided, however, That as to all transactions affecting malt or brewed beverages to be resold or consumed within this Commonwealth, every licensee shall pay and shall require cash deposits on all returnable original containers and all such cash deposits shall be refunded upon return of the original containers.

* * *

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

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

Mr. ITKIN. Mr. Speaker, this amendment corrects an oversight in Pennsylvania's liquor law, one that inhibits some business owners from doing business.

Right now most liquor licensees can accept credit cards for alcohol purchases, and certainly this makes sense, since that is how business is often done these days. But through an oversight in the law, two types of licensees are not allowed to accept credit cards for liquor purchases: class E retail dispensers, places like delis that sell beer with their food, and clubs, such as fraternal and veteran organizations.

This contradiction is inconvenient for customers. You know, stop at a deli for some take-home subs and a six-pack, and you cannot put it all on your credit card. Depending on what you have in your wallet at that time, you could end up using cash for your liquor and a credit card for your food. And the next time you wanted to stop there, you probably would think twice, would you not?

So this law puts Pennsylvania's 548 class E licensees at a competitive disadvantage, and it inconveniences the members of 1,890 clubs.

My amendment would correct this oversight and level the playing field. It simply makes doing business with Pennsylvania delis and clubs a little more convenient, and it removes one more unnecessary bureaucratic obstacle for businesspeople who hold liquor licenses.

Mr. Speaker, I urge a "yes" vote. Thank you very much.

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

The following roll call was recorded:

YEAS-157

Allen	Donatucci	Major	Serafini
Argall	Druce	Manderino	Seyfert
Bard	Eachus	Markosek	Shaner
Barrar	Evans	Masland	Smith, B.
Battisto	Fargo	Mayernik	Smith, S. H.
Bebko-Jones	Fichter	McCall	Snyder, D. W.
Belardi	Flick	McGeehan	Staback
Belfanti	Gannon	McGill	Stairs
Bishop	George	Melio	Steelman
Blaum	Gigliotti	Michlovic	Steil
Boscola	Gladeck	Mundy	Stetler
Boyes	Godshall	Myers	Stevenson
Browne	Gordner	Nailor	Sturla
Butkovitz	Gruitza	Nickol	Surra
Buxton	Gruppo	Olasz	Tangretti
Caltagirone	Haluska	Oliver	Taylor, E. Z.
Cappabianca	Hanna	Perzel	Taylor, J.
Carn	Harhart	Pesci	Thomas
Carone	Hasay	Petrarca	Tigue
Casorio	Hennessey	Petrone	Trello
Cawley	Herman	Pippy	Trich
Chadwick	Itkin	Pistella	Tulli
Clark	Jadlowiec	Preston	Vance
Cohen, L. I.	James	Ramos	Van Horne
Cohen, M.	Jarolin	Raymond	Veon
Colafella	Josephs	Readshaw	Vitali
Colaizzo	Kaiser	Reber	Walko
Cornell	Keller	Reinard	Waugh
Corpora	Kenney	Rieger	Williams, A. H.
Cowell	Kirkland	Roberts	Williams, C.
Coy	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wogan
Daley	Lawless	Rooney	Wojnaroski
Dally	Lederer	Ross	Wright, M. N.
DeLuca	Lescovitz	Rubley	Yewcic
Dempsey	Levdansky	Sainato	Youngblood
Dent	Lloyd	Santoni	
Dermody	Lucyk	Saylor	Ryan,
DeWeese	Maher	Scrimenti	Speaker
DiGirolamo	Maitland	Semmel	

NAYS-36

Adolph	Egolf	Krebs	Rohrer
Armstrong	Fairchild	Leh	Sather
Baker	Feese	Lynch	Schroder

Barley	Fleagle	Marsico	Schuler
Benninghoff	Geist	McLhattan	Stern
Birmelin	Habay	McNaughton	Strittmatter
Brown	Hershey	Micozzie	Truc
Civera	Hess	Miller	Zimmerman
Clymer	Hutchinson	Platts	Zug

NOT VOTING-1

Orie

EXCUSED-7

Bunt	Horsey	Phillips	Washington
Corrigan	O'Brien	Travaglio	

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

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

Mr. SERAFINI offered the following amendment No. A0298:

Amend Title, page 1, line 16, by inserting after "laws," "eliminating the requirement that certain licensees obtain bonds; and

Amend Bill, page 1, lines 21 through 23; page 2, line 1, by striking out all of said lines on said pages and inserting

Section 1. Section 403(a) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14) and amended April 29, 1994 (P.L.212, No.30), is amended to read:

Section 403. Applications for Hotel, Restaurant and Club Liquor Licenses.—(a) Every applicant for a hotel liquor license, restaurant liquor license or club liquor license or for the transfer of an existing license to another premises not then licensed shall file a written application with the board in such form and containing such information as the board shall from time to time prescribe, which shall be accompanied by a filing fee and an annual license fee as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," and the bond hereinafter specified.] Every such application shall contain a description of that part of the hotel, restaurant or club for which the applicant desires a license and shall set forth such other material information, description or plan of that part of the hotel, restaurant or club where it is proposed to keep and sell liquor as may be required by the regulations of the board. The descriptions, information and plans referred to in this subsection shall show the hotel, restaurant, club, or the proposed location for the construction of a hotel, restaurant or club, at the time the application is made, and shall show any alterations proposed to be made thereto, or the new building proposed to be constructed after the approval by the board of the application for a license or for the transfer of an existing license to another premises not then licensed. No physical alterations, improvements or changes shall be required to be made to any hotel, restaurant or club, nor shall any new building for any such purpose, be required to be constructed until approval of the application for license or for the transfer of an existing license to another premises not then licensed by the board. After approval of the application, the licensee shall make the physical alterations, improvements and changes to the licensed premises, or shall construct the new building in the manner specified by the board at the time of approval, and the licensee shall not transact any business under the license until the board has approved the completed physical alterations, improvements and changes to the licensed premises, or the completed construction of the new building as conforming to the

specifications required by the board at the time of issuance or transfer of the license, and is satisfied that the establishment is a restaurant, hotel or club as defined by this act. The board may require that all such alterations or construction or conformity to definition be completed within six months from the time of issuance or transfer of the license. Failure to comply with these requirements shall be considered cause for revocation of the license. No such license shall be transferable between the time of issuance or transfer of the license and the approval of the completed alterations or construction by the board and full compliance by the licensee with the requirements of this act, except in the case of death of the licensee prior to full compliance with all of the aforementioned requirements, in which event, the license may be transferred by the board as provided in this act.

Section 2. Section 404 of the act, amended April 29, 1994 (P.L.212, No.30) and October 5, 1994 (P.L.522, No.77), is amended to read:

Section 404. Issuance of Hotel, Restaurant and Club Liquor Licenses.—Upon receipt of the application[,] and the proper fees [and bond,] and upon being satisfied of the truth of the statements in the application that the applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed and that no other person will be in any manner pecuniarily interested therein during the continuance of the license, except as hereinafter permitted, and that the applicant is a person of good repute, that the premises applied for meet all the requirements of this act and the regulations of the board, that the applicant seeks a license for a hotel, restaurant or club, as defined in this act, and that the issuance of such license is not prohibited by any of the provisions of this act, the board shall, in the case of a hotel or restaurant, grant and issue to the applicant a liquor license, and in the case of a club may, in its discretion, issue or refuse a license: Provided, however, That in the case of any new license or the transfer of any license to a new location the board may, in its discretion, grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school, or public playground, or if such new license or transfer is applied for a place which is within two hundred feet of any other premises which is licensed by the board: And provided further, That the board shall refuse any application for a new license or the transfer of any license to a new location if, in the board's opinion, such new license or transfer would be detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood within a radius of five hundred feet of the place proposed to be licensed: And provided further, That prior to July 1, 1996, in any license district in a city of the first class, the board may, in its opinion, refuse any application for a new license or for any person-to-person transfer which shall include a change in stockholders involving ten per centum or more of all outstanding voting stock and/or less than ten per centum of all outstanding voting stock when such change involves a majority or controlling interest, of any license if the licensed premises is or would be within three hundred feet of any church, hospital, charitable institution, school or public playground or within two hundred feet of any other premises licensed by the board and if, in the opinion of the board, the licensed premises is or would be detrimental to the welfare, health, peace and morals of such church, hospital, school, public playground and/or the inhabitants of the neighborhood within a radius of five hundred feet of the licensed premises. This authority to refuse a person-to-person transfer in a city of the first class is in addition to and not in derogation of the authority of the board generally stated for all areas of this Commonwealth: And provided further, That the board shall have the discretion to refuse a license to any person or to any corporation, partnership or association if such person, or any officer or director of such corporation, or any member or partner of such partnership or association shall have been convicted or found guilty of a felony within a period of five years immediately preceding the date of application for the said license. The board shall refuse any application for a new license or the transfer of any license to a location where the sale of liquid fuels or oil is

conducted. Upon any opening in any quota, an application for a new license shall only be filed with the board for a period of six months following said opening.

Section 3. Section 405(e) and 408(c) and (d) of the act, amended April 29, 1994 (P.L.212, No.30), are amended to read:

Section 405. License Fees.—* * *

(e) Every application for a restaurant liquor license for a nonprimary pari-mutuel wagering location or a racetrack shall be accompanied by an applicant's fee of five thousand dollars (\$5,000) [and a bond in the penal sum of two thousand dollars (\$2,000)] for the first year of a licensing period. Thereafter, the nonprimary pari-mutuel wagering location or the racetrack shall be subject to the above stated fees for restaurant licenses [and the filing of a bond in the amount of two thousand dollars (\$2,000)] for each year of a licensing period.

Section 408. Public Service Liquor Licenses.—* * *

(c) Every applicant for a public service liquor license shall [file with the board a surety bond as hereinafter prescribed,] pay to the board for each of the maximum number of dining, club or buffet cars which the applicant estimates it will have in operation on any one day an annual fee as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

(d) Unless previously revoked, every license issued by the board under this section shall expire if the annual fee is not timely paid or on the last day of the license period for which the license is issued. Licenses issued under the provisions of this section shall be renewed as herein provided, upon the filing of applications in such form as the board shall prescribe, but no license shall be renewed until the applicant shall [file with the board a new surety bond and shall] pay the requisite license fee.

