

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, MAY 3, 1999

SESSION OF 1999

183D OF THE GENERAL ASSEMBLY

No. 28

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER PRO TEMPORE
(PATRICIA H. VANCE) PRESIDING**

PRAYER

REV. TROY HOWELL, Chaplain of the House of Representatives and pastor of Chestnut Grove United Methodist Church, Dillsburg, Pennsylvania, offered the following prayer:

God of all the ages, in whose sight all are created and by Your hands we are fashioned: For this day, we give You thanks. For its possibilities, we incline our ears. For the pain and direction of a nation, we ask Your leading and Your mercy.

Holy God, by Your love, sweep across the face of this land into our homes, our businesses, our classrooms, and our hearts. Turn our hopes and our endeavors toward Your will. We especially ask for Your peace to be made known in the schools of this Commonwealth, that wisdom, security, assurance, and learning would prevail.

And as this chamber meets this day as one, in committee and by ongoing legislative business, bless each elected official that she may be led in wisdom and that he may search for Your will in deciding the issues of this State and its people. So be it. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Wednesday, April 21, 1999, will be postponed until printed.

JOURNALS APPROVED

The SPEAKER pro tempore. Without objection, the Journals of Tuesday, March 9, and Wednesday, March 10, 1999, are in print and, without objection, will be approved. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1363 By Representatives BUXTON, BEBKO-JONES, BELFANTI, FAIRCHILD, GEORGE, GRUCELA, LAUGHLIN, LEVDANSKY, MANDERINO, MANN, MELIO, ROONEY, SOLOBAY, STABACK, STURLA, TIGUE, VAN HORNE, VEON, WOJNAROSKI, McNAUGHTON and SURRA

An Act requiring public employers to protect the occupational safety and health of its employees; and providing for enforcement and penalties.

Referred to Committee on LABOR RELATIONS, May 3, 1999.

No. 1376 By Representatives ROONEY, THOMAS, WILLIAMS, CARN, DeLUCA, M. COHEN, L. I. COHEN, CORRIGAN, COSTA, JOSEPHS, RAMOS, ROBINSON and TRELLO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, establishing the State Handgun Standard Commission; providing a safety performance standard for the manufacture of handguns, for the forfeiture of certain handguns and for enforcement relating to a safety standard for handguns.

Referred to Committee on JUDICIARY, April 26, 1999.

No. 1377 By Representatives ROONEY, THOMAS, WILLIAMS, DeLUCA, M. COHEN, L. I. COHEN, COSTA, RAMOS, ROBINSON, STABACK and TRELLO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the possession of a firearm or other dangerous weapon in a municipal building.

Referred to Committee on JUDICIARY, April 26, 1999.

No. 1378 By Representatives ROONEY, CARN, WILLIAMS, DeLUCA, M. COHEN, L. I. COHEN, BELARDI, COSTA, RAMOS, ROBINSON and TRELLO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the storage of firearms within easy access of children; and imposing penalties.

Referred to Committee on JUDICIARY, April 26, 1999.

No. 1379 By Representatives ROONEY, WILLIAMS, DeLUCA, M. COHEN, L. I. COHEN, COSTA, RAMOS, ROBINSON, STABACK and TRELLO

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

Referred to Committee on FINANCE, April 26, 1999.

No. 1380 By Representatives WILLIAMS, ROONEY, EVANS, CARN, MICHLOVIC and JAMES

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for firearm tracing, for locking devices for firearms and for access to firearms by minors.

Referred to Committee on JUDICIARY, April 26, 1999.

No. 1381 By Representatives WOGAN, READSHAW, O'BRIEN, HENNESSEY, CLARK, FRANKEL, STEVENSON, ARMSTRONG, BASTIAN, FAIRCHILD, FARGO, FICHTER, GEIST, GODSHALL, HUTCHINSON, KENNEY, LYNCH, MCGILL, R. MILLER, NAILOR, PLATTS, ROHRER, ROSS, RUBLEY, SCHRODER, SEYFERT, STABACK, STEIL, STERN, E. Z. TAYLOR, J. TAYLOR, VANCE and WOJNAROSKI

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, authorizing immunity for employers who disclose certain information regarding current or former employees.

Referred to Committee on JUDICIARY, April 26, 1999.

No. 1382 By Representatives WOGAN, MASLAND, M. COHEN, ADOLPH, ARMSTRONG, BAKER, BATTISTO, BELARDI, CIVERA, CLARK, CLYMER, CORRIGAN, COSTA, CURRY, DALEY, DALLY, DERMODY, FICHTER, FRANKEL, GEIST, GORDNER, HALUSKA, HENNESSEY, HERMAN, HERSHEY, HUTCHINSON, JAMES, JOSEPHS, LYNCH, MELIO, MICHLOVIC, S. MILLER, MUNDY, NICKOL, ORIE, PLATTS, PRESTON, RAMOS, ROSS, RUBLEY, SAYLOR, SEMMEL, SEYFERT, B. SMITH, S. H. SMITH, STABACK, STEELMAN, STERN, SURRA, E. Z. TAYLOR, TRELLO, WILLIAMS, WILT, WOJNAROSKI, ZUG and L. I. COHEN

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for the revocation of retail licenses for the sale of cigarettes.

Referred to Committee on FINANCE, April 26, 1999.

No. 1383 By Representatives SEMMEL, GEIST, TIGUE, COLAFELLA, HERSHEY, ROONEY and TRELLO

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for allocation of costs for construction, relocation, suspension and abolition of crossings.

Referred to Committee on CONSUMER AFFAIRS, April 26, 1999.

No. 1384 By Representatives SEMMEL, HARHART, KAISER, ARGALL, BARRAR, BASTIAN, BELFANTI, BENNINGHOFF, BROWNE, BUNT, CLARK, CLYMER, L. I. COHEN, M. COHEN, CORRIGAN, COSTA, FARGO, FICHTER, FRANKEL, GEIST, GODSHALL, GRUCELA,

HERSHEY, LaGROTTA, LEDERER, R. MILLER, S. MILLER, NAILOR, SAYLOR, SCHULER, SERAFINI, B. SMITH, SOLOBAY, STEELMAN, STERN, E. Z. TAYLOR, WILLIAMS, WILT and YOUNGBLOOD

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for defacing, injuring or destroying property used for school purposes and for suspension of operating privilege.

Referred to Committee on EDUCATION, April 26, 1999.

No. 1385 By Representatives SEMMEL, ROONEY, FICHTER, ARGALL, BENNINGHOFF, CLARK, L. I. COHEN, COSTA, HERMAN, LEDERER, R. MILLER, S. MILLER, B. SMITH, STABACK, TIGUE, WILT, YOUNGBLOOD and ZIMMERMAN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for remote appearance of witnesses by video live feed.

Referred to Committee on JUDICIARY, April 26, 1999.

No. 1386 By Representatives SEMMEL, SNYDER, ARGALL, BOYES, BUNT, CAWLEY, LAUGHLIN, LYNCH, R. MILLER, RAMOS, SAYLOR, SEYFERT, STEELMAN and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for payments to special funds.

Referred to Committee on TRANSPORTATION, April 26, 1999.

No. 1387 By Representatives TRAVAGLIO, PESCI, WILT, SAINATO, STEIL, ROBERTS, TRICH, LEVDANSKY, DeLUCA, MELIO and BASTIAN

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

Referred to Committee on STATE GOVERNMENT, April 26, 1999.

No. 1388 By Representatives JAMES, PRESTON, THOMAS, YOUNGBLOOD, CARN, ROBINSON, RAMOS, WASHINGTON, OLIVER, HORSEY, KIRKLAND, ROEBUCK, MYERS, STEELMAN, CALTAGIRONE and ARMSTRONG

An Act establishing standards of conduct for district attorneys in counties of the first class; providing for duties of the Supreme Court; and imposing penalties.

Referred to Committee on JUDICIARY, April 26, 1999.

No. 1389 By Representatives JAMES, PRESTON, THOMAS, YOUNGBLOOD, CARN, ROBINSON, RAMOS, WASHINGTON, OLIVER, HORSEY, KIRKLAND, ROEBUCK, MYERS, STEELMAN, CALTAGIRONE and ARMSTRONG

An Act establishing standards of conduct for district attorneys; providing for duties of the Supreme Court; and imposing penalties.

Referred to Committee on JUDICIARY, April 26, 1999.

No. 1390 By Representatives JAMES, THOMAS, YOUNGBLOOD, STABACK, CARN, SCRIMENTI, BISHOP, ROBINSON, JOSEPHS, RAMOS, OLIVER, WASHINGTON, HORSEY, KIRKLAND, ROEBUCK, EVANS, CALTAGIRONE, ARMSTRONG and BELFANTI

An Act amending the act of August 6, 1963 (P.L.521, No.277), entitled "An act providing that probation officers shall have the power of peace officers in the performance of their duties," further regulating planned arrests.

Referred to Committee on JUDICIARY, April 26, 1999.

No. 1391 By Representatives E. Z. TAYLOR, HENNESSEY, RUBLEY, FLICK, STERN, THOMAS, WILLIAMS, MELIO, SCRIMENTI, BENNINGHOFF, CLARK, HERSHEY, M. COHEN, LEDERER, CIVERA, SATHER, JOSEPHS, FARGO, CURRY, SEYFERT, CORRIGAN and RAMOS

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for licenses not assignable and transfers.

Referred to Committee on LIQUOR CONTROL, April 26, 1999.

No. 1392 By Representatives E. Z. TAYLOR, FLICK, SCHULER, McILHATTAN, TULLI, KENNEY, CALTAGIRONE, GEORGE, ORIE, COY, LESCOVITZ, SANTONI, VAN HORNE, CURRY, SHANER, LEVDANSKY, BELFANTI, BENNINGHOFF, ROEBUCK, BEBKO-JONES, HESS, TRAVAGLIO, BAKER, STABACK, PETRARCA, PLATTS, PESCI, J. TAYLOR, DAILEY, GRUCELA, L. I. COHEN, LEDERER, CIVERA, TRELLO, SEYFERT, PIPPY, STEELMAN, YOUNGBLOOD, COLAFELLA, CORRIGAN, DEMPSEY, DALEY, LAUGHLIN, WOJNAROSKI, SURRA, ROBERTS, BUNT, STERN, BROWNE, CAPPABIANCA, RAMOS, YUDICHAK and WILLIAMS

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for retirement eligibility.

Referred to Committee on EDUCATION, April 26, 1999.

No. 1393 By Representatives HESS, PHILLIPS, GODSHALL, STERN, BELFANTI, PESCI, TRELLO, SOLOBAY, WILT, GEIST, SURRA and SEYFERT

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, limiting the prohibition on the use of turkey blinds.

Referred to Committee on GAME AND FISHERIES, April 26, 1999.

No. 1394 By Representatives BLAUM, CIVERA, GEORGE, SCHRODER, HALUSKA, TIGUE, YOUNGBLOOD, HASAY, WALKO, E. Z. TAYLOR, TRELLO, STABACK, MELIO, MUNDY, HARHAI, YUDICHAK, BELARDI and VEON

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, further providing for definitions and for anesthesia.

Referred to Committee on PROFESSIONAL LICENSURE, April 26, 1999.

No. 1395 By Representatives BLAUM, CIVERA, GEORGE, HALUSKA, ORIE, TIGUE, YOUNGBLOOD, HASAY, WALKO, SHANER, E. Z. TAYLOR, TRELLO, STABACK, MELIO, MUNDY, HARHAI, YUDICHAK, BELARDI and VEON

An Act amending the act of May 18, 1976 (P.L.123, No.54), known as the Individual Accident and Sickness Insurance Minimum Standards Act, further providing for minimum standards for benefits.

Referred to Committee on INSURANCE, April 26, 1999.

No. 1396 By Representatives FLICK, ARGALL, LAUGHLIN, MASLAND, BARRAR, BELARDI, BELFANTI, BENNINGHOFF, CAWLEY, CIVERA, CORRIGAN, DeLUCA, HERSHEY, MANDERINO, McILHATTAN, R. MILLER, RAMOS, READSHAW, RUBLEY, SEYFERT, STEELMAN, STEIL, STERN, STEVENSON, E. Z. TAYLOR, TIGUE, WILLIAMS, WILT, WRIGHT, YOUNGBLOOD, ZIMMERMAN and L. I. COHEN

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

Referred to Committee on TRANSPORTATION, April 26, 1999.

No. 1397 By Representatives FLICK, LAUGHLIN, E. Z. TAYLOR, TIGUE, BARRAR, BENNINGHOFF, BROWNE, CAWLEY, CORRIGAN, HERSHEY, MANDERINO, McILHATTAN, READSHAW, RUBLEY, STEELMAN, STEIL, STERN, STEVENSON, STURLA, WILLIAMS, WILT, WRIGHT and ZIMMERMAN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the use of certain electronic speed timing devices by qualified police officers.

Referred to Committee on TRANSPORTATION, April 26, 1999.

No. 1398 By Representatives FLICK, ARGALL, LAUGHLIN, MELIO, BARRAR, BELARDI, BELFANTI, CAWLEY, CIVERA, McILHATTAN, R. MILLER, NAILOR, SEYFERT, STEELMAN, STERN, STEVENSON, TIGUE, WILLIAMS, YOUNGBLOOD and ZIMMERMAN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for special library registration plates.

Referred to Committee on TRANSPORTATION, April 26, 1999.

No. 1399 By Representatives FARGO, BELARDI, E. Z. TAYLOR, PESCI, BENNINGHOFF, DeLUCA, FRANKEL, GEIST, LAUGHLIN, LEDERER, LEH, LYNCH, R. MILLER, S. MILLER, MYERS, ORIE, PRESTON, RAMOS, ROHRER, RUBLEY, SATHER, SAYLOR, SCHULER, SEYFERT, S. H. SMITH, STERN, THOMAS, TRELLO and YOUNGBLOOD

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for confidentiality of certain records of the Bureau of Professional and Occupational Affairs.

Referred to Committee on PROFESSIONAL LICENSURE, April 28, 1999.

No. 1400 By Representative J. TAYLOR

An Act authorizing certain public assistance recipients to complete vocational training without impairment of benefits.

Referred to Committee on HEALTH AND HUMAN SERVICES, April 28, 1999.