Section 4. Sections 408.1(f), 408.2(f) and 408.3(f) of the act are amended to read:

Section 408.1. Trade Show and Convention Licenses.—* * *

[(f) The penal sum of the bond which shall be filed by an applicant for a trade show and convention license pursuant to section 465 of this article shall be two thousand dollars (\$2,000) and in addition thereto he shall file an additional bond in a sum to assure payment of any suspension of license up to one hundred days.]

Section 408.2. City-Owned Stadia.—* * *

[(f) The penal sum of the bond which shall be filed by an applicant for a stadium license pursuant to section 465 of the "Liquor Code" shall be two thousand dollars (\$2,000) and in addition thereto he shall file an additional bond in a sum to assure payment of any fine imposed by the board up to one thousand dollars (\$1,000).]

Section 408.3. Performing Arts Facilities.—* * *

[(f) The penal sum of the bond which shall be filed by an applicant for a performing arts facility pursuant to section 465 of the "Liquor Code" shall be two thousand dollars (\$2,000).]

Section 5. Section 408.4(a) of the act, amended December 20, 1996 (P.L.1523, No.199), is amended to read:

Amend Bill, page 2, by inserting between lines 28 and 29

Section 6. Sections 408.6(f), 408.7(f), 408.8(f), 408.10(f), 408.11(f), 409(b) and 410(b) and (c) of the act, amended or added April 29, 1994 (P.L.212, No.30), are amended to read:

Section 408.6. Performing Arts Facilities in Second Class A Cities, Third Class Cities and Townships of the Second Class Located in Fourth Class Counties.—* * *

[(f) The penal sum of the bond which shall be filed by an applicant for a performing arts facility pursuant to section 465 shall be two thousand dollars (\$2,000) for each year of a licensing period.]

Section 408.7. Performing Arts Facilities in First and Second Class Cities.—* * *

[(f) The penal sum of the bond which shall be filed by an applicant for a performing arts facility pursuant to section 465 shall be two thousand dollars (\$2,000) for each year of a licensing period.]

Section 408.8. Trade Shows and Convention Licenses; Cities of the Third Class.—***

[(f) The penal sum of the bond which shall be filed by an applicant for a trade show or convention facility pursuant to section 465 shall be two thousand dollars (\$2,000) for each year of a licensing period.]

Section 408.10. Recreation Facilities.—***

[(f) The penal sum of the bond which shall be filed by an applicant for a license issued under this section, pursuant to section 465, shall be two thousand dollars (\$2,000) for each year of a licensing period, and in addition thereto the applicant shall file an additional bond in a sum to assure payment of any fine imposed by the board up to one thousand dollars (\$1,000).]

Section 408.11. Seasonal Outdoor Cafe.—***

[(f) The penal sum of the bond which shall be filed by an applicant for a license issued under this section, pursuant to section 465, shall be two thousand dollars (\$2,000).]

Section 409. Sacramental Wine Licenses; Fees; Privileges; Restrictions.—***

(b) Every applicant for a sacramental wine license shall file a written application with the board in such form as the board shall from time to time prescribe, which shall be accompanied by a filing fee as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," and a license fee of one hundred dollars[, and a bond as hereinafter prescribed]. Every such application shall contain a description of the premises for which the applicant desires a license and shall set forth such other material information as may be required by the board.

Section 410. Liquor Importers' Licenses; Fees; Privileges; Restrictions.—***

(b) Every applicant for an importer's license shall file a written application with the board in such form as the board shall from time to time prescribe. The filing and license fees shall be as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." [The applicant shall file a bond as hereinafter required.] Every such application shall contain a description of the principal place of business for which the applicant desires a license and shall set forth such other material information as may be required by the board.

(c) The holder of an importer's license may have included in such license one warehouse wherein only his liquor may be kept and stored, located in the same municipality in which his licensed premises is situate, and not elsewhere, unless such licensee secures from the board a license for each additional storage warehouse desired. The board is authorized and empowered to issue to a holder of an importer's license a license for an additional storage warehouse or warehouses located in this Commonwealth, provided such licensed importer files with the board a separate application for each warehouse in such form and containing such information as the board may from time to time require. The filing and license fees shall be as prescribed in section 614-A of "The Administrative Code of 1929." [The applicant shall file a bond of an approved surety company in the amount of ten thousand dollars for each year of a licensing period. Such bond shall contain the same provisions and conditions as are required in the other license bonds under this article.]

Section 7. Section 431(a) and (b) of the act, amended May 31, 1996 (P.L.312, No.49), are amended to read:

Section 431. Malt and Brewed Beverages Manufacturers', Distributors' and Importing Distributors' Licenses.—(a) The board shall issue to any person a resident of this Commonwealth of good repute who applies therefor, and pays the license fee hereinafter prescribed, [and files the bond hereinafter required,] a manufacturer's license to produce and manufacture malt or brewed beverages, and to transport, sell and deliver malt or brewed beverages at or from one or more places of manufacture or storage, only in original containers, in quantities of not less than a case or original containers containing one hundred twenty-eight ounces or more which may be sold separately anywhere within the Commonwealth. Licenses for places of storage shall be limited to those maintained by manufacturers on July eighteenth, one thousand nine hundred thirty-five, and the board shall issue no licenses for places of storage in addition to those maintained on July eighteenth, one thousand nine hundred thirty-five. The application for such license shall be in such form and contain such information as the board shall require. All such licenses shall be granted for a license period to be determined by the board. Every manufacturer shall keep at his or its principal place of business, within the Commonwealth daily permanent records which shall show, (1) the quantities of raw materials received and used in the manufacture of malt or brewed beverages and the quantities of malt or brewed beverages manufactured and stored, (2) the sales of malt or brewed beverages, (3) the quantities of malt or brewed beverages stored for hire or transported for hire by or for the licensee, and (4) the names and addresses of the purchasers or other recipients thereof. Every place licensed as a manufacturer shall be subject to inspection by members of the board or by persons duly authorized and designated by the board, at any and all times of the day or night, as they may deem necessary, for the detection of violations of this act or of the rules and regulations of the board, or for the purpose of ascertaining the correctness of the records required to be kept by licensees. The books and records of such licensees shall at all times be open to inspection by members of the board or by persons duly authorized and designated by the board. Members of the board and its duly authorized agents shall have the right, without hindrance, to enter any place which is subject to inspection hereunder or any place where such records are kept for the purpose of making such inspections and making transcripts thereof. Whenever any checks issued in payment of filing and/or license fees shall be returned to the board as dishonored, the board shall charge a fee of five dollars (\$5.00) per hundred dollars or fractional part thereof, plus all protest fees, to the maker of such check submitted to the board. Failure to make full payment or pay the face amount of the check in full and all charges thereon as herein required within ten days after demand has been made by the board upon the maker of the check or upon notification to the board by the Department of Revenue or the Department of Labor and Industry of its objection, the license of such person shall immediately become invalid and shall remain invalid until payment and all charges are received by the board.

(b) The board shall issue to any reputable person who applies therefor, and pays the license fee hereinafter prescribed, [and files the bond hereinafter required,] a distributor's or importing distributor's license for the place which such person desires to maintain for the sale of malt or brewed beverages, not for consumption on the premises where sold, and in quantities of not less than a case or original containers containing one hundred twenty-eight ounces or more which may be sold separately as prepared for the market by the manufacturer at the place of manufacture. The board shall have the discretion to refuse a license to any person or to any corporation, partnership or association if such person, or any officer or director of such corporation, or any member or partner of such partnership or association shall have been convicted or found guilty of a felony within a period of five years immediately preceding the date of application for the said license: And provided further, That, in the case of any new license or the transfer of any license to a new location, the board may, in its discretion, grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school or public playground, or if

such new license or transfer is applied for a place which is within two hundred feet of any other premises which is licensed by the board: And provided further, That the board shall refuse any application for a new license or the transfer of any license to a new location if, in the board's opinion, such new license or transfer would be detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood within a radius of five hundred feet of the place proposed to be licensed. The board shall refuse any application for a new license or the transfer of any license to a location where the sale of liquid fuels or oil is conducted. The board shall require notice to be posted on the property or premises upon which the licensee or proposed licensee will engage in sales of malt or brewed beverages. This notice shall be similar to the notice required of hotel, restaurant and club liquor licensees.

Except as hereinafter provided, such license shall authorize the holder thereof to sell or deliver malt or brewed beverages in quantities above specified anywhere within the Commonwealth of Pennsylvania, which, in the case of distributors, have been purchased only from persons licensed under this act as manufacturers or importing distributors, and in the case of importing distributors, have been purchased from manufacturers or persons outside this Commonwealth engaged in the legal sale of malt or brewed beverages or from manufacturers or importing distributors licensed under this article.

Each out of State manufacturer of malt or brewed beverages whose products are sold and delivered in this Commonwealth shall give distributing rights for such products in designated geographical areas to specific importing distributors, and such importing distributor shall not sell or deliver malt or brewed beverages manufactured by the out of State manufacturer to any person issued a license under the provisions of this act whose licensed premises are not located within the geographical area for which he has been given distributing rights by such manufacturer. Should a licensee accept the delivery of such malt or brewed beverages in violation of this section, said licensee shall be subject to a suspension of his license for at least thirty days: Provided, That the importing distributor holding such distributing rights for such product shall not sell or deliver the same to another importing distributor without first having entered into a written agreement with the said secondary importing distributor setting forth the terms and conditions under which such products are to be resold within the territory granted to the primary importing distributor by the manufacturer.

When a Pennsylvania manufacturer of malt or brewed beverages licensed under this article names or constitutes a distributor or importing distributor as the primary or original supplier of his product, he shall also designate the specific geographical area for which the said distributor or importing distributor is given distributing rights, and such distributor or importing distributor shall not sell or deliver the products of such manufacturer to any person issued a license under the provisions of this act whose licensed premises are not located within the geographical area for which distributing rights have been given to the distributor and importing distributor by the said manufacturer: Provided, That the importing distributor holding such distributing rights for such product shall not sell or deliver the same to another importing distributor without first having entered into a written agreement with the said secondary importing distributor setting forth the terms and conditions under which such products are to be resold within the territory granted to the primary importing distributor by the manufacturer. Nothing herein contained shall be construed to prevent any manufacturer from authorizing the importing distributor holding the distributing rights for a designated geographical area from selling the products of such manufacturer to another importing distributor also holding distributing rights from the same manufacturer for another geographical area, providing such authority be contained in writing and a copy thereof be given to each of the importing distributors so affected.

Section 8. Sections 433.1(b) and 435 of the act, amended April 29, 1994 (P.L.212, No.30), are amended to read:

Section 433.1. Stadium or Arena Permits.—* * *

(b) The owner or lessee or a concessionaire of any such premises may make application for a permit. The aforesaid permits shall be issued only to reputable individuals, partnerships and associations, who are or whose members are citizens of the United States and have for two years prior to the date of their applications been residents of the Commonwealth of Pennsylvania, or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania, all of whose officers and directors are citizens of the United States. Each applicant shall furnish proof satisfactory to the board that he is of good repute and financially responsible and that the premises upon which he proposes to do business is a proper place. An applicant under subsection (a)(2) for a permit for a stadium or arena owned by the city in a city of the third class which shall have a seating capacity of at least four thousand but less than six thousand five hundred shall designate one or more areas of the licensed premises comprising not less than fifteen percent (15%) of its seating capacity in which the sale of malt and brewed beverages shall not be authorized. The applicant shall submit such other information as the board may require. Applications shall be, in writing on forms prescribed by the board, and signed and sworn to by the applicant. The application and permit fees shall be as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." [A surety bond in the amount of one thousand dollars (\$1000) shall be filed for each year of a licensing period conditioned the same as the license bonds required by this act for retail dispenser licenses.]

Section 435. Filing of Applications for Distributors', Importing Distributors' and Retail Dispensers' Licenses; Filing Fee.—Every person intending to apply for a distributor's, importing distributor's or retail dispenser's license, as aforesaid, in any municipality of this Commonwealth, shall file with the board his or its application. All such applications shall be filed at a time to be fixed by the board. The applicant shall file with the board fees as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." [The applicant shall file a bond as herein required.]

Section 9. Section 468(a) of the act is amended to read:

Section 468. Licenses Not Assignable; Transfers.—(a) Licenses issued under this article may not be assigned. The board, upon payment of the transfer filing fee [and the execution of a new bond], is hereby authorized to transfer any license issued by it under the provisions of this article from one person to another or from one place to another, or both, within the same municipality, and if the applicant is a unit of a nonprofit nationally chartered club, the board is hereby authorized to transfer such license to a place in any other municipality within the same county if the sale of liquor or malt and brewed beverages are legal in such other municipality as the board may determine. Prior to the approval of an application for transfer by a unit of a nonprofit nationally chartered club the board shall make an affirmative finding, upon proof submitted by the applicant, and after investigation by the board, that at the time the application for transfer is made the club continues to hold a valid national charter and continues to function in fact as a club as defined in section 102. The board, in its discretion, may transfer an existing restaurant retail dispenser or club license from one municipality to another in the same county regardless of the quota limitations provided for in this act, if sales of liquor or malt and brewed beverages are legal in such other municipality and if the restaurant retail dispenser or club lost the use of the building in which it was located due to governmental exercise of the right of eminent domain and no other suitable building can be found in the first municipality. In the case of distributor and importing distributor licenses, the board may transfer any such license from its place in a municipality to a place in any other municipality within the same county, or from one place to another place within the same municipality, or exchange a distributor license for an importing distributor license or an importing distributor license for a distributor license, if the building for which the license is to be issued has, in the case of an importing distributor license, an area under one roof of

two thousand five hundred square feet and, in the case of a distributor license, an area under one roof of one thousand square feet: And provided, That, in the case of all transfers of distributor or importing distributor licenses, whether from a place within the same municipality to another place within the same municipality or from a place in a municipality to a place in any other municipality within the same county, and, in the case of an exchange of a distributor license for an importing distributor license or an importing distributor license for a distributor license, the premises to be affected by the transfer or exchange shall contain an office separate and apart from the remainder of the premises to be licensed for the purpose of keeping records, required by the board, adequate toilet facilities for employes of the licensee and an entrance on a public thoroughfare: Provided, however, That in the event that the majority of the voting electors of a municipality, at an election held under the provisions of any law so empowering them to do, shall vote against the issuance of distributor or importing distributor licenses in such municipality, the board is hereby authorized to transfer any such distributor or importing distributor license from its place in such municipality to a place in any other municipality within the same county, upon application prior to the expiration of any such license and upon payment of the transfer filing fee [and the execution of a new bond]; but no transfer shall be made to a person who would not have been eligible to receive the license originally nor for the transaction of business at a place for which the license could not lawfully have been issued originally, nor, except as herein provided, to a place as to which a license has been revoked. No license shall be transferred to any place or property upon which is located as a business the sale of liquid fuels and oil. Except in cases of emergency such as death, serious illness, or circumstances beyond the control of the licensee, as the board may determine such circumstances to justify its action, transfers of licenses may be made only at times fixed by the board. In the case of the death of a licensee, the board may transfer the license to the surviving spouse or personal representative or to a person designated by him. From any refusal to grant a transfer or upon the grant of any transfer, the party aggrieved shall have the right of appeal to the proper court in the manner hereinbefore provided.

* * *

Section 10. Sections 469 and 470 of the act, amended April 29, 1994 (P.L.212, No.30), are amended to read:

Section 469. Applications for Transfers; Fees.—(a) Every applicant for a transfer of a license under the provisions of this article shall file a written application with the board, together with a filing fee as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." [Each such applicant shall also file an approved bond for each year of a licensing period as required on original applications for such licenses.]

(b) Whenever any license is transferred, no license or other fees shall be required from the persons to whom such transfer is made for the portion of the license period for which the license fee has been paid by the transferor, except for transfer fees provided in section 614-A of "The Administrative Code of 1929."

Section 470. Renewal of Licenses; Temporary Provisions for Licensees in Armed Service.—(a) All applications for renewal of licenses under the provisions of this article shall be filed with [a new bond,] tax clearance from the Department of Revenue and the Department of Labor and Industry and requisite license and filing fees at least sixty days before the expiration date of same: Provided, however, That the board, in its discretion, may accept a renewal application filed less than sixty days before the expiration date of the license with the required [bond and] fees, upon reasonable cause shown and the payment of an additional filing fee of one hundred dollars (\$100.00) for late filing: And provided further, That except where the failure to file a renewal application on or before the expiration date has created a license quota vacancy after said expiration date which has been filled by the issuance of a new license, after such expiration date, but before the board has received a renewal application

within the time prescribed herein the board, in its discretion, may, after hearing, accept a renewal application filed within ten months after the expiration date of the license with the required [bond and] fees upon the payment of an additional filing fee of two hundred fifty dollars (\$250.00) for late filing. Where any such renewal application is filed less than sixty days before the expiration date, or subsequent to the expiration date, no license shall issue upon the filing of the renewal application until the matter is finally determined by the board and if an appeal is taken from the board's action the courts shall not order the issuance of the renewal license until final determination of the matter by the courts. A renewal application will not be considered filed unless accompanied by [a new bond and] the requisite filing and license fees and any additional filing fee required by this section. Unless the board shall have given ten days' previous notice to the applicant of objections to the renewal of his license, based upon violation by the licensee or his servants, agents or employes of any of the laws of the Commonwealth or regulations of the board relating to the manufacture, transportation, use, storage, importation, possession or sale of liquors, alcohol or malt or brewed beverages, or the conduct of a licensed establishment, or unless the applicant has by his own act become a person of ill repute, or unless the premises do not meet the requirements of this act or the regulations of the board, the license of a licensee shall be renewed.

(b) In cases where a licensee or his servants, agents or employes are arrested, charged with violating any of the laws of this Commonwealth relating to liquor, alcohol or malt or brewed beverages, and where the board has on file in such cases reports of enforcement officers or investigators of the enforcement bureau or from other sources that a licensee or his servants, agents or employes have violated any of the aforementioned laws and a proceeding to revoke such licensee's license is or is about to be instituted, and such arrest occurs or report of violations is received or revocation proceeding instituted or about to be instituted during the time a renewal application of such license is pending before the board, the board may, in its discretion, renew the license, notwithstanding such alleged violations, but such renewal license may be revoked if and when the licensee or any of his servants, agents or employes are convicted of or plead guilty to violations under the previous license, as aforesaid, or if and when such previous license is for any reason revoked.

In the event such renewal license is revoked by the board, neither the license fee paid for such license nor any part thereof shall be returned to the licensee, but the license bond filed with the application for such renewal of license shall not be forfeited].

Section 11. Section 471(b) of the act is amended to read:

Section 471. Revocation and Suspension of Licenses; Fines.—* * *

(b) Hearing on such citations shall be held in the same manner as provided herein for hearings on applications for license. Upon such hearing, if satisfied that any such violation has occurred or for other sufficient cause, the administrative law judge shall immediately suspend or revoke the license, or impose a fine of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000), or both, notifying the licensee by registered letter addressed to his licensed premises. If the licensee has been cited and found to have violated section 493(1) insofar as it relates to sales to minors, section 493(10) insofar as it relates to lewd, immoral or improper entertainment or section 493(14), (16) or (21), or has been found to be a public nuisance pursuant to section 611, or if the owner or operator of the licensed premises or any authorized agent of the owner or operator has been convicted of any violation of the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or of 18 Pa.C.S. § 5902 (relating to prostitution and related offenses) or 6301 (relating to corruption of minors), at or relating to the licensed premises, the administrative law judge shall immediately suspend or revoke the license, or impose a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or both. The administrative law judge shall notify the licensee by registered mail, addressed to the licensed premises, of such suspension, revocation or fine. [The increased civil penalty imposed by

this subsection shall not be used to require any licensee to increase the amount of the bond required by this act.] In the event the fine is not paid within twenty days of the adjudication, the administrative law judge shall suspend or revoke the license, notifying the licensee by registered mail addressed to the licensed premises. Suspensions and revocations shall not go into effect until thirty days have elapsed from the date of the adjudication during which time the licensee may take an appeal as provided for in this act. When a license is revoked, the licensee's bond may be forfeited. Any licensee whose license is revoked shall be ineligible to have a license under this act until the expiration of three years from the date such license was revoked. In the event a license is revoked, no license shall be granted for the premises or transferred to the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises, except in cases where the licensee or a member of his immediate family is not the owner of the premises, in which case the board may, in its discretion, issue or transfer a license within the said year. In the event the bureau or the person who was fined or whose license was suspended or revoked shall feel aggrieved by the adjudication of the administrative law judge, there shall be a right to appeal to the board. The appeal shall be based solely on the record before the administrative law judge. The board shall affirm the decision of the administrative law judge if it is based on substantial evidence; otherwise, the board shall reverse the decision of the administrative law judge. In the event the bureau or the person who was fined or whose license was suspended or revoked shall feel aggrieved by the decision of the board, there shall be a right to appeal to the court of common pleas in the same manner as herein provided for appeals from refusals to grant licenses. Each of the appeals shall act as a supersedeas unless, upon sufficient cause shown, the reviewing authority shall determine otherwise; however, if the licensee has been cited and found to have violated section 493(1) insofar as it relates to sales to minors, section 493(10) insofar as it relates to lewd, immoral or improper entertainment or section 493(14), (16) or (21), or has been found to be a public nuisance pursuant to section 611, or if the owner or operator of the licensed premises or any authorized agent of the owner or operator has been convicted of any violation of "The Controlled Substance, Drug, Device and Cosmetic Act," or of 18 Pa.C.S. § 5902 or 6301, or relating to the licensed premises, its appeal shall not act as a supersedeas unless the reviewing authority determines otherwise upon sufficient cause shown. In any hearing on an application for a supersedeas under this section, the reviewing authority may consider, in addition to other relevant evidence, documentary evidence, including records of the bureau, showing the prior history of citations, fines, suspensions or revocations against the licensee; and the reviewing authority may also consider, in addition to other relevant evidence, evidence of any recurrence of the unlawful activity occurring between the date of the citation which is the subject of the appeal and the date of the hearing. No penalty provided by this section shall be imposed for any violations provided for in this act unless the bureau notifies the licensee of its nature within thirty days of the completion of the investigation.