No. 1401 By Representatives NICKOL, EVANS, ALLEN, ARGALL, BAKER, BATTISTO, BELARDI, BELFANTI, BENNINGHOFF, BROWNE, CAPPABIANCA, CLARK, CLYMER, L. I. COHEN, M. COHEN, COSTA, CURRY, DALLY, DeWEESE, FAIRCHILD, FICHTER, FRANKEL, FREEMAN, GEIST, GEORGE, GORDNER, GRUCELA, GRUITZA, HANNA, HERMAN, JOSEPHS, KAISER, KIRKLAND, MAITLAND, MANDERINO, MANN, MARSICO, MASLAND, McCALL, MCGILL, MICHLOVIC, R. MILLER, S. MILLER, MUNDY, ORIE, PETRONE, PLATTS, PRESTON, RAYMOND, ROSS, SAINATO, SANTONI, SAYLOR, SCHULER, SEMMEL, SERAFINI, SEYFERT, B. SMITH, S. H. SMITH, SOLOBAY, STERN, SURRA, TANGRETTI, E. Z. TAYLOR, TIGUE, TRELLO, VAN HORNE, VANCE, WOGAN, WRIGHT, YEWCIC, YOUNGBLOOD and WOJNAROSKI

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for the sponsorship and administration of a group health insurance program for certain public school retirees and other persons; providing for powers and duties of the Public School Employees' Retirement Board; establishing the Public School Retirees' Health Insurance Fund; providing for health insurance premium assistance; and making editorial changes.

Referred to Committee on EDUCATION, April 28, 1999.

No. 1402 By Representatives EVANS, NICKOL, ALLEN, BAKER, BATTISTO, BELARDI, BELFANTI, BENNINGHOFF, CAPPABIANCA, CLARK, CLYMER, L. I. COHEN, M. COHEN, COSTA, CURRY, DALLY, DeWEESE, FAIRCHILD, FRANKEL, FREEMAN, GEIST, GEORGE, GORDNER, GRUCELA, HANNA, HERMAN, JOSEPHS,

KAISER, KIRKLAND, MAITLAND, MANDERINO, MANN, MARSICO, MASLAND, McCALL, MICHLOVIC, R. MILLER, S. MILLER, MUNDY, ORIE, PETRONE, PLATTS, PRESTON, RAYMOND, ROSS, RUBLEY, SAINATO, SANTONI, SAYLOR, SCHULER, SEMMEL, SERAFINI, SEYFERT, B. SMITH, S. H. SMITH, SOLOBAY, STERN, SURRA, TANGRETTI, E. Z. TAYLOR, TIGUE, TRELLO, VAN HORNE, VANCE, WILLIAMS, WOGAN, WRIGHT, YEWCIC and YOUNGBLOOD

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further defining "basic contribution rate."

Referred to Committee on EDUCATION, April 28, 1999.

No. 1403 By Representatives ROONEY, BELFANTI, JAMES, STABACK, SURRA, M. COHEN, MELIO, RAMOS, ROBINSON, SCRIMENTI, STEELMAN, TRELLO, WALKO and WILLIAMS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for suspension and expulsion of students.

Referred to Committee on EDUCATION, April 28, 1999.

No. 1404 By Representatives ROSS, ADOLPH, ARGALL, M. COHEN, CORRIGAN, COY, CURRY, EGOLF, FAIRCHILD, FLICK, FORCIER, GEIST, HERMAN, HERSHEY, McILHATTAN, McNAUGHTON, R. MILLER, NICKOL, ORIE, PIPPY, RUBLEY, SAINATO, SAYLOR, SEYFERT, STERN, STEVENSON, E. Z. TAYLOR, WILT, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of March 30, 1811 (P.L.145, No.99), entitled "An act to amend and consolidate the several acts relating to the settlement of the public accounts and the payment of the public monies, and for other purposes," deleting provisions relating to duties of county treasurers and for brigade inspector.

Referred to Committee on LIQUOR CONTROL, May 3, 1999.

No. 1405 By Representatives ROSS, ADOLPH, ARGALL, M. COHEN, CORRIGAN, COY, CURRY, EGOLF, FAIRCHILD, FLICK, FORCIER, GEIST, HERMAN, HERSHEY, McILHATTAN, McNAUGHTON, R. MILLER, NICKOL, ORIE, PIPPY, RUBLEY, SAINATO, SAYLOR, SEYFERT, STERN, STEVENSON, E. Z. TAYLOR, WILT, WOJNAROSKI, YOUNGBLOOD and WOGAN

An Act repealing the act of June 18, 1895 (P.L.209, No.126), entitled "An act regulating the printing and publication of notices and advertisements authorized by the county commissioners of the counties of this Commonwealth containing a population of five hundred thousand and not exceeding one million, as shown by the last United States census, providing how newspapers shall be designated in which such publications shall be made, and repealing an act, entitled 'An act authorizing the county commissioners of Allegheny county to select four morning newspapers for official county advertising,' approved the second day of April, Anno Domini one thousand eight hundred and seventy-three, and also repealing the tenth section of an act, entitled 'A supplement to an act

approved the first day of May, Anno Domini one thousand eight hundred and sixty-one, entitled "An act relating to Allegheny county," approved the eighth day of April, Anno Domini one thousand eight hundred and sixty-two."

Referred to Committee on URBAN AFFAIRS, May 3, 1999.

No. 1406 By Representatives ROSS, ADOLPH, ARGALL, M. COHEN, CORRIGAN, COY, CURRY, EGOLF, FAIRCHILD, FLICK, FORCIER, GEIST, HERMAN, HERSHEY, McILHATTAN, McNAUGHTON, R. MILLER, NICKOL, ORIE, PIPPY, RUBLEY, SAINATO, SAYLOR, SEYFERT, STERN, STEVENSON, E. Z. TAYLOR, WILT, WOJNAROSKI and YOUNGBLOOD

An Act repealing the act of April 28, 1903 (P.L.332, No.260), entitled "An act for the annexation of any city, borough, township, or part of a township, to a contiguous city, and providing for the indebtedness of the same."

Referred to Committee on URBAN AFFAIRS, May 3, 1999.

No. 1407 By Representatives ROSS, ADOLPH, ARGALL, M. COHEN, CORRIGAN, COY, CURRY, EGOLF, FAIRCHILD, FLICK, FORCIER, GEIST, HERMAN, HERSHEY, McILHATTAN, McNAUGHTON, R. MILLER, NICKOL, ORIE, PIPPY, RUBLEY, SAINATO, SAYLOR, SEYFERT, STERN, STEVENSON, E. Z. TAYLOR, WILT, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of June 25, 1919 (P.L.581, No.274), referred to as the First Class City Government Law, deleting provisions relating to the Department of Public Works and the Department of Supplies and Purchases.

Referred to Committee on URBAN AFFAIRS, May 3, 1999.

No. 1408 By Representatives ROSS, ADOLPH, ARGALL, M. COHEN, CORRIGAN, COY, CURRY, EGOLF, FAIRCHILD, FLICK, FORCIER, GEIST, HERMAN, HERSHEY, McILHATTAN, McNAUGHTON, R. MILLER, NICKOL, ORIE, PIPPY, RUBLEY, SAINATO, SAYLOR, SEYFERT, STERN, STEVENSON, E. Z. TAYLOR, WILT, WOJNAROSKI, YOUNGBLOOD and WOGAN

An Act repealing the act of July 15, 1919 (P.L.961, No.378), entitled "An act fixing the salaries and compensation of the officers, clerks, and employes in the office of the recorder of deeds of any county having a population of one million five hundred thousand inhabitants or over."

Referred to Committee on URBAN AFFAIRS, May 3, 1999.

No. 1409 By Representatives ROSS, ADOLPH, ARGALL, M. COHEN, CORRIGAN, COY, CURRY, EGOLF, FAIRCHILD, FLICK, FORCIER, GEIST, HERMAN, HERSHEY, McILHATTAN, McNAUGHTON, R. MILLER, NICKOL, ORIE, PIPPY, RUBLEY, SAINATO, SAYLOR, SEYFERT, STERN, STEVENSON, E. Z. TAYLOR, WILT, WOJNAROSKI and YOUNGBLOOD

An Act repealing the act of May 13, 1927 (P.L.994, No.483), entitled "An act fixing the salary to be paid by each county of the first class to its chief deputy sheriff."

Referred to Committee on URBAN AFFAIRS, May 3, 1999.

No. 1410 By Representatives ROSS, ADOLPH, ARGALL, M. COHEN, CORRIGAN, COY, CURRY, EGOLF, FAIRCHILD, FLICK, FORCIER, GEIST, HERMAN, HERSHEY, McILHATTAN, McNAUGHTON, R. MILLER, NICKOL, ORIE, PIPPY, RUBLEY, SAINATO, SAYLOR, SEYFERT, STERN, STEVENSON, E. Z. TAYLOR, WILT, WOJNAROSKI and YOUNGBLOOD

An Act repealing the act of April 4, 1929 (P.L.163, No.158), entitled "An act providing for real estate deputy sheriffs in counties of the first, second, and third classes; and fixing their salaries payable by said counties; and repealing section two of an act, approved the twenty-fourth day of May, one thousand eight hundred and eighty-seven (Pamphlet Laws, one hundred eighty-five), entitled 'An act authorizing the sheriffs of the several counties of this Commonwealth to appoint by deed chief deputies with power to act as sheriff in case of and during the temporary disability of the sheriff to act in person and fixing the salaries of such chief deputies in counties containing more than five hundred thousand inhabitants,' and other acts general, special or local so far as inconsistent herewith."

Referred to Committee on URBAN AFFAIRS, May 3, 1999.

No. 1411 By Representatives ROSS, ADOLPH, ARGALL, M. COHEN, CORRIGAN, COY, CURRY, EGOLF, FAIRCHILD, FLICK, FORCIER, GEIST, HERMAN, HERSHEY, McILHATTAN, McNAUGHTON, R. MILLER, NICKOL, ORIE, PIPPY, RUBLEY, SAINATO, SAYLOR, SEYFERT, STERN, STEVENSON, E. Z. TAYLOR, WOJNAROSKI, YOUNGBLOOD and WILT

An Act amending the act of May 1, 1929 (P.L.1052, No.407), entitled "An act adopting a program for the completion of the improvement of the State highways of the Commonwealth; authorizing counties, boroughs, towns and townships to expend moneys, and to incur indebtedness; and requiring certain moneys of the Motor License Fund to be expended as herein provided," deleting provisions relating to municipal agreements to contribute for additional mileage.

Referred to Committee on URBAN AFFAIRS, May 3, 1999.

No. 1412 By Representatives ROSS, ADOLPH, ARGALL, M. COHEN, CORRIGAN, COY, CURRY, EGOLF, FAIRCHILD, FLICK, FORCIER, GEIST, HERMAN, HERSHEY, McILHATTAN, McNAUGHTON, R. MILLER, NICKOL, ORIE, PIPPY, RUBLEY, SAINATO, SAYLOR, SEYFERT, STERN, STEVENSON, E. Z. TAYLOR, WILT, WOJNAROSKI and YOUNGBLOOD

An Act repealing the act of May 1, 1929 (P.L.1054, No.409), entitled "An act providing for assistance by the Commonwealth in the improvement, construction, reconstruction and/or maintenance of certain streets and highways in cities of the second class, second class A and third class; and for the assessment of benefits against owners of real estate abutting on the line of the improvement; and making an appropriation."

Referred to Committee on TRANSPORTATION, May 3, 1999.

No. 1413 By Representatives ROSS, ADOLPH, ARGALL, M. COHEN, CORRIGAN, COY, CURRY, EGOLF, FAIRCHILD, FLICK, FORCIER, GEIST, HERMAN, HERSHEY, McILHATTAN, McNAUGHTON, R. MILLER, NICKOL, ORIE, PIPPY, RUBLEY, SAINATO, SAYLOR, SEYFERT, STERN, STEVENSON, E. Z. TAYLOR, WILT, WOJNAROSKI and YOUNGBLOOD

An Act repealing the act of June 21, 1939 (P.L.617, No.288), entitled "An act to authorize cities of the first class of this Commonwealth to provide for the payment of certain deficits and indebtedness, as herein defined, in equal annual installments of two million five hundred thousand dollars (\$2,500,000); and to authorize the making of contracts, the drawing of warrants and the approval thereof, without appropriation, for the payment of such deficits and indebtedness, except as provided by this act; and to levy and fix the tax rate, and to make appropriations, and prepare and formulate the financial programs of such cities upon the basis of the discharge of deficits and indebtedness, in the manner provided by this act; requiring annual provision for payment of mandamus executions; and suspending and/or repealing inconsistent legislation."

Referred to Committee on URBAN AFFAIRS, May 3, 1999.

No. 1414 By Representatives ROSS, ADOLPH, ARGALL, M. COHEN, CORRIGAN, COY, CURRY, EGOLF, FAIRCHILD, FLICK, FORCIER, GEIST, HERMAN, HERSHEY, McILHATTAN, McNAUGHTON, R. MILLER, NICKOL, ORIE, PIPPY, RUBLEY, SAINATO, SAYLOR, SEYFERT, STERN, STEVENSON, E. Z. TAYLOR, WILT, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law, deleting provisions relating to abandoned rights-of-way of canals, railroads and turnpikes and to replacement and renewals of public utility structures.

Referred to Committee on TRANSPORTATION, May 3, 1999.

No. 1415 By Representatives ROSS, ADOLPH, ARGALL, M. COHEN, CORRIGAN, COY, CURRY, EGOLF, FAIRCHILD, FLICK, FORCIER, GEIST, HERMAN, HERSHEY, McILHATTAN, McNAUGHTON, R. MILLER, NICKOL, ORIE, PIPPY, RUBLEY, SAINATO, SAYLOR, SEYFERT, STERN, STEVENSON, E. Z. TAYLOR, WILT, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of May 29, 1945 (P.L.1108, No.402), referred to as the Limited Access Highway Law, deleting provisions relating to taking of property and payment of damages.

Referred to Committee on TRANSPORTATION, May 3, 1999.