Amend Sec. 2, page 2, line 29, by striking out "2" and inserting
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Amend Bill, page 7, by inserting between lines 27 and 28

Section 13. Section 492(8) of the act, amended April 29, 1994 (P.L.212, No.30), is amended to read:

Section 492. Unlawful Acts Relative to Malt or Brewed Beverages and Licenses.—

It shall be unlawful—

(8) Transportation of Malt or Brewed Beverages. For any person, to transport malt or brewed beverages except in the original containers, or to transport malt or brewed beverages for another who is engaged in selling either liquor or malt or brewed beverages, unless such person shall hold (a) a license to transport for hire, alcohol, liquor and malt or brewed

beverages, as hereinafter provided in this act, or (b) shall hold a permit issued by the board and shall have paid to the board such permit fee, as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," [and shall have filed with the board a bond in the penal sum of not more than two thousand dollars (\$2000) for each year of a licensing period, as may be fixed by the rules and regulations of the board,] any other law to the contrary notwithstanding.

Section 14. Sections 504, 505 and 514 of the act are amended to read:

Section 504. Applications; Filing Fees.—(a) Every applicant for a license under this article shall file with the board a written application in such form as the board shall from time to time require. Every such application shall be accompanied by a filing fee of twenty dollars (\$20), the prescribed license fee [and the bond hereinafter specified,] and shall set forth:

(1) The legal names of the applicant and of the owner of the place where business under the license will be carried on, with their residence addresses by street and number, if a partnership, of each separate partner, and if a corporation, of each individual officer thereof.

(2) The exact location of said place of business and of every place to be occupied or used in connection with such business, the productive capacity of each plant where any alcohol or liquor is to be manufactured, produced, distilled, rectified, blended, developed or used in the process of manufacture, denatured, redistilled, recovered, reused, the capacity of every warehouse or other place where such alcohol or liquor or malt or brewed beverage is to be held in bond or stored for hire or the equipment to be used where a transportation business is to be carried on under the license.

(3) That each and every one of the applicants is a citizen of the United States of America.

(4) Such other relevant information as the board shall from time to time require by rule or regulation.

(b) Each application must be verified by affidavit of the applicant made before any officer legally qualified to administer oaths, and if any false statement is wilfully made in any part of said application, the applicant or applicants shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided by this article.

Section 505. Licenses Issued.—Upon receipt of the application in the form herein provided[,] and the proper fees [and an approved bond as herein designated], the board may grant to such applicant a license to engage in, (a) the operation of a limited winery or a winery; or, (b) the manufacturing, producing, distilling, developing, or using in the process of manufacturing, denaturing, redistilling, recovering, rectifying, blending and reusing of alcohol and liquor; or, (c) the holding in bond of alcohol and liquor; or, (d) the holding in storage, as bailee for hire, of alcohol, liquor and malt or brewed beverages; or, (e) the transporting for hire of alcohol, liquor and malt or brewed beverages.

Section 514. Suspension and Revocation of Licenses.—(a) Upon learning of any violation of this act or of any rule or regulation promulgated by the board under the authority of this act, or any violation of any laws of this Commonwealth or of the United States of America relating to the tax payment of alcohol, liquor or malt or brewed beverages by the holder of a license issued under the provisions of this article, or upon other sufficient cause, the enforcement bureau may, within one year from the date of such violation or cause appearing, cite such licensee to appear before an administrative law judge not less than ten (10) nor more than sixty (60) days from the date of sending such licensee, by registered mail, a notice addressed to his licensed premises, to show cause why the license should not be suspended or revoked. Hearings on such citations shall be held in the same manner as provided herein for hearings on applications for license. And upon such hearing, if satisfied that any such violation has occurred or for other sufficient cause, the administrative law judge shall immediately suspend or revoke such license, notifying the licensee thereof by registered letter addressed to his licensed premises, or

to the address given in his application where no licensed premises is maintained in Pennsylvania.

(b) [When a license is revoked, the licensee's bond may be forfeited.] Any licensee whose license is revoked shall be ineligible to have a license under this act or under any other act relating to alcohol, liquor or malt or brewed beverages until the expiration of three (3) years from the date such license was revoked. In the event of a revocation, no license shall be granted for the premises or transferred to the premises in which said license was conducted for a period of at least one (1) year after the date of the revocation of the license conducted in the said premises, except in cases where the licensee or a member of his immediate family is not the owner of the premises, in which case the board may, in its discretion, issue or transfer a license within said year. Such hearing before and adjudication by an administrative law judge shall be in accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies).

Section 15. Section 517 of the act, amended April 29, 1994 (P.L.212, No.30), is amended to read:

Section 517. Expiration of Licenses; Renewals.--All licenses issued under this article shall expire at the close of the license period, but new licenses for the succeeding license period shall be issued upon written application therefor, duly verified by affidavit, stating that the facts in the original application are unchanged, and upon payment of the fee as hereinafter provided [and the furnishing of a new bond], without the filing of further statements or the furnishing of any further information unless specifically requested by the board: Provided, however, That any such license issued to a corporation shall expire thirty (30) days after any change in the officers of such corporation, unless the name and address of each such new officer of such corporation shall, within that period, be reported to the board by certificate, duly verified. Applications for renewals must be made not less than thirty (30) nor more than sixty (60) days before the expiration of the license period. All applications for renewal received otherwise shall be treated as original applications.

Amend Sec. 3, page 7, line 28, by striking out "3" and inserting

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

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

Mr. SERAFINI. Mr. Speaker, this amendment, 0298, would eliminate the current requirement that is in the LCB (Liquor Control Board) laws to have a bond issued for the 20,000 licensed establishments out there. This is an LCB initiative.

Currently people holding liquor licenses are required to have a \$2,000 bond. The cost of administering this program to the LCB is \$150,000, while they receive only \$80,000 from these bonds per year, so they are actually losing money on handling this program.

It is an antiquated requirement, and to support this, we have the fact that anyone who is fined or has a violation against their license faces the potential loss of that liquor license. That would be enough for any license holder to not want to lose that license in view of a violation and pay the fine.

So the \$2,000 bond is really an antiquated item that we are trying to eliminate from the requirements of licensed establishments, the 20,000 licensees that are currently out there in the State of Pennsylvania.

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

The following roll call was recorded:

YEAS-167

Adolph	Eachus	Major	Santoni
Allen	Evans	Manderino	Scrimenti
Argall	Fairchild	Markosek	Semmel
Bard	Fargo	Marsico	Serafini
Barrar	Feese	Masland	Seyfert
Battisto	Fichter	Mayernik	Shaner
Bebko-Jones	Flick	McCaill	Smith, B.
Belardi	Gannon	McGeehan	Smith, S. H.
Belfanti	George	McGill	Snyder, D. W.
Bishop	Gigliotti	McNaughton	Staback
Blaum	Gladeck	Melio	Stairs
Boscola	Godshall	Michlovic	Steelman
Boyes	Gordner	Micozzie	Steil
Browne	Gruitza	Miller	Stetler
Butkovitz	Gruppo	Mundy	Stevenson
Buxton	Habay	Myers	Sturla
Caltagirone	Haluska	Nailor	Surra
Cappabianca	Hanna	Nickol	Tangretti
Carn	Harhart	Olasz	Taylor, E. Z.
Carone	Hasay	Oliver	Taylor, J.
Casorio	Hennessey	Orie	Thomas
Cawley	Herman	Perzel	Tigue
Chadwick	Itkin	Pesci	Trello
Civera	Jadlowiec	Petrarca	Trich
Cohen, L. I.	James	Petrona	Tulli
Cohen, M.	Jarolin	Pippy	Vance
Colafella	Josephs	Pistella	Van Home
Colaizzo	Kaiser	Platts	Veon
Cornell	Keller	Preston	Vitali
Corpora	Kenney	Ramos	Walko
Cowell	Kirkland	Raymond	Waugh
Coy	LaGrotta	Readshaw	Williams, A. H.
Curry	Laughlin	Reber	Williams, C.
Daley	Lawless	Reinard	Wilt
Dally	Lederer	Rieger	Wogan
DeLuca	Leh	Roberts	Wojnaroski
Dempsey	Lescovitz	Robinson	Wright, M. N.
Dent	Levdansky	Roebuck	Yewcic
Dermody	Lloyd	Rooney	Youngblood
DeWeese	Lucyk	Ross	
DiGirolamo	Maher	Rublely	Ryan,
Donatucci	Maitland	Sainato	Speaker
Druce			

NAYS-27

Armstrong	Clymer	Krebs	Schuler
Baker	Egolf	Lynch	Stern
Barley	Fleagle	McIlhattan	Strittmatter
Benninghoff	Geist	Rohrer	True
Birmelin	Hershey	Sather	Zimmerman
Brown	Hess	Saylor	Zug
Clark	Hutchinson	Schroder	

NOT VOTING-0

EXCUSED-7

Bunt	Horsey	Phillips	Washington
Corrigan	O'Brien	Travaglio	

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

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

Mr. SERAFINI offered the following amendment No. A0305:

Amend Title, page 1, line 17, by inserting after "for" sales by licensees and for

Amend Bill, page 1, lines 21 through 23, page 2, line 1, by striking out all of said lines and inserting

Section 1. Section 406(a) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14), is amended by adding a paragraph to read:

Section 406. Sales by Liquor Licensees; Restrictions.—(a) * * *

(7) Notwithstanding any provision of this act, on the Sunday on which the sporting event commonly referred to as the "Super Bowl" is conducted, licensees who do not possess the special annual permit provided for in paragraph (3), their servants, agents or employes may sell liquor and malt or brewed beverages on such Sunday after one o'clock postmeridian and until two o'clock antemeridian of the following day.