No. 1416 By Representatives KENNEY, ADOLPH, ALLEN, BARRAR, CHADWICK, CLARK, CLYMER, CORNELL, CORRIGAN, COY, DEMPSEY, DERMODY, EGOLF, FAIRCHILD, FICHTER, FLICK, FRANKEL, GEIST, GRUCELA, HARHAI, HUTCHINSON, MASLAND, McCALL, NAILOR, ORIE, PISTELLA, RAYMOND, ROBERTS, SANTONI, SATHER, SAYLOR, SCHRODER, SEYFERT, SOLOBAY, STABACK, STERN, E. Z. TAYLOR, J. TAYLOR, TIGUE, VANCE, WOGAN, ZIMMERMAN, CAWLEY, CIVERA, SNYDER, HORSEY, STEVENSON, RUBLEY, R. MILLER, WOJNAROSKI, L. I. COHEN and LEVDANSKY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for civil immunity of school officers or employees relating to emergency care, first aid and rescue.

Referred to Committee on JUDICIARY, May 3, 1999.

No. 1417 By Representatives WOGAN, CHADWICK, STEVENSON, L. I. COHEN, SNYDER, ADOLPH, BARRAR, BATTISTO, BROWNE, CIVERA, CORNELL, COY, DALLY, FICHTER, GEIST, KELLER, KENNEY, LAUGHLIN, McCALL, S. MILLER, PETRONE, RAYMOND, ROONEY, RUBLEY, SAINATO, SEYFERT, B. SMITH, STABACK, SURRA, E. Z. TAYLOR, J. TAYLOR, TRAVAGLIO, TRELLO, WOJNAROSKI and R. MILLER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further defining "delinquent act."

Referred to Committee on JUDICIARY, May 3, 1999.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 156 By Representatives GEIST, STAIRS, BATTISTO and COLAFELLA

A Concurrent Resolution establishing and directing a select committee to assess driver's education programs in public schools.

Referred to Committee on RULES, April 26, 1999.

SENATE BILLS FOR CONCURRENCE

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

SB 365, PN 640

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, April 26, 1999.

SB 366, PN 379

Referred to Committee on LOCAL GOVERNMENT, April 26, 1999.

SB 369, PN 921

Referred to Committee on LOCAL GOVERNMENT, April 26, 1999.

SB 383, PN 392

Referred to Committee on JUDICIARY, April 26, 1999.

SB 496, PN 932

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, April 26, 1999.

SB 646, PN 780

Referred to Committee on TRANSPORTATION, April 26, 1999.

SB 730, PN 917

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 733, PN 796

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 734, PN 797

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 735, PN 918

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 736, PN 800

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 737, PN 801

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 738, PN 861

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 739, PN 802

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 740, PN 919

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 741, PN 803

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 742, PN 804

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 743, PN 805

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 744, PN 806

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 745, PN 821

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 746, PN 807

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 747, PN 808

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 748, PN 809

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 749, PN 810

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 750, PN 920

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 751, PN 812

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 752, PN 813

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 753, PN 862

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 754, PN 814

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 755, PN 815

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 756, PN 816

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 757, PN 817

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 758, PN 822

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 759, PN 823

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 760, PN 824

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 761, PN 825

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 762, PN 826

Referred to Committee on APPROPRIATIONS, April 26, 1999.

SB 763, PN 827

Referred to Committee on APPROPRIATIONS, April 26, 1999.

BILLS REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. PERZEL. Madam Speaker, I move that HB 369 and HB 389 be removed from the table.

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

BILLS RECOMMITTED

The SPEAKER pro tempore. The Chair again recognizes the majority leader.

Mr. PERZEL. Madam Speaker, I move that HB 369 and HB 389 be recommitted to the Committee on Appropriations.

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

COMMUNICATION FROM GOVERNOR**APPROVAL OF HOUSE BILL**

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

HB 319.**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

HB 788, PN 1662 (Amended) By Rep. BUNT

An Act providing for the creation, conveyance, acceptance, duration and validity of conservation and preservation easements; and providing for judicial actions.

AGRICULTURE AND RURAL AFFAIRS.

HB 1284, PN 1474 By Rep. BUNT

An Act authorizing the incurring of indebtedness, with the approval of the electors, of \$150,000,000 to provide additional funding for the purchase of agricultural conservation easements for the preservation of agricultural land; and making a repeal.

AGRICULTURE AND RURAL AFFAIRS.**LEAVES OF ABSENCE**

The SPEAKER pro tempore. The Chair recognizes the majority whip, Mr. Snyder, who asks that the names of Mr. MAHER from Allegheny County and Mr. STEIL from Bucks County be placed on leave.

The Chair also recognizes the Democrat whip, who moves that the gentleman, Mr. EVANS, be placed on leave.

Without objection, the leaves are granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—199

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Evans Maher Steil

1998 COAL QUEEN PRESENTED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Shaner, from Fayette County for the purpose of a presentation of a citation.

Mr. SHANER. Thank you, Madam Speaker.

Madam Speaker, I am pleased to introduce today to the members of the House Miss Rebecca Ann Bell, the Pennsylvania Bituminous Coal Queen. In addition to the crown, Rebecca was

awarded the prize for top evening gown and the title of "Miss Congeniality."

Miss Bell is the daughter of Mrs. Anna Bell and the late Philip Bell of Dunbar, Fayette County. She is a student at the Geibel Catholic High School, where she is president of Geibel's chapter of Rotary Interact, cocaptain of the cheerleading squad, historian for the drama club, and a member of SADD (Students Against Drunk Driving), STAR (Students Taking an Active Role), and the Spirit Club. Rebecca has also been a student at Crista Cabe's School of Dance for the past 15 years. Rebecca will be attending Penn State University in the fall.

As I present this citation from the Pennsylvania House of Representatives, Madam Speaker, I would appreciate your warm usual welcome for this fine young woman from my legislative district, Pennsylvania's Coal Queen, Miss Rebecca Ann Bell.

Accompanying Rebecca today are her mother, Mrs. Anna Bell; Mrs. Susan Martin, director of the Coal Queen Pageant; and Kim Bartley, secretary of the King Coal Association, seated to the left of the Speaker's desk. Would you please stand. Let us give them a hand. Thank you.

Thank you, Madam Speaker.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair welcomes to the hall of the House Kristen Kane, a Bloomsburg University senior, who is an intern with Representative John Gordner. She is located in the balcony. Would the lady please rise.

The Chair is also pleased to welcome to the hall of the House Susanna Linton, a guest page of Representative Elinor Taylor. Would the lady please rise.

Also in the hall of the House as a guest page of Representative Craig Dally, Kaleigh Cox-Ricks, who is serving as a guest page. She is a student at Northampton Junior High School. She is accompanied by her grandparents, Tom and Carol Ricks. Would they all please rise.

The Chair is also pleased to welcome Meagan Ackerman, who is the guest page of Representative Matt Baker. Would Meagan please rise.

The Chair also welcomes to the hall of the House Andrea McIlhattan, who is the daughter of Representative Fred McIlhattan, and Julie Wise. The young women are both sophomores at Keystone High School. Would they please rise.

SUPPLEMENTAL CALENDAR A

RESOLUTIONS PURSUANT TO RULE 35

Mr. STURLA called up **HR 162, PN 1617**, entitled:

A Resolution commending the School District of Lancaster on its achievement of ISO 9000 certification.

On the question,

Will the House adopt the resolution?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Lancaster, Mr. Sturla.

Mr. STURLA. Thank you, Madam Speaker.

Madam Speaker, HR 162 commends the School District of Lancaster on their achievement of ISO (International Organization for Standardization) 9000 certification. For those of you who do not know exactly what ISO 9000 is, let me briefly explain.

ISO 9000 is an internationally recognized organizational quality management tool used by businesses worldwide to achieve and continuously improve standards of excellence. ISO 9000 certification is so highly regarded that many companies will only do business with other companies that are also ISO 9000 certified.

In its first draft, this resolution stated that the School District of Lancaster was the first school district in North America to be ISO 9000 certified, but we have since verified that we are actually the first school district in the world to achieve this certification.

I want to commend the three school district representatives here today – Vicki Phillips, superintendent; Arthur Mann, president of the school board; and William Kiefer, director of planning and quality systems – and all of the employees of the school district who worked so hard to make this effort a success. They are in the rear of the House. If you would please give them your recognition.

Madam Speaker, the School District of Lancaster has proven that it has the management tools in place to run an efficient operation and to ensure that the taxpayers' money is well spent. Unfortunately, even with the ISO 9000 certification, the School District of Lancaster still faces some daunting challenges. We have a high poverty rate among our school district residents; we educate hundreds of homeless students each year. For many of our students, English is a second language. In at least one of our elementary schools – my daughter's – the student turnover rate exceeds 100 percent in a year's time, and our test scores often rank lower than those in many of the wealthier suburban school districts in Lancaster County. With all these challenges, the School District of Lancaster might be on some people's list of distressed school districts, and yet the School District of Lancaster has proven that it has achieved excellence in management and financial controls.

I hope as we move forward in the General Assembly that my fellow members will remember the example that has been set by the School District of Lancaster. The lesson for us in this chamber is that there are excellent public school districts across the State. Very often, all they need to excel is a level playing field. I hope that we can work as hard to bring excellence to public education in Pennsylvania as the School District of Lancaster has worked to achieve excellence in management and, with our support, help our public schools to tackle the problems they face on a daily basis.

Thank you, Madam Speaker.

On the question recurring,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Fairchild	Markosek	Schroder
Allen	Fargo	Marsico	Schuler
Argall	Feese	Masland	Scrimenti
Armstrong	Fichter	Mayernik	Semmel
Baker	Fleagle	McCall	Serafini
Bard	Flick	McGeehan	Seyfert
Barley	Forcier	McGill	Shaner
Barrar	Frankel	McIlhattan	Smith, B.
Bastian	Freeman	McIlhinney	Smith, S. H.
Battisto	Gannon	McNaughton	Snyder

Bebko-Jones	Geist	Melio	Solobay
Belardi	George	Metcalfe	Staback
Belfanti	Gigliotti	Michlovic	Stairs
Benninghoff	Gladeck	Micozzie	Steelman
Birmelin	Godshall	Miller, R.	Stern
Blaum	Gordner	Miller, S.	Stetler
Boyes	Grucela	Mundy	Stevenson
Browne	Gruitza	Myers	Strittmatter
Bunt	Habay	Nailor	Sturla
Butkovitz	Haluska	Nickol	Surra
Buxton	Hanna	O'Brien	Tangretti
Caltagirone	Harhai	Oliver	Taylor, E. Z.
Cappabianca	Harhart	Orie	Taylor, J.
Carn	Hasay	Perzel	Thomas
Casorio	Hennessey	Pesci	Tigue
Cawley	Herman	Petrone	Travaglio
Chadwick	Hershey	Phillips	Trello
Civera	Hess	Pippy	Trich
Clark	Hutchinson	Pistella	True
Clymer	Jadlowiec	Platts	Tulli
Cohen, L. I.	James	Preston	Vance
Cohen, M.	Josephs	Ramos	Van Horne
Colafella	Kaiser	Raymond	Veon
Cornell	Keller	Readshaw	Vitali
Corrigan	Kenney	Reinard	Walko
Costa	Kirkland	Rieger	Washington
Coy	Krebs	Roberts	Williams
Curry	LaGrotta	Robinson	Wilt
Dailey	Laughlin	Roebuck	Wogan
Daley	Lawless	Rohrer	Wojnaroski
Dally	Lederer	Rooney	Wright
DeLuca	Leh	Ross	Yewcic
Dempsey	Lescovitz	Rubley	Youngblood
Dermody	Levdansky	Ruffing	Yudichak
DeWeese	Lucyk	Sainato	Zimmerman
DiGirolamo	Lynch	Samuelson	Zug
Donatucci	Maitland	Santoni	
Druce	Major	Sather	Ryan,
Eachus	Manderino	Saylor	Speaker
Egoif	Mann		

NAYS—0

NOT VOTING—3

Bishop	Horsey	Petrarca
--------	--------	----------

EXCUSED—3

Evans	Maher	Steil
-------	-------	-------

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

* * *

Mr. SCHRODER called up HR 165, PN 1661, entitled:

A Resolution designating May 6, 1999, as "National Prayer Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—192

Adolph	Fairchild	Masland	Schroder
Allen	Fargo	Mayernik	Schuler
Argall	Feese	McCall	Scrimenti
Armstrong	Fichter	McGeehan	Semmel

Baker	Fleagle	McGill	Serafini
Bard	Flick	McIlhatten	Seyfert
Barley	Forcier	McIlhinney	Shaner
Barrar	Frankel	McNaughton	Smith, B.
Bastian	Gannon	Melio	Smith, S. H.
Battisto	Geist	Metcalfe	Snyder
Bebko-Jones	George	Michlovic	Solobay
Belardi	Gigliotti	Micozzie	Staback
Belfanti	Gladeck	Miller, R.	Stairs
Benninghoff	Godshall	Miller, S.	Steelman
Birmelin	Gordner	Mundy	Stern
Blaum	Grucela	Myers	Stetler
Boyes	Gruitza	Nailor	Stevenson
Browne	Habay	Nickol	Strittmatter
Bunt	Haluska	O'Brien	Sturla
Butkovitz	Hanna	Oliver	Surra
Buxton	Harhai	Orie	Tangretti
Caltagirone	Harhart	Perzel	Taylor, E. Z.
Cappabianca	Hasay	Pesci	Taylor, J.
Carn	Hennessey	Petrarca	Thomas
Casorio	Herman	Petrone	Tigue
Cawley	Hershey	Phillips	Travaglio
Chadwick	Hess	Pippy	Trello
Civera	Hutchinson	Pistella	Trich
Clark	Jadlowiec	Platts	True
Clymer	James	Preston	Tulli
Cohen, M.	Josephs	Ramos	Vance
Colafella	Keller	Raymond	Van Home
Cornell	Kenney	Readshaw	Veon
Corrigan	Kirkland	Reinard	Vitali
Costa	Krebs	Rieger	Walko
Coy	LaGrotta	Roberts	Washington
Curry	Laughlin	Robinson	Wilt
Dailey	Lawless	Roebuck	Wogan
Daley	Lederer	Rohrer	Wojnaroski
Dally	Leh	Rooney	Wright
DeLuca	Lescovitz	Ross	Yewcic
Dempsey	Lucyk	Rubley	Youngblood
Dermody	Lynch	Ruffing	Yudichak
DeWeese	Maitland	Sainato	Zimmerman
DiGirolamo	Major	Samuelson	Zug
Donatucci	Manderino	Santoni	
Druce	Mann	Sather	Ryan,
Eachus	Markosek	Saylor	Speaker
Egolf	Marsico		

NAYS-1

Cohen, L. I.