* * *

Section 2. Section 408.4(a) of the act, amended December 20, 1996 (P.L.1523, No.199), is amended to read:

Amend Sec. 2, page 2, line 29, by striking out "2" and inserting 3

Amend Sec. 3, page 7, line 28, by striking out "3" and inserting 4

On the question,

Will the House agree to the amendment?

The SPEAKER. The gentleman, Mr. Serafini, is recognized on the amendment.

Mr. SERAFINI. Mr. Speaker, this is an amendment that has passed the House many times in bill form, and I am offering it. It relates to Super Bowl Sunday and the ability of licensed establishments to sell alcohol or brewed beverages on such Sunday after 1 o'clock postmeridian and until 2 o'clock antemeridian of the following day.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-144

Adolph	Donatucci	Markosek	Santoni
Allen	Druce	Marsico	Scrimenti
Argall	Eachus	Masland	Semmel
Bard	Evans	Mayernik	Serafini
Barrar	Feese	McCall	Shaner
Bebko-Jones	Fichter	McGeehan	Snyder, D. W.
Belardi	Gannon	McGill	Staback
Belfanti	George	McNaughton	Stairs
Bishop	Gigliotti	Michlovic	Steelman
Blaum	Gladeck	Micozzie	Steil
Boscola	Godshall	Miller	Stetler
Boyes	Gruitza	Myers	Stevenson
Browne	Gruppo	Nailor	Sturla
Butkovitz	Habay	Nickol	Surra
Buxton	Haluska	Olasz	Tangretti
Caltagirone	Hanna	Oliver	Taylor, J.
Cappabianca	Harhart	Perzel	Thomas
Carn	Hasay	Pesci	Tigue
Carone	Hennessey	Petrarca	Trello
Casorio	Herman	Petrone	Trich
Cawley	Itkin	Pistella	Tulli
Chadwick	James	Platts	Van Horne
Civera	Jarolin	Preston	Veon
Cohen, L. I.	Josephs	Ramos	Vitali

Colafrella	Kaiser	Raymond	Walko
Colaizzo	Keller	Readshaw	Waugh
Cornell	Kenney	Reber	Williams, A. H.
Corpora	LaGrotta	Reinard	Williams, C.
Curry	Laughlin	Rieger	Wilt
Daley	Lawless	Roberts	Wogan
Dally	Lederer	Robinson	Wojnaroski
DeLuca	Lescovitz	Roebuck	Wright, M. N.
Dempsey	Levdansky	Rooney	Youngblood
Dent	Lloyd	Ross	
Dermody	Lucyk	Rubley	Ryan,
DeWeese	Maher	Sainato	Speaker
DiGirolamo	Maitland		

NAYS-50

Armstrong	Fairchild	Lynch	Schuler
Baker	Fargo	Major	Scyfert
Barley	Fleagle	Manderino	Smith, B.
Battisto	Flick	McFlhattan	Smith, S. H.
Benninghoff	Geist	Melio	Stern
Birmelin	Gordner	Mundy	Strittmatter
Brown	Hershey	Orie	Taylor, E. Z.
Clark	Hess	Pippy	True
Clymer	Hutchinson	Rohrer	Vance
Cohen, M.	Jadlowiec	Sather	Yewcic
Cowell	Kirkland	Saylor	Zimmerman
Coy	Krebs	Schroder	Zug
Egolf	Leh		

NOT VOTING-0

EXCUSED-7

Bunt	Horsey	Phillips	Washington
Corrigan	O'Brien	Travaglio	

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

On the question recurring,

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

Mr. STURLA offered the following amendment No. A0302:

Amend Title, page 1, line 18, by striking out "AND" and inserting a comma

Amend Title, page 1, line 18, by removing the period after "OPTION" and inserting

and for unlawful acts relative to liquor, malt and brewed beverages and licensees.

Amend Bill, page 7, by inserting between lines 27 and 28

Section 3. Section 493(10) of the act, amended April 29, 1994 (P.L.212, No.30), is amended to read:

Section 493. Unlawful Acts Relative to Liquor, Malt and Brewed Beverages and Licensees.—The term "licensee," when used in this section, shall mean those persons licensed under the provisions of Article IV, unless the context clearly indicates otherwise.

It shall be unlawful—

* * *

(10) Entertainment on Licensed Premises (Except Clubs); Permits; Fees. For any licensee, his servants, agents or employes, except club licensees, to permit in any licensed premises or in any place operated in connection therewith, dancing, theatricals or floor shows of any sort, or moving pictures other than television, or such as are exhibited through machines operated by patrons by the deposit of coins, which project pictures on a screen not exceeding in size twenty-four by thirty inches and

which forms part of the machine, unless the licensee shall first have obtained from the board a special permit to provide such entertainment, or for any licensee, under any circumstances, to permit in any licensed premises any lewd, immoral or improper entertainment, regardless of whether a permit to provide entertainment has been obtained or not. The special permit may be used only during the hours when the sale of liquor or malt or brewed beverages is permitted, and between eleven o'clock antemeridian on Sunday and two o'clock antemeridian on the following Monday, regardless of whether the licensee possesses a Sunday sales permit. The board shall have power to provide for the issue of such special permits, and to collect an annual fee for such permits as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." All such fees shall be paid into the State Stores Fund. No such permit shall be issued in any municipality which, by ordinance, prohibits amusements in licensed places. Any violation of this clause shall, in addition to the penalty herein provided, subject the licensee to suspension or revocation of his permit and his license.

Amend Sec. 3, page 7, line 28, by striking out "3" and inserting
4

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

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment corrects what I believe is an unintended consequence of the current law. Current law prohibits establishments that do not have Sunday permits from even holding nonalcoholic events, such as teen dances, and while they can have those nonalcoholic events during the week, they are prohibited from doing it on Sundays because there is in fact dancing there, not because they are serving alcohol but because there is dancing. What this amendment will do is allow for those establishments to open on Sundays to all ages, not serve alcohol, and provide constructive, positive, nonalcoholic events for youth.

So I would appreciate an affirmative vote. Thank you.

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

The following roll call was recorded:

YEAS-194

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

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Bunt	Horsey	Phillips	Washington
Corrigan	O'Brien	Travaglio	

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

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

Mr. TANGRETTI offered the following amendment No. A0313:

Amend Title, page 1, line 17, by inserting after "providing" for restrictions on sales by liquor licensees,
Amend Bill, page 1, lines 21 through 23; page 2, line 1, by striking out all of said lines on said pages and inserting
Section 1. Section 406(a) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14), is amended by adding a clause to read:
Section 406. Sales by Liquor Licensees; Restrictions.--(a) ***
(7) Notwithstanding other provisions to the contrary, a catering club licensee that is a volunteer fire company may sell liquor or malt or brewed beverages to nonmembers who purchase tickets in advance or at the door for a catered function.

Section 2. Section 408.4(a) of the act, amended December 20, 1996 (P.L.1523, No.199), is amended to read:

Amend Sec. 2, page 2, line 29, by striking out "2" and inserting
3

Amend Sec. 3, page 7, line 28, by striking out "3" and inserting
4

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

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

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, this amendment will, I think, correct a situation and put it in law what in fact is happening in real life. Any volunteer fire company that has a club catering license is prohibited from selling tickets at the door for events that nonmembers are sponsoring, and as you know, most fire companies hold these events in their fire halls for the purpose of raising money for various pieces of equipment and other expenses that they have. So it is a necessary item that they have to have, but they are prohibited from allowing those nonmembers who are holding these events from selling tickets except 24 hours in advance. The difficulty always is that that is just very, very hard to control and enforce.

Apparently, throughout the State and in my district, on a couple of occasions the liquor enforcement officers have cited and fined fire departments who have these licenses sometimes. It happens very infrequently and certainly not consistently. A lot of companies, a lot of fire halls, who have these licenses hold these events without any kind of problem. I know myself I have held various events, political events, at fire halls and sold tickets at the door, even unaware that this was a problem and never had a problem, as I am sure a lot of members have had the same situation.

In view of the fact that there are 20,000 total liquor licenses in the Commonwealth and less than 1 percent of those are volunteer fire companies who have club catering licenses, I do not think this is a very real threat to those people who have those other 19,000-and-some licenses.

So I would ask that this amendment be adopted, which would in fact allow those events by nonmembers to sell tickets at the door. I appreciate your consideration and ask for your support. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Serafini, on the issue.

Mr. SERAFINI. Mr. Speaker, I understand what the gentleman is trying to do, but this is a very dangerous initiative. As a volunteer fireman for many years and a member of a company that has a license in his community, this would then put— These are catering club licenses; they are member-only licenses. If we allow this kind of activity, it would put these licensed establishments which are volunteer fire companies in the hospitality market. You could just imagine what this will do to their insurance requirements and what it could do to other establishments that are in that location that have as their livelihood this liquor license for their establishments — those bars, restaurants, et cetera.

This is a very, very dangerous initiative, and as a volunteer fireman, I still have to say that I will be voting against this particular amendment.

The SPEAKER. The gentleman, Mr. Tangretti.

Mr. TANGRETTI. Thank you, Mr. Speaker.

Since the individual fire companies who have had problems with this have come to me relative to this, I would feel that the gentleman's argument about their concerns, at least in our part of the State, is not valid. And again, I can only reiterate that we are talking about a very, very small percentage of all the liquor-license holders in the State who have these club catering licenses, so the effect on other license holders would be negligible.

I just think that it is something that is very needed by these small fire departments. It is needed for them to help raise money for their equipment and all the needs that they have, and we know the expense of their equipment has increased exponentially over the last 10 years, to the extent that our Volunteer Loan Fund Program does not help them the way it used to.

So I would ask that given the nature of that, and I understand the gentleman's concerns, but I do not believe they are as valid as he would let us believe. Thank you.

The SPEAKER. The gentleman, Mr. Serafini.

Mr. SERAFINI. Thank you.