NOT VOTING-6

Bishop	Horsey	Levdansky	Williams
Freeman	Kaiser		

EXCUSED-3

Evans	Maher	Steil
-------	-------	-------

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

FOREST HILLS CHEERLEADERS INTRODUCED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Haluska, from Cambria County for the purpose of recognition.

Mr. HALUSKA. Thank you, Madam Speaker.

I would like to introduce some guests today at the back of the House, the Forest Hills Rangers from Sidman, Pennsylvania, and they captured a national championship in cheerleading, the varsity

and the junior high. So if you would like to welcome them to the hall of the House – the junior high and the varsity cheerleaders from the Forest Hills School District.

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. GODSHALL called up **HR 149, PN 1592**, entitled:

A Resolution recognizing the week of May 2 through 8, 1999, as "Tourism Promotion Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

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

NAYS-0

NOT VOTING—3

Bishop Horsey Kaiser

EXCUSED—3

Evans Maher Steil

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

* * *

Mr. BELARDI called up **HR 150, PN 1593**, entitled:

A Resolution designating May 7, 1999, as "Barrier Awareness Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

Adolph	Fairchild	Markosek	Schroder
Allen	Fargo	Marsico	Schuler
Argall	Feese	Masland	Scrimenti
Armstrong	Fichter	Mayemik	Serafini
Bard	Fleagle	McCall	Seyfert
Barley	Flick	McGeehan	Shaner
Barrar	Forcier	McGill	Smith, B.
Bastian	Frankel	McIlhattan	Smith, S. H.
Battisto	Freeman	McIlhinney	Snyder
Bebko-Jones	Gannon	McNaughton	Solobay
Belardi	Geist	Melio	Staback
Belfanti	George	Metcalfe	Stairs
Benninghoff	Gigliotti	Michlovic	Steelman
Birmelin	Gladeck	Micozzie	Stern
Blaum	Godshall	Miller, R.	Stetler
Boyes	Gordner	Miller, S.	Stevenson
Browne	Grucela	Mundy	Strittmatter
Bunt	Gruitza	Myers	Sturla
Butkovitz	Habay	Nailor	Surra
Buxton	Haluska	Nickol	Tangretti
Caltagirone	Hanna	O'Brien	Taylor, E. Z.
Cappabianca	Harhai	Oliver	Taylor, J.
Carn	Harhart	Orie	Thomas
Casorio	Hasay	Perzel	Tigue
Cawley	Hennessey	Pesci	Travaglio
Chadwick	Herman	Petrarca	Trello
Civera	Hershey	Petrone	Trich
Clark	Hess	Phillips	True
Clymer	Hutchinson	Pippy	Tulli
Cohen, L. I.	Jadlowiec	Pistella	Vance
Cohen, M.	James	Platts	Van Home
Colafella	Josephs	Preston	Veon
Cornell	Kaiser	Raymond	Vitali
Corrigan	Keller	Readshaw	Walko
Costa	Kenney	Reinard	Washington
Coy	Kirkland	Rieger	Williams
Curry	Krebs	Roberts	Wilt
Dailey	LaGrotta	Robinson	Wogan
Daley	Laughlin	Roebuck	Wojnaroski
Dally	Lawless	Rohrer	Wright
DeLuca	Lederer	Rooney	Yewcic
Dempsey	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Yudichak
DeWeese	Levdansky	Ruffing	Zimmerman
DiGirolamo	Lucyk	Sainato	Zug
Donatucci	Maitland	Samuelson	

Druce Major Santoni Ryan,
Eachus Manderino Sather Speaker
Egolf Mann Saylor

NAYS—0

NOT VOTING—6

Baker Horsey Ramos Semmel
Bishop Lynch

EXCUSED—3

Evans Maher Steil

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

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House today Casey Steckler and Emily Elder, who are guest pages of Representative Rod Wilt. They are also accompanied by their mothers, Patricia Steckler and Barb Elder. Would all four please stand.

The Chair is also pleased to welcome to the hall of the House, as the guests of Representative Bob Flick and the American Legislative Exchange Council, Julia Sells, Karen Miller, Edmund Haislmaier, and John Calfee. Would all these people please stand.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the Appropriations chairman, Mr. Barley, who calls for an immediate meeting of the Appropriations Committee in room 245 at the break.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the caucus chairman, Mr. Fargo.

Mr. FARGO. Thank you, Madam Speaker.

The Republican members will caucus in the majority caucus room immediately upon recess of this meeting. We plan on coming back at 3 o'clock this afternoon for additional votes.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Cohen, from Philadelphia for the purpose of an announcement.

Mr. COHEN. Thank you, Madam Speaker.

Madam Speaker, the Democrats will also caucus immediately upon the call of the recess.

ADDITIONS AND DELETIONS OF SPONSORS

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

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

RECESS

The SPEAKER pro tempore. The House will stand in recess until 3 p.m.

AFTER RECESS

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

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

The SPEAKER. The Chair acknowledges receipt of an actuarial note for HB 303, PN 310; an actuarial note for HB 295, PN 292; and an actuarial note for HB 158, PN 146.

(Copies of actuarial notes are on file with the Journal clerk.)

**COMMUNICATION FROM
DEPARTMENT OF PUBLIC WELFARE**

The SPEAKER. The Chair acknowledges receipt of the 1998 Annual Child Abuse Report submitted to the House by the Department of Public Welfare.

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

**COMMUNICATION FROM
INSURANCE FRAUD
PREVENTION AUTHORITY**

The SPEAKER. The Chair also acknowledges receipt of the annual report of the Insurance Fraud Prevention Authority submitted pursuant to the Insurance Fraud Prevention Act, Act 166 of 1994.

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

BILLS REREPORTED FROM COMMITTEE

HB 28, PN 16 By Rep. BARLEY

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

APPROPRIATIONS.

HB 197, PN 188

By Rep. BARLEY

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, further providing for the valuation of persons and property.

APPROPRIATIONS.

HB 219, PN 210

By Rep. BARLEY

An Act authorizing the Department of General Services, with the approval of the Governor, to convey to East Allen Township, Northampton County, certain land situate in East Allen Township, Northampton County, Pennsylvania.

APPROPRIATIONS.

HB 369, PN 984

By Rep. BARLEY

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for limitations on rates of specific taxes; and providing for special limitation on rates of taxes for certain amusements.

APPROPRIATIONS.

HB 528, PN 1663 (Amended)

By Rep. BARLEY

An Act reenacting the act of July 5, 1989 (P.L.166, No.31), known as the Phosphate Detergent Act, making editorial changes and eliminating sunset provisions.

APPROPRIATIONS.

HB 595, PN 621

By Rep. BARLEY

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

APPROPRIATIONS.

HB 773, PN 823

By Rep. BARLEY

An Act amending the act of March 11, 1971 (P.L.104, No.3), known as the Senior Citizens Rebate and Assistance Act, further defining income to exclude a portion of railroad retirement benefits and Federal Social Security benefits; and providing for appropriations.

APPROPRIATIONS.

HB 779, PN 990

By Rep. BARLEY

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

APPROPRIATIONS.

HB 1335, PN 1582

By Rep. BARLEY

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, prohibiting the location of methadone treatment facilities in certain locations.

APPROPRIATIONS.

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

SB 502, PN 594

By Rep. BARLEY

An Act making appropriations to the Philadelphia Health and Education Corporation for the MCP Hahnemann University.

APPROPRIATIONS.

BILLS ON SECOND CONSIDERATION

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

HB 28, PN 16; HB 197, PN 188; HB 219, PN 210; HB 369, PN 984; HB 528, PN 1663; and HB 779, PN 990.

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

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

HB 1331, PN 1551.

BILLS ON THIRD CONSIDERATION

BILLS PASSED OVER

The SPEAKER. The second bill on page 1, HB 320, is over for the day.

Page 2 of today's calendar. HB 543 is over for the day.

BILL ON FINAL PASSAGE

The House proceeded to consideration on final passage of **HB 649, PN 1590**, entitled:

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

On the question recurring,
Shall the bill pass finally?

The SPEAKER. The House will come to order.

When last we met, when last we met, we were considering HB 649 on final passage. The bill had run earlier in the day, was reconsidered, and Mr. George had the floor on the question of final passage of 649. That is the recollection of the Chair at least.

Without objection, the Chair now recognizes Mr. George as a continuation of the debate on HB 649. Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, if I may, I would like to interrogate the sponsor of this bill.

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, your contention is that the bill as drafted does what? What is the purpose of the bill as you have drafted it?

Mr. REINARD. Well, gee, Mr. Speaker, I thought that since we already considered the bill, we would understand what the bill was doing. The bill, what it does is—

The SPEAKER. The gentleman will yield.

The gentleman may proceed.

Mr. REINARD. Mr. Speaker, the legislation as passed this House about 2 weeks ago and as passed this House last session deals with establishing a statewide minimum for any new pool construction in Pennsylvania. It does not apply to any existing pool, nor does it apply to any municipality that has a pool ordinance. It also goes one step further and recognizes any municipality that presently has a pool ordinance, that that ordinance will take precedence to the State act and that the State act would be secondary in that position. However, any municipality that does not have one per se at this point in time or any new pool yet to be projected in the future would be under the guidelines of this legislation.

Mr. GEORGE. And, Mr. Speaker, the guidelines of this legislation, now, what department of State or is there more than one department of State that will in fact have the authority to make sure that anyone involving themselves in the installation or providing one of these apparatus, which department will be basically placed in charge should my county not have a department of health or my municipality not wanting to pass an ordinance?

Mr. REINARD. Thank you, Mr. Speaker.

Again, in the bill, the bill states that if your county is one which has a department of health, that the department of health would be responsible and that the county department of health would have the ability to access a fee so that the costs would not be borne on any member of the county to implement this legislation. If it does not have a department of health, then L&I (Labor and Industry) would be the appropriate State department to do so.

Mr. GEORGE. Now, have you discussed this with the L&I or the department of health or whoever you say will be responsible about timing and what the format will be?

Mr. REINARD. Mr. Speaker, there are approximately six counties in the State that have a health department, and their health department is more than capable of handling it, and their health department is also able to bill a fee in order to implement it.

As far as the State Department of Health goes, sir, we are legislators. No, I did not have a particular chance to talk to L&I. I think it is our job to protect the young children of Pennsylvania. And again, roughly 25 young children per year die of drowning in Pennsylvania.

Mr. GEORGE. Mr. Speaker, I applaud your willingness to save—

The SPEAKER. Has the gentleman completed his interrogation? Do you want to speak on the bill now?

Mr. GEORGE. No; I would still like to continue. I am placing this in a specific format, if you will, sir.

As I said, I applaud your effort, but I am still confused, if you will, on what you can accomplish by having a department of State come up when I buy a Jacuzzi that I am going to put on the outside porch, and on a big letter form it is tested by the UL (Underwriters Laboratories Inc.) and a plumber simply hooks it, or I can do that myself, to the water system, and you plug the outlet into the electrical outlet, and all I am trying to say to you, what, by inspecting a Jacuzzi or a hot tub— Now, I am not talking, Mr. Speaker, about a pool. Now, your bill, according to what I have read — and stop me if I am wrong — says that you want a plan, you want an engineering schematic; this is all done when you buy a pool. I do not have a pool, Mr. Speaker. I still jump in the creek when I need to get wet; I do not have a pool. But nevertheless, pretty soon we will be inspecting the creeks and the rivers that we jump in. I just want to know—

Mr. REINARD. This would be where I would stop you, Mr. Speaker, since you asked for that.

First off, it is Underwriters Laboratories that would inspect anything, and we are not even talking about that per se. All we are saying is, if you have a hot tub, and every hot tub that I have looked at comes with an approved latch and top. That is why the hot tub and spa industry supports this legislation, because their hot tubs would not require in this statute any fencing requirements whatsoever if they came with a UL latching device, which they all come with.

Second off, it is an initial review that needs to be done, and that review, again, would be a cost of anyone putting a new spa in or a new hot tub in in that particular case. And again, there is a recovery mechanism for that inspection, whatever the appropriate cost the department of health would find, that would be necessary in order to carry out that function. Again I must tell you though, the pool and spa industry supports the legislation and is attempting to do everything they can to prevent backyard drownings.

Mr. GEORGE. Mr. Speaker, if you will, if this bill becomes law and an individual should have a hot tub or a spa and not have had that new hot tub or spa put into place by someone licensed or had it inspected or had the permit, and unfortunately an accident would happen such as someone falling in, would that null and void the insurance? In other words, could an insurance company say, well, you bought that hot tub and there was an accident; therefore, we are not going to pay or underwrite that accident because you are illegal; you did not have that thing permitted. Will that happen?

Mr. REINARD. Mr. Speaker, what you are describing is a legal liability responsibility, and I will tell you as an insurance agent in Pennsylvania, I will tell you that any body of water on your property, whether it be a hot tub, spa, or pool, is deemed an attractive nuisance, and any attractive nuisance requires you as the landowner to go even to a higher degree of responsibility to protect anyone from coming into any harm from that nuisance.

What you are describing will not terminate your coverage. However, what you are describing, as any property owner with a pool that does not have a fence, would have an attractive nuisance on its case, either now without the legislation or in the future with

the legislation, and would be another serious reason why they should look toward a fence in this statewide requirement.

Also I may say, Mr. Speaker, I have in front of me four at-random applications for homeowner's insurance. Each and every one of these asks the question if you have a pool, because for an underwriting requirement, if you have a pool, every homeowner's company that I know of will require that you have fencing requirements put into that pool. So from a homeowner's perspective, the liability will be greatly reduced with a fence, and second off, their homeowner's rates will also be much more greater opportunity for better rates and better selections by having a fence.

Mr. GEORGE. Mr. Speaker, you are doing a fine job explaining what you think will happen that I need to believe that what I think will not happen—

Mr. REINARD. Okay.

Mr. GEORGE. —so I am going to ask you again—

Mr. REINARD. I will tell you once again. Mr. Speaker, as a— The SPEAKER. The gentleman will yield.

One at a time.

Mr. REINARD. As a homeowner's policy—

The SPEAKER. Now — the gentleman will yield — Mr. George, your last comments were, "...and I am going to ask you again." Now, what is it you were going to ask him again?

Mr. GEORGE. I was simply going to ask him, Mr. Speaker, that should any one of us or any one of our constituents go out from any enterprising entity and bring in a bathtub and replace the old bathtub as we do in homes that are 30 and 40 years of age, and that happens to have the portholes that would in some way make it a Jacuzzi or whatever, and I do not have it inspected, and as the devil plays the advocate in most times when somebody is not looking, something will happen, just to put in the Jacuzzi in my bathroom, do I need to have it inspected?

Mr. REINARD. Mr. Speaker, this bill is for backyard, outside-the-primary-structure facilities. It has nothing to do with an inside Jacuzzi whatsoever. It does have to do with an outside spa, and if it comes with an Underwriters Laboratories normal locking device that they all come with, you have no worry.

Second off, there is nothing you can do to your house that is going to void your existing contract on a homeowner's insurance policy. However, it does not mean if you do not have a pool with a fence and you would have a poor unfortunate situation of a drowning, that your insurance company would not terminate your coverage afterwards for not having such. But it is a contract, and this has nothing to do with that. It also has nothing to do with an inside shower or tub.

Mr. GEORGE. Mr. Speaker, I would like to, if I may, comment on the bill. I thank you, Mr. Speaker.

The SPEAKER. The gentleman is in order and may proceed.

Mr. GEORGE. I thank you, Mr. Speaker, and it is evident that what I am saying is not going to get much attention, but nevertheless, I have an obligation to try.

Now, what we are being told is that today, or tomorrow rather, when this bill comes into law, should you or I or anyone want to purchase a Jacuzzi, already has the Underwriters' seal on it and is put in there by a contractor of reputable question, and something should happen that I for some reason did not get a permit, that I would lose my possibility of my insurance company underwriting the accident. I think, Mr. Speaker, what we are really doing, if the gentleman wants to put additional protection on swimming pools, that is one thing that I think any of us can accept. Now, my

concern is that we are going to go home and somebody is going to put in a hot tub or a Jacuzzi, especially in a county where we are not just up on it like the gentleman's county and we do not have a department of health and the municipality does not want to pass an ordinance. The truth of the matter is that what we are doing is formulating another piece of legislation that the insurance companies can charge more money for, and they will know where the Jacuzzis are and they will know where these outside contrivances are, and the end result is, if something happens, not only must you suffer the consequence and the sorrow of an accident; you are going to find out that now you violated what the insurance company and this legislation has said, and that is the reason, Mr. Speaker, I believe we should vote against this bill.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. If I may, I would like to interrupt the House for a moment.

You all have noticed that there is a laptop computer on your desk. The Legislative Data Processing people worked hard, hard, hard to get this done by today's session. Thanks goes to a good number of people, but Kathy Sullivan here to my left — stand up, Kathy — the head of Legislative Data Processing, is principally responsible for getting this job done. Thank you.

CONSIDERATION OF HB 649 CONTINUED

The SPEAKER. The gentleman from Elk, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I applaud my colleague for trying to deal with a tragic situation when unfortunately some young person would happen to drown in a pond or a swimming pool or a Jacuzzi or a hot tub. But here we go again, Mr. Speaker. We are trying to be everything for everybody.

I think the members of the House ought to just take a real quick look at HB 649 and see exactly what it does, Mr. Speaker. If you are going to put a hot tub or a Jacuzzi on your back porch, you will first have to submit an application to the county department of health, Mr. Speaker, and I am not sure if all of our counties really have much of a department of health, as there are some very rural areas in Pennsylvania. And part of that application, Mr. Speaker, will have to be a plan drawn to scale, Mr. Speaker. I do not know if that has to be drawn and submitted by a certified architect. Maybe it does, maybe it does not; the bill does not address that. But then, Mr. Speaker, the plan would have to be reviewed by the department of health, and after it is reviewed, then the county department of health would issue a permit, Mr. Speaker. And, of course, along with the plan and the review and the permit comes a fee, Mr. Speaker. We are going to have a fee to review a permit to put a Jacuzzi on my back porch. Of course, then, after subsequently installed and put in, Mr. Speaker, then the county department of health would have to come around and inspect the thing. This is all language of the bill that is on pages 5 and 6.

Prior to inspection, Mr. Speaker, and at all subsequent times, "...each swimming pool must be equipped with the following:...A ring or throwing buoy with 20 feet of ¼-inch diameter line" — that sounds logical — "or a pole not less than 12 feet in length...A telephone within easy access to the swimming pool." What is easy access, Mr. Speaker? Is easy access an outside phone? Are my constituents going to have to have a telephone now outside near

their pool? It is not addressed in the bill, Mr. Speaker. I guess it is up to the appropriate county department of health inspector that is going to come around and inspect these facilities.

And oh, yes, it is a good idea that we have a fence around these things. If you read the bill, Mr. Speaker, not just any fence will suffice. It has to be a fence that you can see through. So now we are putting in law the type of fence that insurance companies would qualify to cover, and all those people that have swimming pools with fences around that you cannot see through, where do they stand now, Mr. Speaker? I imagine they are grandfathered, but is it going to raise the rates of those people?

Mr. Speaker, this just does not cover swimming pools. It covers swimming pools on any property less than 25 acres, Jacuzzis, and hot tubs. And while it is certain that you do have an attractive nuisance when you have one of these things on your property, Mr. Speaker, I do not know that I should have to have a fence that you can see through. What if I want privacy between my swimming pool and my neighbor's house? I do not know that I should have to have a telephone outside by my swimming pool. I do not know that I should have to have my hot tub inspected at all. And while it is a serious tragedy and very, very sad when anything happens to a young person, Mr. Speaker, this is just big government putting another mandate on local government and on the citizens of the Commonwealth. What are we going to go to next, bicycles? Skis? Sleigh riding?

You know, we cannot protect everybody from everything, Mr. Speaker, and while I am sure the concerns of my colleague are real, I think this is an area that we should not be delving into, Mr. Speaker. I am voting "no," and I encourage my colleagues to also. Thank you.

The SPEAKER. On the question, Mr. Reinard.

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, a little bit of redress here to the two previous comments made.

First off, again let us start at the very top. We have 25 young children that die of pool drownings or water drownings in this Commonwealth on average each and every year.

Second off, the previous speaker, Mr. George, made reference to the concern over the hot tubs and pools and things, and again, I can refer him to page 5, where it says, line 4, it only applies to outdoor structures, so that should rectify any concern he has about anything inside the property walls.

As to the last speaker, I have no idea where he is coming up with see-through fences. However, what I will tell the speaker is, if he or any other member of this House has supported a statewide building code, this language ties the fencing requirements into the BOCA (Building Officials and Code Administrators International, Inc.) Code for fencing, and if you have or if you do support it, the BOCA Code or a statewide building code, then this is the same consistent language we use for the fencing requirement.

Also, on his previous concern, everyone with an existing pool in Pennsylvania, fence or no fence, is grandfathered, so there is no concern whatsoever I would see there.

And finally, I will tell you, when you make light of a pool spa, the last drowning victim that I am aware of in Pennsylvania was a young girl of age 2 who drowned on top of a pool cover. There was rainwater of about 3 inches on that pool cover, and the young girl walked across an unfenced yard, walked onto the cover, and by the time she got to the middle of that cover, that pool cover had sunk down with her weight. Those 4 inches became about 8 inches

or 9 inches of water. It was slippery, she could not get her footing, and she was found lying on top of the pool cover, drowned. So I would not make any lightness of fencing or of spas.

This is an important piece. It had passed this House last session. It passed again earlier this year. I ask for the House members' support.

The SPEAKER. For the second time on the issue, the gentleman, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker. Very briefly.

Mr. Speaker, there is not anybody in this House that wants to see anyone hurt or maimed in any manner, but for the gentleman to say that a youngster drowned on top of a pool cover, what does that have to do with inspecting a device when it is put in and whether or not water will coagulate on top of a pool cover? Now, you know, we are going to the difference between ridiculous and sublime.

You know, we want to do good things, and if you want to talk about the swimming pools, fine; talk about them. You know, I know that a lot of people that drown are accomplished swimmers, but pretty soon you will want us to put a ladder on a hot tub. This is ridiculous.

So do not, please, insist or even imply that we do not want to work with you. We would work with you if it was just a swimming pool, but not hot tubs and Jacuzzis and matters that will cause us even more grave problems should unfortunately an accident take place on our homeland, and that is what I am concerned about, and I still think we ought to vote "no," until this bill is corrected and applied to really what it should be. Thank you, Mr. Speaker.

The SPEAKER. For the second time, the gentleman, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Concerning the fencing language in the bill, in section 2, under "Legislative purpose," subsection (iii), it says, "Fences and other barriers of at least five feet in height with vertical openings no more than four inches wide...An unrestricted view of the pool so that children within the fence are visible from outside," Mr. Speaker. Maybe that language is in the bill— I thought it was in the bill to suggest what we wanted to do. Maybe I am mistaken.

The SPEAKER. The gentleman, Mr. Reinard, for the second time on the question.

Mr. REINARD. Well, to redress, Mr. Speaker.

On page 3, it does say that you need to have those fences at least 5 feet in height with vertical openings. The reason, Mr. Speaker, for the vertical openings is so children cannot get a toehold in a chain-link fence and easily climb over. We are not talking about 8- and 10-year-olds; we are talking about 3-, 4-, and 5-year-olds who we are trying to address, and that is why the vertical openings are there. It provides a dual function, but the most important function that it does provide, Mr. Speaker, is so you do not have a toehold to climb over.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—108

Adolph	Donatucci	McIlhinney	Schuler
Allen	Druce	McNaughton	Semmel
Argall	Fichter	Melio	Smith, B.
Bard	Fleagle	Michlovic	Snyder
Barley	Flick	Micozzie	Solobay
Bastian	Frankel	Miller, S.	Stairs
Battisto	Freeman	O'Brien	Steelman
Bebko-Jones	Gannon	Oliver	Stetler
Browne	Gladeck	Orie	Stevenson
Bunt	Habay	Perzel	Sturla
Butkowitz	Haluska	Petrone	Taylor, E. Z.
Buxton	Harhart	Pippy	Taylor, J.
Caltagirone	Hennessey	Pistella	Tigue
Cawley	Herman	Platts	Trich
Chadwick	Hershey	Preston	Tulli
Civera	Kaiser	Ramos	Vance
Clymer	Keller	Raymond	Vitali
Cohen, L. I.	Kenney	Reinard	Walko
Cornell	Lawless	Rieger	Williams
Corrigan	Leh	Roberts	Wilt
Costa	Levdansky	Robinson	Wogan
Curry	Mann	Roebuck	Wright
Dailey	Markosek	Rooney	Youngblood
Dally	Marsico	Ruffing	Yudichak
DeLuca	Masland	Samuelson	
Dempsey	Mayemik	Santoni	Ryan,
Dermody	McGeehan	Schroder	Speaker
DiGirolamo	McGill		

NAYS—90

Armstrong	Feese	Lucyk	Saylor
Baker	Forcier	Lynch	Scrimenti
Barrar	Geist	Maitland	Serafini
Belardi	George	Major	Seyfert
Belfanti	Gigliotti	Manderino	Shaner
Benninghoff	Godshall	McCall	Smith, S. H.
Birmelin	Gordner	McIlhattan	Staback
Bishop	Grucela	Metcalf	Stern
Blaum	Gruitza	Miller, R.	Strittmatter
Boyes	Hanna	Mundy	Surra
Cappabianca	Harhai	Myers	Tangretti
Carn	Hasay	Nailor	Thomas
Casorio	Hess	Nickol	Travaglio
Clark	Hutchinson	Pesci	Trello
Cohen, M.	Jadlowiec	Petrarca	True
Colafella	James	Phillips	Van Horne
Coy	Josephs	Readshaw	Veon
Daley	Kirkland	Rohrer	Washington
DeWeese	Krebs	Ross	Wojnaroski
Eachus	LaGrotta	Rubley	Yewcic
Egolf	Laughlin	Sainato	Zimmerman
Fairchild	Lederer	Sather	Zug
Fargo	Lescovitz		

NOT VOTING—1

Horsey

EXCUSED—3

Evans Maher Steil

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

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

RESOLUTIONS

Mr. BOYES called up **HR 64, PN 1526**, entitled:

A Resolution creating a select committee to study all matters relating to cable television franchise fees, taxes, rates, service quality and competition and to report to the House of Representatives.

On the question,
Will the House adopt the resolution?

Mr. **McCALL** offered the following amendment No. **A1613**:

Amend Title, page 1, line 1, by striking out "CREATING A SELECT COMMITTEE" and inserting

Directing the Committee on Consumer Affairs

Amend First Resolve Clause, page 2, lines 14 and 15, by striking out "CREATE A SELECT COMMITTEE" and inserting

direct the Committee on Consumer Affairs

Amend Resolution, page 2, lines 18 through 28, by striking out all of said lines

Amend Fourth Resolve Clause, page 2, line 29, by striking out "SELECT"

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

The SPEAKER. On the question of the McCall amendment, the gentleman is recognized.

Mr. **McCALL**. Thank you, Mr. Speaker.

Mr. Speaker, my amendment would eliminate the language in the resolution that creates the select committee and would direct the Consumer Affairs Committee to conduct the study as outlined in the resolution.

Mr. Speaker, the issues in that resolution directly relate to issues that the Consumer Affairs Committee has jurisdiction over. The members of the House Consumer Affairs Committee, on both sides of the aisle, are keenly aware of the telecommunication issues that we deal with on a day-to-day basis. They have engaged in these issues, they have developed a knowledge and an expertise in these issues, and that is why the members of the House Consumer Affairs Committee ask to have membership on that committee, because of the expertise and the knowledge that they have.

Mr. Speaker, I would ask the members to pass this amendment so we can eliminate the redundancy, redundancy in that the results of the study by the select committee will need to be reviewed by the House Consumer Affairs Committee. It is the committee that has the ultimate jurisdiction and the responsibility over this issue.