I agree with much of what the Representative has stated about the financial problems of the volunteer fire companies. That goes without saying. But this is not the way to solve their financial dilemma. The catering club license that they have, that they requested, is so that other individuals who want to use their facility would have the right to lease their premises and have alcoholic beverages served. It is not for the purpose of that fire company to sponsor its own functions and sell tickets and solicit customers for their specific function that is not of the catering club license design. This is opening the door for those 350 to 400 — I believe that is the number — licenses held by fire companies throughout the State to then have their own functions, sell tickets at the door, and solicit patrons for fundraising.

This, in my opinion, is not the way to solve the financial problems of the volunteer fire companies. Mr. Speaker, I have to agree that volunteer fire companies do have a financial dilemma, but this is not the way to solve it. Thank you.

The SPEAKER. The gentleman, Mr. Melio.

Mr. MELIO. Mr. Speaker, thank you.

Several of the companies in my district depend on catering companies to help them with their finances, and I have to remind the colleagues on the floor that if they have financial problems and they are not resolved, it will go back on the taxpayer to help those fire companies.

So this would be a tremendous help, and I would urge a "yes" vote.

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

The following roll call was recorded:

YEAS—106

Allen	Donatucci	Manderino	Sainato
Argall	Eachus	Markosek	Santoni
Battisto	Evans	Mayernik	Scrimenti
Bebko-Jones	Fichter	McCall	Shaner
Belardi	George	McGeehan	Snyder, D. W.
Belfanti	Gigliotti	McGill	Staback
Benninghoff	Gladeck	Melio	Stairs
Blaum	Gordner	Michlovic	Steelman

Boscola	Gruitza	Mundy	Stetler
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Olasz	Surra
Caltagirone	Hanna	Oliver	Tangretti
Cappabianca	Hasay	Pesci	Thomas
Carn	Itkin	Petrarca	Tigue
Casorio	James	Petrone	Trello
Cawley	Jarofin	Pistella	Trich
Cohen, M.	Josephs	Preston	Van Horne
Colafiglia	Kaiser	Ramos	Veon
Colaizzo	Keller	Readshaw	Vitali
Corpora	Kirkland	Reber	Walko
Cowell	LaGrotta	Reinard	Williams, A. H.
Coy	Laughlin	Rieger	Williams, C.
Curry	Lederer	Roberts	Wilt
Daley	Lescovitz	Robinson	Wojnaroski
DeLuca	Levdansky	Roebuck	Yewcic
Dermody	Lloyd	Rooney	Youngblood
DeWeese	Lucyk		

NAYS-87

Adolph	Fairchild	Maitland	Semmel
Armstrong	Fargo	Major	Serafini
Baker	Feese	Marsico	Seyfert
Bard	Fleagle	Masland	Smith, B.
Barley	Flick	McIlhattan	Smith, S. H.
Barrar	Gannon	McNaughton	Steil
Birmelin	Geist	Micozzie	Stern
Boyes	Godshall	Miller	Stevenson
Brown	Gruppo	Nailor	Strittmatter
Browne	Harhart	Nickol	Taylor, E. Z.
Carone	Hennessey	Orie	Taylor, J.
Chadwick	Herman	Perzel	True
Civera	Hershey	Pippy	Tulli
Clark	Hess	Platts	Vance
Clymer	Hutchinson	Raymond	Waugh
Cohen, L. I.	Jadlowiec	Rohrer	Wogan
Cornell	Kenney	Ross	Wright, M. N.
Dally	Krebs	Rublely	Zimmerman
Dempsey	Lawless	Sather	Zug
Dent	Leh	Saylor	
DiGirolamo	Lynch	Schroder	Ryan,
Druce	Maher	Schuler	Speaker
Egolf			

NOT VOTING-1

Bishop

EXCUSED-7

Bunt	Horshey	Phillips	Washington
Corrigan	O'Brien	Travaglio	

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

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

Mr. BROWNE offered the following amendment No. A0299:

Amend Title, page 1, line 18, by inserting after "permits" for renewal of licenses, for unlawful acts relative to liquor, malt and brewed beverages and licensees

Amend Bill, page 2, by inserting between lines 28 and 29

Section 2. Section 470(a) of the act, amended April 29, 1994 (P.L.212, No.30), is amended to read:

Section 470. Renewal of Licenses; Temporary Provisions for Licensees in Armed Service.—(a) All applications for renewal of licenses under the provisions of this article shall be filed with a new bond, tax clearance from the Department of Revenue and the Department of Labor and Industry and requisite license and filing fees at least sixty days before the expiration date of same: Provided, however, That the board, in its discretion, may accept a renewal application filed less than sixty days before the expiration date of the license with the required bond and fees, upon reasonable cause shown and the payment of an additional filing fee of one hundred dollars (\$100.00) for late filing: And provided further, That except where the failure to file a renewal application on or before the expiration date has created a license quota vacancy after said expiration date which has been filled by the issuance of a new license, after such expiration date, but before the board has received a renewal application within the time prescribed herein the board, in its discretion, may, after hearing, accept a renewal application filed within ten months after the expiration date of the license with the required bond and fees upon the payment of an additional filing fee of two hundred fifty dollars (\$250.00) for late filing. Where any such renewal application is filed less than sixty days before the expiration date, or subsequent to the expiration date, no license shall issue upon the filing of the renewal application until the matter is finally determined by the board and if an appeal is taken from the board's action the courts shall not order the issuance of the renewal license until final determination of the matter by the courts. A renewal application will not be considered filed unless accompanied by a new bond and the requisite filing and license fees and any additional filing fee required by this section. Unless the board shall have given ten days' previous notice to the applicant of objections to the renewal of his license, based upon violation by the licensee or his servants, agents or employes of any of the laws of the Commonwealth or regulations of the board relating to the manufacture, transportation, use, storage, importation, possession or sale of liquors, alcohol or malt or brewed beverages, or the conduct of a licensed establishment, or unless the applicant has by his own act become a person of ill repute, or unless the premises do not meet the requirements of this act or the regulations of the board, the license of a licensee shall be renewed. Unless the board shall have given ten days' previous notice to the applicant of objections to the renewal of the license, based upon violation by the licensee, its servants, agents or employes of any of the laws or regulations of the United States or the Commonwealth, or licensee's citation history, or licensee's failure to prevent fighting, disorderly conduct or other criminal activity on or in the immediate vicinity of the licensed premises or in areas under licensee's control where there exists a causal connection between the activity outside and inside the licensed premises, or unless the premises do not meet the requirements of this act or the regulations of the board the license shall be renewed.

Amend Sec. 2, page 2, line 29, by striking out "2" and inserting

3

Amend Bill, page 7, by inserting between lines 27 and 28

Section 4. Section 493 of the act is amended by adding a clause to read:

Section 493. Unlawful Acts Relative to Liquor, Malt and Brewed Beverages and Licensees.—The term "licensee," when used in this section, shall mean those persons licensed under the provisions of Article IV, unless the context clearly indicates otherwise.

It shall be unlawful—

(29) For any licensee, its servant, agent or employe to engage in or permit any fighting, disorderly conduct or other criminal activity on or in the immediate vicinity of the licensed premises or under the licensee's control where there exists a causal connection between the activity outside and inside the licensed premises.

Section 5. Section 611(b) of the act is amended to read:

Section 611. Nuisances; Actions To Enjoin.—***

(b) An action to enjoin any nuisance defined in this act may be brought in the name of the Commonwealth of Pennsylvania by the Attorney General, by the Pennsylvania State Police, through its Bureau of Liquor Control Enforcement, by the municipality wherein the establishment is located, by the district attorney of the proper county or by a person who resides or has a place of business within five hundred feet of the location of the alleged nuisance. Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases within the county in which the offense occurs. If it is made to appear, by affidavit or otherwise, to the satisfaction of the court that such nuisance exists, a temporary writ of injunction shall forthwith issue, restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the proceedings. If a temporary injunction is prayed for, the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the liquids, beverages or other things used in connection with the violation of this act constituting such nuisance. No bond shall be required in instituting such proceedings brought in the name of the Commonwealth by the Attorney General or the district attorney. Where such proceedings are brought by a person, the court, upon application of the defendant and prior to any injunction being issued, may direct the plaintiff to post bond in such amount as the court may find to be reasonable and sufficient. It shall not be necessary for the court to find the property involved was being unlawfully used, as aforesaid, at the time of the hearing, but on finding that the material allegations of the petition are true, the court shall order that no liquor, alcohol or malt or brewed beverage shall be manufactured, sold, offered for sale, transported, bartered or furnished, or stored in bond, or stored for hire in such room, house, building, structure, boat, vehicle, or place, or any part thereof.

* * *

Amend Sec. 3, page 7, line 28, by striking out "3" and inserting

6

On the question,

Will the House agree to the amendment?

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

Mr. BROWNE. Thank you, Mr. Speaker.

Amendment 0299 amends the Liquor Code to clarify the definition of what constitutes an actionable activity by the LCB in the renewal of licenses in regards to incidents that occur outside a liquor establishment and also adds to the list of parties who can bring an action to enjoin a nuisance, under our nuisance bar statute, in the name of the Commonwealth to include the Liquor Control Enforcement agency and local municipalities.

As the members are aware, Mr. Speaker, when the General Assembly added the nuisance bar section to the Liquor Code, it did not address the issue of when incidents outside a licensed or unlicensed establishment could constitute a public nuisance or unlawful offense, thereby justifying an action or an injunction. However, in actions brought under section 611, our Supreme Court and Superior Court have affirmed rulings of the courts of common pleas of various counties granting injunctions under this section when inquiries were made into incidents outside the establishment. Our statewide courts ruled that in deciding whether to grant an injunction suspending operations, inquiry into activities outside an establishment is permissible as long as the conduct at issue is in the immediate vicinity of the establishment and there is a causal relationship between what occurs inside and outside the premises.

One purpose of the amendment is to clarify and codify the established precedent on the consideration of outside incidents in

an action under section 611 and extending them to incidents which may be considered by the LCB in renewing licenses. With the adoption of this amendment, we will be bringing common sense to our liquor enforcement by providing that those activities that the courts have consistently held to be actionable to close an establishment to enjoin and abate a nuisance will also be actionable—

The SPEAKER. Will the gentleman yield.

Conferences on the floor will please break up.

The gentleman, Mr. Browne.

Mr. BROWNE. Thank you, Mr. Speaker.

With the adoption of this amendment, we will be bringing common sense to our liquor enforcement by providing that those activities that the courts have consistently held to be actionable to close an establishment as a nuisance will also be actionable in the renewal of licenses.