And, Mr. Speaker, I would point or ask the members to pay attention in the fact that since 1995, since the other side of the aisle has taken leadership of this House, there have been a number of resolutions introduced in this chamber to form select committees — from emergency health services to studying insurance issues and education issues, workers' compensation issues, and the changes in the delivery of nursing services. All of those resolutions were introduced as forming select committees, but the key component to all of those resolutions was that they were amended to direct the standing committee with the oversight to do the study.

I would ask that the members approve this amendment.
Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Hasay.

Mr. **HASAY**. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to my good friend from Carbon County's amendment.

Mr. Speaker, I know, as chair of the House Commerce Committee, many times the media does not have enough staff to cover the many public hearings and informational hearings that our committees have and have scheduled, so therefore, I think it is really important that we keep a separate select committee.

It is important to the fact, Mr. Speaker, that constituents that I have talked to, their rates have gone up significantly without any reason at all, continue to go up significantly without any reason at all. And, Mr. Speaker, even this weekend, when I talked to constituents, there was a question of service, service to areas, where maybe it is a little bit longer; there is a problem in that area. That is why I think it is important to have a separate select committee.

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

The SPEAKER. On the question of the McCall amendment, does the gentleman, Mr. Herman, seek recognition on this question?

Mr. **HERMAN**. Yes, Mr. Speaker.

The SPEAKER. The gentleman is recognized.

Mr. **HERMAN**. I have to concur with my colleague, Representative Hasay, in opposing this amendment as well. I am sure that there are a plethora of committees that could lay claim to having this kind of legislation or the amendment deemed to their committee. I chair the House Local Government Committee, and local governments regulate the placement of cables and grant franchises to companies to serve their communities. This kind of issue could also be referred to the Local Government Committee, but like Representative Hasay has already articulated, this kind of issue is one that a select committee needs to be established in order to fully investigate the parameters of the issue as well as to address some long-term and short-term solutions.

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

The SPEAKER. The lady from Lancaster, Mrs. True.

Mrs. **TRUE**. Thank you, Mr. Speaker.

Mr. Speaker, I oppose this amendment.

As someone who chaired a select committee that was put under the auspices of Aging and Youth, frankly out of necessity, it was very limiting, however, to those that wanted to serve, wanted to give input about their constituents, and we could only have it under one committee. It was also very taxing on the staff because of all the other duties of the committee.

So I certainly can understand on one point, but I also think that we should defeat this amendment and open this up to a variety of members. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Lancaster, Mr. Schuler.

Mr. **SCHULER**. Thank you, Mr. Speaker.

I, too, oppose the amendment.

As chairman of the Aging and Youth Committee, I am sure that this issue could be brought before our committee, because most of the senior citizens are the ones most severely— This would cause a problem for them. When I look at the number of committees this could relate to, there are over six or seven committees that could be used to evaluate this issue. So I think it is best that we go to a select committee and get this resolved. Thank you, Mr. Speaker.

The SPEAKER. On the question of the McCall amendment, Mr. Wogan.

Mr. WOGAN. Mr. Speaker, very briefly, since I am the chairman of the committee that this amendment would send this study to, I think a few comments from me may be in order.

I am supporting the amendment, which would restore the jurisdiction of the House Consumer Affairs Committee in this area, but I think probably neither a special committee nor assignment to my committee is really going to give the consumers in Pennsylvania any kind of a solution.

The research I have done, Mr. Speaker, indicates that there is almost nothing we can do on the State level about rising cable rates because of Federal law passed in 1996. We have deregulation in cable rates. Federal law is superior to State law. And perhaps a better way of approaching this would be to just assign one lawyer to research the Federal statutes and what few cases may have come down since 1996 and issue a report, but since that is not going to happen, Mr. Speaker, I will be voting in favor of this amendment.

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

The following roll call was recorded:

YEAS—106

Bard	Freeman	McGeehan	Solobay
Battisto	George	McIlhinney	Staback
Bebko-Jones	Gladeck	Melio	Stairs
Belardi	Gordner	Michlovic	Steelman
Belfanti	Grucela	Miller, S.	Stetler
Bishop	Gruitza	Mundy	Stevenson
Blaum	Haluska	Myers	Sturla
Butkovitz	Hanna	O'Brien	Surra
Buxton	Harhai	Pesci	Tangretti
Caltagirone	Horsey	Petrarca	Taylor, J.
Carn	James	Petrone	Thomas
Casorio	Josephs	Pistella	Tigue
Cawley	Kaiser	Preston	Travaglio
Cohen, M.	Keller	Ramos	Tulli
Colafella	Kirkland	Readshaw	Van Horne
Corrigan	LaGrotta	Reinard	Veon
Costa	Laughlin	Roberts	Vitali
Coy	Lawless	Robinson	Walko
Curry	Lederer	Roebuck	Washington
Daley	Leh	Rooney	Williams
DeLuca	Lescovitz	Ruffing	Wilt
Dermody	Levdansky	Sainato	Wogan
DeWeese	Lucyk	Samuelson	Wojnaroski
DiGirolamo	Manderino	Santoni	Wright
Eachus	Markosek	Semmel	Yewcic
Fichter	Mayernik	Shaner	Yudichak
Frankel	McCall		

NAYS—93

Adolph	Druce	Maitland	Sather
Allen	Egolf	Major	Saylor
Argall	Fairchild	Mann	Schroder
Armstrong	Fargo	Marsico	Schuler
Baker	Feese	Masland	Scrimenti
Barley	Fleagle	McGill	Serafini
Barrar	Flick	McIlhattan	Seyfert
Bastian	Forcier	McNaughton	Smith, B.
Benninghoff	Gannon	Metcalfe	Smith, S. H.
Birmelin	Geist	Micozzie	Snyder
Boyes	Gigliotti	Miller, R.	Stern
Browne	Godshall	Nailor	Strittmatter
Bunt	Habay	Nickol	Taylor, E. Z.
Cappabianca	Harhart	Oliver	Trello
Chadwick	Hasay	Orie	Trich

Civera	Hennessey	Perzel	True
Clark	Herman	Phillips	Vance
Clymer	Hershey	Pippy	Youngblood
Cohen, L. I.	Hess	Platts	Zimmerman
Cornell	Hutchinson	Raymond	Zug
Dailey	Jadlowiec	Rieger	
Dally	Kenney	Rohrer	Ryan,
Dempsey	Krebs	Ross	Speaker
Donatucci	Lynch	Rubley	

NOT VOTING—0

EXCUSED—3

Evans	Maher	Steil
-------	-------	-------

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

On the question,
Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS—193

Adolph	Eachus	Mann	Schroder
Allen	Egolf	Markosek	Schuler
Argall	Fairchild	Marsico	Scrimenti
Armstrong	Fargo	Masland	Semmel
Baker	Feese	Mayernik	Serafini
Bard	Fichter	McCall	Seyfert
Barley	Fleagle	McGeehan	Shaner
Barrar	Flick	McGill	Shaner
Bastian	Frankel	McIlhattan	Smith, B.
Battisto	Freeman	McIlhinney	Smith, S. H.
Bebko-Jones	Gannon	McNaughton	Snyder
Belardi	George	Melio	Solobay
Belfanti	Gigliotti	Metcalfe	Staback
Benninghoff	Gladeck	Michlovic	Stairs
Birmelin	Godshall	Micozzie	Steelman
Bishop	Gordner	Miller, R.	Stetler
Blaum	Grucela	Miller, S.	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Habay	Myers	Sturla
Bunt	Haluska	Nailor	Surra
Butkovitz	Hanna	Nickol	Tangretti
Buxton	Harhai	O'Brien	Taylor, E. Z.
Caltagirone	Harhart	Oliver	Taylor, J.
Cappabianca	Hasay	Orie	Thomas
Carn	Hennessey	Perzel	Tigue
Casorio	Herman	Pesci	Travaglio
Cawley	Hershey	Petrarca	Trello
Chadwick	Horsey	Petrone	Trich
Civera	Hutchinson	Phillips	True
Clark	Jadlowiec	Pippy	Tulli
Clymer	James	Pistella	Vance
Cohen, L. I.	Josephs	Platts	Van Horne
Cohen, M.	Kaiser	Preston	Veon
Colafella	Keller	Ramos	Vitali
Cornell	Kenney	Raymond	Walko
Corrigan	Kirkland	Readshaw	Washington
Costa	Krebs	Reinard	Williams
Coy	LaGrotta	Rieger	Wilt
Curry	Laughlin	Robinson	Wogan
Dailey	Lawless	Roebuck	Wojnaroski
Daley	Lederer	Rohrer	Wright
Dally	Leh	Rooney	Yewcic
DeLuca	Lescovitz	Ross	Youngblood
Dempsey	Levdansky	Rubley	Yudichak
Dermody	Lucyk	Ruffing	Zimmerman
DeWeese	Lynch	Sainato	Zug

DiGirolamo	Maitland	Samuelson	Ryan,
Donatucci	Major	Santoni	Speaker
Druce	Manderino	Saylor	

NAYS—6

Forcier	Hess	Sather	Stern
Geist	Roberts		

NOT VOTING—0

EXCUSED—3

Evans	Maher	Steil
-------	-------	-------

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

RESOLUTIONS PASSED OVER

The SPEAKER. HR 90 is over.
Page 3 of today's calendar. HRs 120, 123, and 126 are over.

Mr. LYNCH called up **HR 104, PN 1244**, entitled:

A Concurrent Resolution urging the support of proper timber harvesting as a management tool to ensure better forest health in the Commonwealth of Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

Adolph	Fairchild	Mann	Saylor
Allen	Fargo	Markosek	Schroder
Argall	Feese	Marsico	Schuler
Armstrong	Fichter	Masland	Scrimenti
Baker	Fleagle	Mayernik	Semmel
Bard	Flick	McCall	Serafini
Barley	Forcier	McGeehan	Seyfert
Barrar	Frankel	McGill	Shaner
Bastian	Freeman	McIlhattan	Smith, B.
Battisto	Gannon	McIlhinney	Smith, S. H.
Bebko-Jones	Geist	McNaughton	Snyder
Belardi	George	Melio	Solobay
Belfanti	Gigliotti	Metcalf	Staback
Benninghoff	Gladeck	Michlovic	Stairs
Birmelin	Godshall	Micozzie	Steelman
Bishop	Gordner	Miller, R.	Stern
Blaum	Grucela	Miller, S.	Stetler
Boyes	Gruitza	Mundy	Stevenson
Browne	Habay	Myers	Strittmatter
Bunt	Haluska	Nailor	Sturla
Butkovitz	Hanna	Nickol	Surra
Buxton	Harhai	O'Brien	Tangretti
Caltagirone	Harhart	Oliver	Taylor, E. Z.
Cappabianca	Hasay	Orie	Taylor, J.
Carn	Hennessey	Perzel	Thomas
Casorio	Herman	Pesci	Tigue
Cawley	Hershey	Petrarca	Travaglio
Chadwick	Hess	Petrone	Trello

Civera	Horsey	Phillips	Trich
Clark	Hutchinson	Pippy	True
Clymer	Jadlowiec	Pistella	Tulli
Cohen, L. I.	James	Platts	Vance
Cohen, M.	Josephs	Preston	Van Horne
Colafella	Kaiser	Ramos	Veon
Cornell	Keller	Raymond	Vitali
Corrigan	Kenney	Readshaw	Walko
Costa	Kirkland	Reinard	Washington
Coy	Krebs	Rieger	Williams
Curry	LaGrotta	Roberts	Wilt
Dailey	Laughlin	Robinson	Wogan
Daley	Lawless	Roebuck	Wojnaroski
Dally	Lederer	Rohrer	Wright
DeLuca	Leh	Rooney	Yewcic
Dempsey	Lescovitz	Ross	Youngblood
Dermody	Levdansky	Rubley	Yudichak
DeWeese	Lucyk	Ruffing	Zimmerman
DiGirolamo	Lynch	Sainato	Zug
Donatucci	Maitland	Samuelson	
Druce	Major	Santoni	Ryan,
Eachus	Manderino	Sather	Speaker
Egolf			

NAYS—0

NOT VOTING—0

EXCUSED—3

Evans	Maher	Steil
-------	-------	-------

The majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

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

CONDOLENCE RESOLUTION

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

The clerk will read the resolution.

The following resolution was read:

COMMONWEALTH OF PENNSYLVANIA
THE HOUSE OF REPRESENTATIVES

RESOLUTION

WHEREAS, Adriano Henry Mastrangelo of Philadelphia, former member of the House of Representatives of Pennsylvania serving the 183rd Legislative District, passed away on April 9, 1999; and

WHEREAS, Born in Bomba, Abruzzi, Italy, Mr. Mastrangelo immigrated to the United States and served in the United States Navy Seabees from 1943 to 1945, achieving the rank of chief petty officer. A Republican Ward Leader, he was elected in 1970 to the House of Representatives of Pennsylvania, where he served during the 1971-1972 Legislative Session of the General Assembly. In the community, he was a member of the OSIA, Sons of Columbus, Lions Club and Optimist Club; treasurer of the Columbus Day Committee of Philadelphia; president of the Columbus Square Civic Association; and the recipient of the Columbus Day Humanitarian Award and the DaVinci Art Alliance Special Award; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with great sadness the passing of Adriano Henry Mastrangelo; extend heartfelt condolences to his daughter, Pauline Sacchetti; dear friend, Mary Mohollen; nine grandchildren; and fourteen great-grandchildren; and be it further

RESOLVED, That a copy of this resolution, sponsored by the Honorable Matthew Ryan, be transmitted to the family of Adriano Henry Mastrangelo, 1413 South 12th Street, Philadelphia, Pennsylvania 19147.

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

On the question,
 Will the House adopt the resolution?

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

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable Adriano Henry Mastrangelo.)

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

SUPPLEMENTAL CALENDAR B

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 595, PN 621**, entitled:

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

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.

The following roll call was recorded:

YEAS—199

Adolph	Fairchild	Mann	Saylor
Allen	Fargo	Markosek	Schroder
Argall	Feese	Marsico	Schuler
Armstrong	Fichter	Masland	Scrimenti
Baker	Fleagle	Mayernik	Semmel
Bard	Flick	McCall	Serafini
Barley	Forcier	McGeehan	Seyfert
Barrar	Frankel	McGill	Shaner
Bastian	Freeman	McIlhatten	Smith, B.
Battisto	Gannon	McIlhinney	Smith, S. H.
Bebko-Jones	Geist	McNaughton	Snyder
Belardi	George	Melio	Solobay
Belfanti	Gigliotti	Metcalfe	Staback
Benninghoff	Gladeck	Michlovic	Stairs
Birmelin	Godshall	Micozzie	Stelman

Bishop	Gordner	Miller, R.	Stern
Blaum	Grucela	Miller, S.	Stetler
Boyes	Gruitza	Mundy	Stevenson
Browne	Habay	Myers	Strittmatter
Bunt	Haluska	Nailor	Sturla
Butkovitz	Hanna	Nickol	Surra
Buxton	Harhai	O'Brien	Tangretti
Caltagirone	Harhart	Oliver	Taylor, E. Z.
Cappabianca	Hasay	Orie	Taylor, J.
Carn	Hennessey	Perzel	Thomas
Casorio	Herman	Pesci	Tigue
Cawley	Hershey	Petrarca	Travaglio
Chadwick	Hess	Petrone	Trello
Civera	Horsey	Phillips	Trich
Clark	Hutchinson	Pippy	True
Clymer	Jadlowiec	Pistella	Tulli
Cohen, L. I.	James	Platts	Vance
Cohen, M.	Josephs	Preston	Van Horne
Colafella	Kaiser	Ramos	Veon
Cornell	Keller	Raymond	Vitali
Corrigan	Kenney	Readshaw	Walko
Costa	Kirkland	Reinard	Washington
Coy	Krebs	Rieger	Williams
Curry	LaGrotta	Roberts	Wilt
Dailey	Laughlin	Robinson	Wogan
Daley	Lawless	Roebuck	Wojnaroski
Dally	Lederer	Rohrer	Wright
DeLuca	Leh	Rooney	Yewcic
Dempsey	Lescovitz	Ross	Youngblood
Dermody	Levdansky	Rublely	Yudichak
DeWeese	Lucyk	Ruffing	Zimmerman
DiGirolamo	Lynch	Sainato	Zug
Donatucci	Maitland	Samuelson	
Druce	Major	Santoni	Ryan,
Eachus	Manderino	Sather	Speaker
Egolf			

NAYS—0

NOT VOTING—0

EXCUSED—3

Evans	Maher	Steil
-------	-------	-------

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

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

The House proceeded to third consideration of **HB 773, PN 823**, entitled:

An Act amending the act of March 11, 1971 (P.L. 104, No.3) known as the Senior Citizens Rebate and Assistance Act, further defining income to exclude a portion of railroad retirement benefits and Federal Social Security benefits; and providing for appropriations.

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

Mr. EACHUS offered the following amendment No. A0970:

Amend Title, page 1, lines 1 through 12, by striking out all of said lines and inserting

Amending the act of August 26, 1971 (P.L.351, No.91), entitled "An act providing for a State Lottery and administration thereof; authorizing the creation of a State Lottery Commission; prescribing its powers and duties; disposition of funds; violations and penalties thereof; exemption of prizes from State and local taxation and making an appropriation," amending certain definitions and deleting provisions relating to PACENET and certain deductibles; providing property tax or rent rebate and inflation assistance to certain senior citizens, widows, widowers and permanently disabled persons with limited income; establishing uniform standards and qualifications; and imposing additional duties on the Department of Revenue.

Amend Bill, page 1, lines 15 through 19; page 2, lines 1 through 30; page 3, lines 1 through 11, by striking out all of said lines on said pages and inserting

Section 1. The definitions of "maximum annual income," "PACENET" and "program" in section 502 of the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, added November 21, 1996 (P.L.741, No.134), are amended to read:

Section 502. Definitions.

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

"Maximum annual income." For PACE eligibility, the term shall mean annual income which shall not exceed [\$14,000] \$16,000 in the case of single persons nor [\$17,200] \$19,200 in the case of the combined annual income of persons married to each other. Persons may, in reporting income to the Department of Aging, round the amount of each source of income and the income total to the nearest whole dollar, whereby any amount which is less than 50¢ is eliminated.

["PACENET." The Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier provided for in this chapter.]

"Program." The Pharmaceutical Assistance Contract for the Elderly (PACE) [and the Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier (PACENET)] as established by this chapter, unless otherwise specified.

Section 2. Sections 519, 520(c) and 521(b) and (d) of the act, added November 21, 1996 (P.L.741, No.134), are amended to read:

[Section 519. The Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier.

(a) Establishment.—There is hereby established within the department a program to be known as the Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier (PACENET).

(b) PACENET eligibility.—A claimant with an annual income of not less than \$14,000 and not more than \$16,000 in the case of a single person and of not less than \$17,200 and not more than \$19,200 in the case of the combined income of persons married to each other shall be eligible for enhanced pharmaceutical assistance under this section. A person may, in reporting income to the department, round the amount of each source of income and the income total to the nearest whole dollar, whereby any amount which is less than 50¢ is eliminated.

(c) Deductible.—Upon enrollment in PACENET, eligible claimants in the income ranges set forth in subsection (b) shall be required to meet an annual deductible in unreimbursed prescription drug expenses of \$500 per person. To qualify for the deductible set forth in this subsection the prescription drug must be purchased for the use of the eligible claimant from a provider as defined in this chapter. The department, after consultation with the board, may approve an adjustment in the deductible on an annual basis.

(d) Copayment.—For eligible claimants under this section, the copayment schedule, which may be adjusted by the department on an annual basis after consultation with the board, shall be:

(i) eight dollars for noninnovator multiple source drugs as defined in section 702; or

(ii) fifteen dollars for single-source drugs and innovator multiple-source drugs as defined in section 702.]

Section 520. Board.

(c) Review.—Using the annual report submitted by the department pursuant to section 2102 and other appropriate data sources, the board shall conduct an annual review. The board shall develop recommendations concerning any changes in the level of copayment[, deductible] or in the level of fees paid to participating pharmacists. The board shall review the department's therapeutic drug utilization review program on an ongoing basis. The board may also recommend other changes in the structure of the program and direct the department to enter into discussions with the private contractor concerning amendments to the contract, or the department may enter into such discussion if it deems necessary. The copayment [or deductible schedule] shall only be adjusted on an annual basis.

Section 521. Penalties.

(b) Civil penalty.—In addition to any appropriate criminal penalty for prohibited acts under this chapter whether or not that act constitutes a crime under 18 Pa.C.S. (relating to crimes and offenses), a provider who violates this section may be liable for a civil penalty in an amount not less than \$500 and not more than \$10,000 for each violation of this act which shall be collected by the department. Each violation constitutes a separate offense. If the department collects three or more civil penalties against the same provider, the provider shall be ineligible to participate in [either] PACE [or PACENET] for a period of one year. If more than three civil penalties are collected from any provider, the department may determine that the provider is permanently ineligible to participate in PACE [or PACENET].

(d) Repayment of gain.—Any provider, recipient or other person who is found guilty of a crime for violating this chapter shall repay three times the value of the material gain received. In addition to the civil penalty authorized pursuant to subsection (b), the department may require the provider, recipient or other person to repay up to three times the value of any material gain to PACE [or PACENET].

Section 3. The definitions of "covered prescription drug," "PACENET" and "provider" in section 702 of the act, added November 21, 1996 (P.L.741, No.134), are amended to read:

Section 702. Definitions.

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

"Covered prescription drug." A legend drug, insulin, an insulin syringe or an insulin needle eligible for payment by the Commonwealth under PACE[, PACENET] or designated pharmaceutical programs.

["PACENET." The program established under section 519.]

"Provider." A licensed pharmacy or dispensing physician enrolled as a provider in PACE[, PACENET] or designated pharmaceutical programs.

Section 4. Sections 703, 704(b)(1), 705, 706(b) and 709 of the act, added November 21, 1996 (P.L.741, No.134), are amended to read:

Section 703. Rebate agreement.

(a) Requirement.—PACE[, PACENET] and designated pharmaceutical programs shall not reimburse for any covered prescription

drug without a rebate agreement between the department and the manufacturer of the covered prescription drug.

(b) Exception.—Subsection (a) shall not apply if the availability of the drug is essential to the health of eligible claimants as determined by the department.

(c) Agreements.—Manufacturers of prescription drugs reimbursed under PACE[, PACENET] and designated pharmaceutical programs must enter into a rebate agreement with the department under this chapter to obtain such reimbursement. Nothing in this chapter shall be deemed to affect or impair any agreement made under the former provisions of Chapter 6 of the act of August 14, 1991 (P.L.342, No.36), known as the Lottery Fund Preservation Act.

(d) Notice.—The department shall notify enrolled providers of PACE[, PACENET] and designated pharmaceutical programs on an annual basis and, as appropriate, of all manufacturers who have entered into a rebate agreement.

(e) Drug formulary.—Except as provided in section 512, there shall be no drug formulary, prior or retroactive approval system or any similar restriction imposed on the coverage of outpatient drugs made by manufacturers who have agreements in effect with the Commonwealth to pay rebates for drugs utilized in PACE [and PACENET], provided that such outpatient drugs were approved for marketing by the Food and Drug Administration. This subsection shall not apply to any act taken by the department pursuant to its therapeutic drug utilization review program under section 505.

Section 704. Terms of rebate agreement.

(b) Information.—

(1) The department shall report to each manufacturer, not later than 60 days after the end of each calendar quarter, information by zip code of provider on the total number of dosage units of each covered prescription drug reimbursed under PACE[, PACENET] and designated pharmaceutical programs during the quarter.

Section 705. Amount of rebate.

(a) Single-source drugs and innovator multiple-source drugs.—With respect to single-source drugs and innovator multiple-source drugs, each manufacturer shall remit a rebate to the Commonwealth. Except as otherwise provided in this section, the amount of the rebate to the Commonwealth per calendar quarter with respect to each dosage form and strength of single-source drugs and innovator multiple-source drugs shall be as follows:

(1) For quarters beginning after September 30, 1992, and ending before January 1, 1997, the product of the total number of units of each dosage form and strength reimbursed by PACE and General Assistance in the quarter and the difference between the average manufacturer price and 85% of that price, after deducting customary prompt payment discounts, for the quarter.

(2) For quarters beginning after December 31, 1996, the product of the total number of units of each dosage form and strength reimbursed by PACE[, PACENET] and designated pharmaceutical programs in the quarter and the difference between the average manufacturer price and 83% of that price, after deducting customary prompt payment discounts.

(b) Rebate for other drugs.—

(1) The amount of the rebate to the Commonwealth for a calendar quarter with respect to covered prescription drugs which are noninnovator multiple-source drugs shall be equal to the product of:

(i) the applicable percentage of the average manufacturer price, after deducting customary prompt payment discounts, for each dosage form and strength of such drugs for the quarter; and

(ii) the number of units of such form and dosage reimbursed by PACE and General Assistance in the quarter.

(2) For the purposes of paragraph (1), the applicable percentage for calendar quarters beginning after September 30, 1992, and ending before January 1, 1997, is 11%.

(c) Revised rebate for other drugs.—Beginning after December 31, 1996:

(1) The amount of the rebate to the Commonwealth for a calendar quarter with respect to covered prescription drugs which are noninnovator multiple-source drugs shall be the greater of the product of:

(i) the applicable percentage of the average manufacturer price, after deducting customary prompt payment discounts, for each dosage form and strength of such drugs for the quarter; and

(ii) the number of units of such form and dosage reimbursed by PACE[, PACENET] and designated pharmaceutical programs in the quarter.

(2) For purposes of paragraph (1), the applicable percentage is 17%.

(d) Drugs approved after act takes effect.—In the case of a covered outpatient drug approved for marketing after the effective date of the act of August 14, 1991 (P.L.342, No.36), known as the Lottery Fund Preservation Act, any reference to January 1, 1991, shall be a reference to the first day of the first month during which the drug was marketed.

Section 706. Excessive pharmaceutical price inflation discount.

(b) Revised general rule.—A discount shall be provided to the department for all covered prescription drugs. The discount shall be calculated as follows:

(1) For each quarter for which a rebate under section 705(a) and (c) is to be paid after December 31, 1996, the average manufacturer price for each dosage form and strength of a covered prescription drug shall be compared to the average manufacturer price for the same form and strength in the previous calendar year and a percentage increase shall be calculated.

(2) For each quarter under paragraph (1), the average percentage increase in the Consumer Price Index-Urban over the same quarter in the previous calendar year shall be calculated.

(3) If the calculation under paragraph (1) is greater than the calculation under paragraph (2), the discount amount for each quarter shall be equal to the product of:

(i) the difference between the calculations under paragraphs (1) and (2); and

(ii) the total number of units of each dosage form and strength reimbursed by PACE[, PACENET] and designated pharmaceutical programs and the average manufacturer price reported by the manufacturer under section 704(c)(1).

Section 709. Disposition of funds.

(a) PACE [and PACENET].—Money received under this chapter in connection with PACE [and PACENET] shall be deposited in the Pharmaceutical Assistance Contract for the Elderly Fund.

(b) Designated pharmaceutical programs.—Money received under this chapter in connection with designated pharmaceutical programs shall be treated as a refund of expenditures to the appropriation which originally provided the funding for the pharmaceutical purchase.

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

CHAPTER 11
SENIOR CITIZENS REBATE
AND ASSISTANCE ACT

Section 1101. Short title of chapter.

This chapter shall be known and may be cited as the Senior Citizens Rebate and Assistance Act.

Section 1102. Declaration of policy.

In recognition of the severe economic plight of certain senior citizens, widows, widowers and permanently disabled persons who are real property owners or renters with fixed and limited incomes who are

faced with rising living costs and constantly increasing tax and inflation cost burdens which threaten their homesteads and self-sufficiency, the General Assembly, pursuant to the mandates of the Constitutional Convention of 1968, considers it to be a matter of sound public policy to make special provisions for property tax rebates or rent rebates in lieu of property taxes and inflation dividends to that class of senior citizens, widows, widowers and permanently disabled persons who are real property taxpayers or renters who are without adequate means of support to enable them to remain in peaceable possession of their homes and relieving their economic burden and to provide transportation assistance grants and to provide grants to area agencies on aging for services to older persons.

Section 1103. Definitions.