It is important to note that adding this language to our nuisance bar program does not expose the overwhelming majority of our well-run establishments to potential legal action. Our courts have clearly stated that a licensee cannot be affected by the nuisance bar program for isolated incidents or even several incidents committed off the premises. Where the court has acted is when evidence demonstrates a persistent and continuous disturbance of the peace and good order of the neighborhood where the establishment exists.

The final purpose of the amendment is to add our Liquor Control Enforcement agency and local municipalities to the list of parties who can bring an action under the nuisance bar statute. Given the fact that the LCE, more than the Attorney General's Office, is charged with the responsibility of enforcing our liquor laws and they have firsthand access to information of nuisance activities by virtue of their investigation duties, I believe that adding the LCE to the list of parties will allow for more effective, seamless application of the equity power of our nuisance bar program.

In addition, municipalities have the most vested interest in ensuring nuisance-free neighborhoods and should be able to stand for their residents of these neighborhoods that are adversely affected by problem establishments.

This amendment is supported by the LCE, by the LCB, and I ask for your affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. TRELLO. Mr. Speaker, could I interrogate the prime sponsor of the amendment?

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

Mr. TRELLO. Mr. Speaker, I do not quite understand your amendment, but let us put this in the proper perspective. If two gentlemen are in a tavern, a liquor-license establishment, and they leave and they stand outside the establishment and they are discussing an issue and they get into an argument and a fight breaks out, would the owner of that liquor-license establishment be responsible for that incident outside? Could he get cited for that?

Mr. BROWNE. Mr. Speaker, if that was an isolated incident or an incident that occurred just once or maybe several times, even under the current nuisance bar program, that would not be an

actionable offense. We are talking about circumstances where an establishment is a real problem in a neighborhood; there are consistent incidents that occur outside the bar that are a function of inside activity, because people are going into the establishment, getting intoxicated, drinking a lot of beer or wine or liquor, coming out and getting involved in disorderly behavior that is a violation of the Crimes Code. No establishment, in any circumstance, that is exposed to one or two incidents is going to be affected by this change.

Mr. TRELLO. Well, let me give you a hypothetical question. Let us say there are two gentlemen inside of a liquor-license establishment and they get into an argument and start pushing and shoving each other—

The SPEAKER. Will the gentleman please yield.

There are entirely too many conferences on the floor. Conferences on the floor will please break up. Conferences in the vicinity of the gentleman, Mr. Trello.

Mr. Trello, you may begin.

Mr. TRELLO. Let me give you a hypothetical incident. Let us say two men or two women are in a bar and they get into an argument and they start pushing and shoving each other, and the proprietor comes over and says, "Listen, you guys; I don't want any trouble in this bar; you'll have to leave," and he throws them out, tells them to leave. When they get outside, that argument continues and they get into a fight. That liquor-license establishment, can he be cited for that?

Mr. BROWNE. As I mentioned before, those types of circumstances occur in almost — a good number of establishments.

Mr. TRELLO. No. I am asking, could they be cited for that?

Mr. BROWNE. They could be cited, but the possibility of it actually being an actionable activity, under the precedent under this, the nuisance bar program, is very, very unlikely. Also, you must understand that the precedent says there has to be a causal relationship between what is inside and outside. In other words, if there is just an argument inside the bar that has nothing to do with the operations of the bar, which can occur in any bar, and then it flows outside with people who are intoxicated, you have to have that causal relationship for something to happen. If it was just an argument in the bar and it goes outside the bar, I would not figure there is a causal relationship there, under the case law that I have read, under this statute.

Mr. TRELLO. My question is, could they be cited?

Mr. BROWNE. It is a possibility they could be, but the precedent says they will not be.

Mr. TRELLO. Okay. Thank you, Mr. Speaker.

I would like to speak on the amendment, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Trello, is in order.

Mr. TRELLO. Mr. Speaker, I am sure the gentleman's intentions are very, very good, and his regard for nuisance bars and the problems they create, I am sure, is legitimate, but I think the amendment— And when I asked the question, could they be cited, you know, tavern owners are— There are some people in this Commonwealth that think that people that own a liquor license are bad people, they belong to a mob and they are selling an illegal product, when in fact they are decent men and women that own these establishments. They go to the same church you and I go to, their kids go to the same school that we go to, and they have come up with a large investment in that business. And the fact that an incident occurs where somebody has gotten into an argument

inside of this establishment and he throws them out because he runs a good place and they get into an argument and a fight outside and one of them injures himself very, very seriously, and the fact that he could be held liable for that, I think, is wrong.

Mr. Speaker, I am asking the members from both sides of the aisle to vote against this amendment, because I think it paints a clear picture of the additional problems that liquor-license establishments have today. Their businesses are going nowhere today. As a matter of fact, between 1993 and 1994, 1,611 liquor-license establishments have gone out of business because of the drunk driving law. This is another incident where they could be fined that would create an awful problem, a financial problem for these people that made a large investment, and I am asking for a "no" vote on the amendment. Thank you, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the gentleman from Philadelphia County, Mr. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this amendment. I rise in support of this amendment because I think that there is clearly more, oftentimes more than a casual relationship between nuisance activities within the establishments and what happens outside of those establishments. Certainly in my district in Philadelphia, where we have had a series of problems with nuisance bars, this represents a very effective way to begin to further address that kind of problem. And as is clear, it is not an isolated Philadelphia problem; it is a problem that affects districts across this State.

A nuisance bar blights a neighborhood, a nuisance bar blights a community, and when the activity that occurs in that bar spills outside, it blights it even more. And when the owner of that establishment says, "Well, it's outside; it's not my responsibility," then we have a very, very serious problem. This amendment goes towards addressing that very real and legitimate concern. I believe it is an important device, an important way that we can further deter the spread of nuisance bars; we can begin to reclaim communities; we can begin to do those things that are positive for neighborhoods.

So I urge my colleagues to support this amendment and help those of us who have this particular problem to fight that problem more effectively. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—129

Allen	Druce	Major	Schroder
Argall	Evans	Manderino	Schuler
Armstrong	Fargo	Marsico	Scrimenti
Baker	Feese	Masland	Semmel
Bard	Fleagle	McGeehan	Serafini
Barley	Geist	McGill	Smith, B.
Bebko-Jones	George	McIlhattan	Smith, S. H.
Benninghoff	Gladeck	McNaughton	Snyder, D. W.
Birmelin	Godshall	Melio	Stairs
Bishop	Gruppo	Michlovic	Steelman
Blaum	Habay	Miller	Steil
Boscola	Harhart	Mundy	Stetler
Brown	Hasay	Myers	Stevenson
Browne	Hennessey	Oliver	Strittmatter
Butkovitz	Herman	Orie	Sturla
Buxton	Hershey	Perzel	Tangretti

Caltagirone	Hess	Pesci	Taylor, E. Z.
Carn	Hutchinson	Petrone	Taylor, J.
Chadwick	Itkin	Pippy	Thomas
Clymer	Jadlowiec	Pistella	True
Cohen, L. I.	James	Platts	Tulli
Cohen, M.	Josephs	Preston	Vance
Cornell	Kaiser	Ramos	Vitali
Corpora	Keller	Readshaw	Waugh
Cowell	Kenney	Reinard	Williams, A. H.
Coy	Kirkland	Rieger	Williams, C.
Curry	Krebs	Roebuck	Wilt
Dally	Leh	Rooney	Wogan
Dempsey	Lloyd	Ross	Wright, M. N.
Dent	Lynch	Rubley	Yewcic
DeWeese	Maher	Sather	Youngblood
DiGirolamo	Maitland	Saylor	Zimmerman
Donatucci			

The SPEAKER. The gentleman, Mr. Nickol, moves that the rules of the House be suspended to permit the offering of amendment number— Would the gentleman repeat that number.

Mr. NICKOL. A0330.

The SPEAKER. A0330.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—191

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

NAYS—62

Adolph	Dermody	Lescovitz	Santoni
Barrar	Eachus	Levdansky	Seyfert
Battisto	Egolf	Lucyk	Shaner
Belardi	Fairchild	Markosek	Staback
Belfanti	Fichter	Mayernik	Stern
Boyes	Flick	McCall	Surra
Cappabianca	Gannon	Micozzie	Tigue
Carone	Gigliotti	Nailor	Trello
Casorio	Gordner	Nickol	Trich
Cawley	Gruitza	Olasz	Van Home
Civera	Haluska	Raymond	Veon
Clark	Hanna	Reber	Walko
Colaella	Jarolin	Roberts	Wojnaroski
Colaizzo	LaGrotta	Robinson	
Daley	Laughlin	Rohrer	Ryan,
DeLuca	Lawless	Sainato	Speaker

NOT VOTING—3

Lederer	Petrarca	Zug
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EXCUSED—7

Bunt	Horsey	Phillips	Washington
Corrigan	O'Brien	Travaglio	

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

On the question recurring,

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

RULES SUSPENDED

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

Mr. NICKOL. Thank you, Mr. Speaker.

I had prepared for introduction amendment A0257. Through a miscommunication with the Legislative Reference Bureau, they drafted the language to the wrong section of the Liquor Code. They drafted it to 408.3 instead of 408.6, so they artfully took three pages to accomplish what could be done in three words.

So what I would like to do is ask for a suspension of the rules to offer a corrective amendment, A0330.

NAYS—1

Kirkland

NOT VOTING—2

Eachus Trich

EXCUSED-7

Bunt Horsey Phillips Washington
 Corrigan O'Brien Travaglio

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

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

Mr. NICKOL offered the following amendment No. A0330:

Amend Title, page 1, line 18, by inserting after "permits"
 for certain performing arts facilities
 Amend Sec. 2, page 2, line 29, by striking out "SECTION" and inserting
 Sections 408.6(a) and
 Amend Sec. 2, page 2, line 30, by striking out "IS" and inserting
 are
 Amend Sec. 2, page 2, by inserting after line 30
 Section 408.6. Performing Arts Facilities in Second Class A Cities, Third Class Cities and Townships of the Second Class Located in Fourth Class Counties.—(a) The board is authorized to issue a restaurant liquor license to a nonprofit corporation or to a concessionaire selected by such nonprofit corporation in any city of the second class A [or], any city of the third class or any borough for the retail sale of liquor and malt or brewed beverages by the glass, open bottles or other container or in any mixture for consumption on any city-owned premises utilized as a nonprofit performing arts facility or any other premises utilized as a nonprofit performing arts facility where there is an available seating capacity within the premises of six hundred fifty or more: Provided, however, That no sale or consumption of such beverages shall take place on any portions of such premises other than service areas approved by the board.

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

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

Mr. NICKOL. Thank you, Mr. Speaker.

Anyone looking at the Liquor Code will see a series of sections on performing arts facilities and other related facilities, allowing them to obtain a liquor license for what generally amounts to the wine-and-cheese-type affairs that they hold.

There are two communities in my area — the borough of Hanover and the borough of Carlisle — which both have facilities where they are interested in obtaining such licenses. So what I am doing is amending this section of the code to extend licenses for performing arts facilities to those located in boroughs.

I would appreciate the members' support.

PARLIAMENTARY INQUIRY

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

Mr. STURLA. Thank you, Mr. Speaker.
 Just a point of parliamentary inquiry because we do not have this amendment in front of us yet.

Does this impact on any of the previous amendments that were offered here today?

The SPEAKER. Does the gentleman, Mr. Nickol, care to respond to that?

Mr. NICKOL. No, Mr. Speaker. No other amendments were offered to this section, to my knowledge.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. COY. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Coy.

Mr. COY. Will the gentleman stand for interrogation?

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

Mr. COY. Thank you.

Mr. Speaker, am I to assume that the amendment would allow for the granting of a liquor license in a borough in which the electors have already authorized the sale of liquor?

Mr. NICKOL. No, sir. This section precludes the issuance of performing arts licenses in municipalities where the electors have chosen to remain dry.

Mr. COY. So this would apply to any borough in the Commonwealth regardless of the decision of the electors.

Mr. NICKOL. No, this only applies to those who have elected to allow for the sale of liquor in that municipality.

Mr. COY. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS-165

Adolph	Donatucci	Markosek	Schroder
Allen	Druce	Marsico	Scrimenti
Argall	Eachus	Masland	Semmel
Bard	Evans	Mayermik	Serafini
Barley	Fargo	McCall	Seyfert
Barrar	Feese	McGeehan	Shaner
Battisto	Fichter	McGill	Smith, B.
Bebko-Jones	Flick	McNaughton	Snyder, D. W.
Belardi	Gannon	Melio	Staback
Belfanti	George	Michlovic	Stairs
Bishop	Gigliotti	Micozzie	Steelman
Blaum	Gladeck	Miller	Steil
Boscola	Godshall	Mundy	Stetler
Boyes	Gordner	Myers	Stevenson
Browne	Gruitza	Nailor	Strittmatter
Butkovitz	Gruppo	Nickol	Sturla
Buxton	Habay	Olasz	Surra
Caltagirone	Haluska	Oliver	Tangretti
Cappabianca	Hanna	Orie	Taylor, E. Z.
Carn	Harhart	Perzel	Taylor, J.
Carone	Hennessey	Pesci	Thomas
Casorio	Herman	Petrarca	Tigue
Cawley	Itkin	Petrone	Trello
Chadwick	Jadlowiec	Pippy	Trich
Civera	James	Pistella	Tulli
Cohen, L. I.	Jarolin	Platts	Vance
Cohen, M.	Josephs	Preston	Van Horne
Colafella	Kaiser	Ramos	Veon
Colaizzo	Keller	Raymond	Vitali
Cornell	Kenney	Readshaw	Walko
Corpora	Kirkland	Reber	Waugh

Cowell	LaGrotta	Reinard	Williams, A. H.
Coy	Laughlin	Rieger	Williams, C.
Curry	Lawless	Roberts	Wilt
Daley	Lederer	Robinson	Wogan
Dally	Lescovitz	Roebuck	Wojnaroski
DeLuca	Levdansky	Rooney	Wright, M. N.
Dempsey	Lloyd	Ross	Youngblood
Dent	Lucyk	Rublely	
Dermody	Maher	Sainato	Ryan,
DeWeese	Maitland	Santoni	Speaker
DiGirolamo	Manderino	Saylor	

NAYS-29

Armstrong	Fairchild	Krebs	Schuler
Baker	Fleagle	Leh	Smith, S. H.
Benninghoff	Geist	Lynch	Stern
Birmelin	Hasay	Major	True
Brown	Hershey	McIlhattan	Yewcic
Clark	Hess	Rohrer	Zimmerman
Clymer	Hutchinson	Sather	Zug
Egolf			

NOT VOTING-0

EXCUSED-7

Bunt	Horshey	Phillips	Washington
Corrigan	O'Brien	Travaglio	

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

On the question recurring,

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

RULES SUSPENDED

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

Mr. LLOYD. Mr. Speaker, the way this bill is drafted raises the possibility that inadvertently we will be removing the right of nonprofit organizations to obtain special-occasion permits unless and until the municipality has an election in which that is authorized. I talked to the prime sponsor of the bill about that problem. I have an amendment which would make clear that unless and until there is an election, the law and the status of nonprofit organizations being able to obtain a special-occasion permit continues in that municipality as it is today.

In order to offer that amendment, I need a suspension of the rules, and I move to suspend the rules for the purpose of offering amendment A0321.

The SPEAKER. The gentleman, Mr. Lloyd, moves that the rules of the House be suspended to permit the offering of amendment 0321.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-194

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Bunt	Horshey	Phillips	Washington
Corrigan	O'Brien	Travaglio	

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

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

Mr. LLOYD offered the following amendment No. A0321:

Amend Bill, page 7, by inserting between lines 27 and 28
 Section 3. It is the intent of the amendment of section 472 of the act that special occasion permits may continue to be issued in any municipality or any part of a municipality where such municipality is split so that each part thereof is separated by another municipality if the issuance of special occasion permits was permitted in such municipality or part of such split municipality on the effective date of this amendatory act unless the voters of that municipality or part of that split municipality vote to disapprove the issuance of special occasion permits in accordance with the referendum procedure of this section.

Amend Sec. 3, page 7, line 28, by striking out "3" and inserting
 4

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

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this amendment makes clear that if it was legal to get a special-occasion permit in a municipality the day this bill becomes law, it will continue to be legal after the bill becomes law unless and until the voters of that municipality, in a referendum, decide they do not want to allow the issuance of special-occasion permits.

Mr. Speaker, this is intended to avoid any misconstruction of the statute and is consistent with the legislative intent.

I would ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Nickol.

Mr. NICKOL. Thank you, Mr. Speaker.

I would agree with the gentleman's characterization of the amendment. It is probably a belts-and-suspenders-type amendment that the counsel of the LCB does not feel is necessary, but I think it is complementary to the purpose of the bill, and so I support it. Thank you.

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

It has been called to the attention of the Chair that some of the members do not yet have a copy of that particular amendment.

The House will be at ease while copies are distributed.

VOTE CORRECTION

The SPEAKER. The gentleman, Mr. Zug.

Mr. ZUG. Mr. Speaker, would it be appropriate to correct the record at this moment?

On amendment 0299 my switch malfunctioned, and I would like to be recorded in the positive. Thank you.

CONSIDERATION OF HB 985 CONTINUED

The SPEAKER. The House will come to order.

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

The following roll call was recorded:

YEAS-194

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Bunt	Horsey	Phillips	Washington
Corrigan	O'Brien	Travaglio	

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS-168

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

NAYS-26

Armstrong	Fairchild	Krebs	Smith, S. H.
Baker	Fargo	McIlhattan	Stern
Birmelin	Fleagle	Rohrer	Strittmatter
Brown	Geist	Sather	True
Clark	Hershey	Schroder	Zimmerman
Clymer	Hess	Schuler	Zug
Egolf	Hutchinson		

NOT VOTING-0

EXCUSED-7

Bunt	Horsey	Phillips	Washington
Corrigan	O'Brien	Travaglio	

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

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

The SPEAKER. That is the last roll call of the day.

VOTE CORRECTION

The SPEAKER. Are there any roll-call corrections?

Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

I am just rising to correct the record on a vote.

For HB 985, amendment 313, I was recorded as a "yes" vote.

My vote should be a "no" vote. Thank you.

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

DEMOCRATIC CAUCUS

The SPEAKER. Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would just like to remind the Democratic members that the House Democratic caucus that recessed at 11:15 on tax and budgetary policy will resume immediately upon the recess.

VOTE CORRECTIONS

The SPEAKER. The lady, Ms. Bishop.

Ms. BISHOP. Thank you, Mr. Speaker.

I wish to correct the record.

On HB 985, amendment No. 0313, my switch malfunctioned.

I wish to be recorded in the affirmative.

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

For the information of the members, tomorrow is a nonvoting session.

The gentleman, Mr. Kenney.

Mr. KENNEY. Thank you, Mr. Speaker.

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

On HB 985, amendment A0299, I would like to be recorded in the negative. Thank you, Mr. Speaker.

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

The lady, Miss Orie.

Miss ORIE. Mr. Speaker, in regard to HB 985, amendment 0296, I would like my vote to reflect a "no" vote.

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

The gentleman, Mr. Reinard.

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, on HB 985, amendment 0313, I was recorded in the affirmative. I would like to spread on the record I would like to be recorded in the negative.

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

The lady, Ms. Bard.

Ms. BARD. Thank you, Mr. Speaker.

I would like to correct the record with regard to HB 985, amendment 313. I would like to be recorded in the affirmative.

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

Any further corrections?

The lady, Mrs. Lederer.

Mrs. LEDERER. Mr. Speaker, on amendment 299 I would like to be recorded as "yes." I was out of my seat.

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

SENATE MESSAGE

REPORT OF COMMITTEE OF CONFERENCE ADOPTED BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has adopted the Report of the Committee of Conference on the subject of the differences existing between the two Houses on **HB 1476, PN 2784**.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1760, PN 2813**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILL SIGNED BY SPEAKER

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

HB 1476, PN 2784

An Act amending the act of July 6, 1989 (P.L.169, No.32), known as Storage Tank and Spill Prevention Act, further providing for Underground Storage Tank Indemnification Board and its powers and duties, for the Underground Storage Tank Indemnification Fund, for eligibility of claimants including certified tank installers and for audit, sunset and performance reviews; and providing for Underground Storage Tank Environmental Cleanup Program and the Upgrade Loan Program.

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

ADJOURNMENT

The SPEAKER. Does the Republican leader have any further business? Does the Democratic leader have any further business? Any announcements? Corrections to the record?

Hearing none, the Chair recognizes the gentleman from Chester County, Mr. Ross.

Mr. ROSS. Mr. Speaker, I move that this House do now adjourn until Wednesday, January 28, 1998, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 12:46 p.m., e.s.t., the House adjourned.