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

“Claimant.” A person who files a claim for property tax rebate or rent rebate in lieu of property taxes and inflation dividend and was 65 years of age or over, or whose spouse (if a member of the household) was 65 years of age or over, during a calendar year in which real property taxes, rent and inflation costs were due and payable or was a widow or widower and was 50 years of age or over during a calendar year or part thereof in which real property taxes, rent and inflation costs were due and payable, or was a permanently disabled person 18 years of age or over during a calendar year or part thereof in which real property taxes, rent and inflation costs were due and payable. For the purposes of this chapter, the term “widow” or “widower” shall mean the surviving wife or the surviving husband, as the case may be, of a deceased individual and who has not remarried except as provided in section 1104(d) and (e). For the purposes of this chapter, the term “permanently disabled person” shall mean a person who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to continue indefinitely, except as provided in section 1104(d) and (e).

“Department.” The Department of Revenue of the Commonwealth.

“Homestead.” A dwelling, whether owned or rented, and so much of the land surrounding it, as is reasonably necessary for use of the dwelling as a home, occupied by a claimant. A homestead shall also include premises occupied by reason of ownership or lease in a cooperative housing corporation, mobile homes which are assessed as realty for local property tax purposes and the land, if owned or rented by the claimant, upon which the mobile home is situated, and other similar living accommodations, as well as a part of a multidwelling or multipurpose building and a part of the land upon which it is built. It shall also include premises occupied by reason of the claimant’s ownership or rental of a dwelling located on land owned by a nonprofit incorporated association, of which the claimant is a member, if the claimant is required to pay a pro rata share of the property taxes levied against the association’s land. It shall also include premises occupied by a claimant if he is required by law to pay a property tax by reason of his ownership or rental (including a possessory interest) in the dwelling, the land, or both. An owner includes a person in possession under a contract of sale, deed of trust, life estate, joint tenancy or tenancy in common or by reason of statutes of descent and distribution.

“Household income.” All income received by the claimant and the spouse of a claimant while residing in the homestead during the calendar year for which a rebate and dividend are claimed.

“Income.” All income from whatever source derived, including, but not limited to, salaries, wages, bonuses, commissions, income from self-employment, alimony, support money, cash public assistance and relief, the gross amount of any pensions or annuities including railroad retirement benefits for calendar years prior to 1998, and 50% of railroad retirement benefits for calendar years 1998 and thereafter, all benefits received under the Federal Social Security Act (except Medicare benefits) for calendar years prior to 1998, and 50% of all benefits received under the Federal Social Security Act (except Medicare benefits) for calendar years 1998 and thereafter, all benefits received under State unemployment

insurance laws and veterans’ disability payments, all interest received from the Federal or any State government, or any instrumentality or political subdivision thereof, realized capital gains, rentals, workmen’s compensation and the gross amount of loss of time insurance benefits, life insurance benefits and proceeds (except the first \$5,000 of the total of death benefit payments), and gifts of cash or property (other than transfers by gift between members of a household) in excess of a total value of \$300, but shall not include surplus food or other relief in kind supplied by a governmental agency or property tax or rent rebate or inflation dividend.

“Inflation dividend.” An additional amount calculated by the department in accordance with section 1104(b).

“Inflation expenses.” The additional costs of those essential consumer needs of senior citizens in the Commonwealth. Those inflation expenses include, but are not limited to, the additional cost of medical prescriptions, energy needs, transportation and food and clothing essentials.

“Real property taxes.” All taxes on a homestead (exclusive of municipal assessments, delinquent charges, and interest) due and payable during a calendar year.

“Rent rebate in lieu of property taxes.” Twenty percent of the gross amount actually paid in cash or its equivalent in any calendar year to a landlord in connection with the occupancy of a homestead by a claimant, irrespective of whether such amount constitutes payment solely for the right of occupancy or otherwise.

Section 1104. Property tax; rent rebate and inflation cost.

(a) Determination of amount of claim.—The amount of any claim for property tax rebate or rent rebate in lieu of property taxes for real property taxes or rent due and payable during calendar year 1985 and thereafter shall be determined in accordance with the following schedule:

Household Income	Percentage of Real Property Taxes or Rent Rebate in Lieu of Property Taxes Allowed as Rebate
\$ 0 - \$4,999	100%
5,000 - 5,499	100
5,500 - 5,999	90
6,000 - 6,499	80
6,500 - 6,999	70
7,000 - 7,499	60
7,500 - 7,999	50
8,000 - 8,499	40
8,500 - 8,999	35
9,000 - 9,999	25
10,000 - 11,999	20
12,000 - 12,999	15
13,000 - 15,000	10

(b) Determination of inflation dividend.—To all claimants eligible for a property tax or rent rebate pursuant to subsection (a) there shall be paid an inflation dividend determined in accordance with the following schedule:

Household Income	Dividend
\$ 0 - 4,999	\$125
5,000 - 5,499	100
5,500 - 5,999	100
6,000 - 6,499	75
6,500 - 6,999	75
7,000 - 7,499	60
7,500 - 7,999	60
8,000 - 8,499	45
8,500 - 8,999	45
9,000 - 9,999	30
10,000 - 11,999	30
12,000 - 12,999	30
13,000 - 15,000	20

(c) Limitation on claims.—No claim shall be allowed if the amount of property tax or rent rebate computed in accordance with this section is

less than \$10, and the maximum amount of property tax or rent rebate payable shall not exceed \$500.

(d) Further limitation on claims.—No claim shall be allowed if the claimant is a tenant of an owner of real property exempt from real property taxes.

(e) Apportionment of claim.—If a homestead is owned or rented and occupied for only a portion of a year or is owned or rented in part by a person who does not meet the qualifications for a claimant, exclusive of any interest owned or leased by a claimant's spouse, or if the claimant is a widow or widower who remarries, or if the claimant is a permanently disabled person who is no longer disabled, the department shall apportion the real property taxes or rent in accordance with the period or degree of ownership or leasehold or eligibility of the claimant in determining the amount of rebate for which a claimant is eligible. A claimant who receives public assistance from the Department of Public Welfare shall not be eligible for rent rebate in lieu of property taxes, or an inflation dividend during those months within which he receives public assistance.

(f) Subsidies excluded from amount of rent.—Rent shall not include subsidies provided by or through a governmental agency.
Section 1105. Filing of claim.

A claim for property tax or rent rebate and inflation dividend shall be filed with the department on or before June 30 of the year next succeeding the end of the calendar year in which real property taxes or rent were due and payable. Claims filed after the June 30 deadline until December 31 of such calendar year shall be accepted by the Secretary of Revenue as long as funds are available to pay the benefits to the late filing claimants. No reimbursement on a claim shall be made from the State Lottery Fund earlier than the day following June 30 provided in this chapter on which that claim may be filed with the department. Only one claimant from a homestead each year shall be entitled to the property tax or rent rebate and inflation dividend. If two or more persons are able to meet the qualifications for a claimant, they may determine who the claimant shall be. If they are unable to agree, the department shall determine to whom the rebate and dividend is to be paid.
Section 1106. Proof of claim.

Each claim shall include reasonable proof of household income, the size and nature of the property claimed as a homestead and the rent or tax receipt, or other proof that the real property taxes on the homestead have been paid, or rent in connection with the occupancy of a homestead has been paid. If the claimant is a widow, or widower, a declaration of such status in such manner as prescribed by the Secretary of Revenue shall be included. Proof that a claimant is eligible to receive disability benefits under the Federal Social Security Act shall constitute proof of disability under this chapter. No person who has been found not to be disabled by the social security administration shall be granted a rebate or dividend under this chapter. A claimant not covered under the Federal Social Security Act shall be examined by a physician designated by the department and such status determined using the same standards used by the social security administration. It shall not be necessary that such taxes or rent were paid directly by the claimant provided that the rent or taxes have been paid when the claim is filed. The first claim filed shall include proof that the claimant or his spouse was 65 years of age or over or 50 years of age or over in the case of a widow, or widower, during the calendar year in which real property taxes or rent were due and payable.
Section 1107. Incorrect claim.

Whenever on audit of any claim, the department finds the claim to have been incorrectly determined, it shall redetermine the correct amount of the claim and notify the claimant of the reason of the redetermination and the amount of the corrected claim.
Section 1108. Funds for payment of administrative expenses and claims.

Expenses, salaries and other costs incurred in the administration of this chapter and approved claims shall be paid from the State Lottery Fund established under section 311. In the event that the total amount of administrative expenses and claims exceeds the amount in such fund, in any one year, the General Assembly may appropriate sufficient funds from the General Fund to cover the excess costs. For the purposes of this section, the amount in the State Lottery Fund shall include the June 30

ending lottery fund balance plus 80% of projected lottery fund revenues after lottery fund administrative expenses for the subsequent fiscal year.
Section 1109. Claim forms and rules and regulations.

Necessary rules and regulations shall be prescribed by a committee consisting of the Secretary of Aging, the Secretary of Revenue and the Secretary of Community and Economic Development. The Secretary of Aging shall serve as the chairman of the committee. The Department of Revenue shall receive all applications, determine the eligibility of claimants, hear appeals, disburse payments, and make available suitable forms for the filing of claims.

Section 1110. Fraudulent claim; conveyance to obtain benefits.

(a) General rule.—In any case in which a claim is excessive and was filed with fraudulent intent, the claim shall be disallowed in full and a penalty of 25% of the amount claimed shall be imposed. The penalty and the amount of the disallowed claim, if the claim has been paid, shall bear interest at the rate of 1/2 of 1% per month from the date of the claim until repaid. The claimant and any person who assisted in the preparation or filing of a fraudulent claim shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding \$1,000, or undergo imprisonment not exceeding one year, or both.

(b) Disallowance of certain claims.—A claim shall be disallowed if the claimant received title to the homestead primarily for the purpose of receiving property tax rebate.

Section 1111. Petition for redetermination.

(a) Procedures.—Any claimant whose claim is either denied, corrected or otherwise adversely affected by the department, may file with the department a petition for redetermination on forms supplied by the department within 90 days after the date of mailing of written notice by the department of such action. The petition shall set forth the grounds upon which claimant alleges that such departmental action is erroneous or unlawful, in whole or part, and shall contain an affidavit or affirmation that the facts contained therein are true and correct. An extension of time for filing the petition may be allowed for cause but not to exceed 120 days. The department shall hold such hearings as may be necessary for the purpose of redetermination, and each claimant who has duly filed such petition for redetermination shall be notified by the department of the time when, and the place where, such hearing in his case will be held.

(b) Disposition time limit.—It shall be the duty of the department, within six months after receiving a filed petition for redetermination, to dispose of the matters raised by such petition and mail notice of the department's decision to the claimant.

Section 1112. Review by Board of Finance and Revenue.

Within 90 days after the date of official receipt by the claimant of notice mailed by the department of its decision on any petition for redetermination filed with it, the claimant who is adversely affected by such decision may by petition request the Board of Finance and Revenue to review such action. The failure of the department to officially notify the claimant of a decision within the six-month period provided for by section 1111 shall act as a denial of such petition, and a petition for review may be filed with the Board of Finance and Revenue within 120 days after written notice is officially received by the claimant that the department has failed to dispose of the petition within the six-month period prescribed by section 1111. Every petition for redetermination filed hereunder shall state the reasons upon which the claimant relies, or shall incorporate by reference the petition for redetermination in which such reasons shall have been stated. The petition shall be supported by affidavit that the facts set forth therein are correct and true. The Board of Finance and Revenue shall act in disposition of such petitions filed with it within six months after they have been received, and in the event of failure of said board to dispose of any such petition within six months, the action taken by the department upon the petition for redetermination shall be deemed sustained. The Board of Finance and Revenue may sustain the action taken by the department on the petition for redetermination or it may take such other action as it shall deem is necessary and consistent with provisions of this chapter. Notice of the action of the Board of Finance and Revenue shall be given by mail to the department and to the claimant.

Section 1113. Appeal.

Any claimant, aggrieved by the decision of the Board of Finance and Revenue may appeal from the decision of the Board of Finance and Revenue, in the manner now or hereafter provided by law for appeals from decisions of said board in tax cases.

Section 6. Section 2102 of the act, added November 21, 1996 (P.L.741, No.134), is amended to read:

Section 2102. Annual report to General Assembly.

(a) Submission of report.—The department shall submit a report no later than April 1 of each year to the chairman and minority chairman of the Aging and Youth Committee of the Senate, the chairman and minority chairman of the Aging and Youth Committee of the House of Representatives and the Pharmaceutical Assistance Review Board.

(b) Collection of data.—The department shall maintain monthly statistical records on PACE [and PACENET], including the level of participation and any patterns of unusual drug usage for purposes of formulating the annual report.

(c) Information for inclusion in annual report.—The annual report shall contain, but not be limited to, all information relating to:

(1) The number of persons served by PACE [and PACENET] and their counties of residence.

(2) A breakdown of the numbers and kinds of pharmaceuticals used.

(3) The cost of prescriptions.

(4) An estimate of actual expenses incurred by pharmacists participating in the program.

(5) The results obtained by the drug education program under section 522.

(6) Information regarding the operation of the therapeutic drug utilization review system for the prior calendar year, which shall include, at a minimum:

(i) The scope of physician and pharmacist participation in the system.

(ii) A description of claimant response to the system.

(iii) Data for each month of the covered period regarding the number of prescription revisions based on utilization review, including drug information, cost savings and the policy used by the department to make utilization review decisions.

(7) Information on the existence and scope of fraudulent activity and violations of this act by providers participating in PACE [and PACENET].

(8) Information regarding the financial status of PACE [and PACENET], including, but not limited to, the adequacy of any applicable deductible and copayment levels, based upon the financial experience and projections of PACE [and PACENET].

Amend Sec. 2, page 3, line 12, by striking out "Section 2. This act" and inserting

Section 7. The addition of Chapter 11

Amend Sec. 3, page 3, line 15, by striking out all of said line and inserting

Section 8. This act shall take effect as follows:

(1) The addition of Chapter 11 shall take effect immediately.

(2) Section 7 and this section shall take effect immediately.

(3) The remainder of this act shall take effect in 60 days.

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. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I would like to thank the House for indulging me for a moment to explain exactly what my amendment will do.

First, it takes the language from HB 773 which amends the Senior Citizens Rebate and Assistance Act and all the other language in this act and places it into the Lottery Law, as the legislature moved the PACE (Pharmaceutical Assistance Contract for the Elderly) act in 1996, the same movement.

Second, it also amends the Lottery Law by repealing the PACENET (Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier) Program and provides a \$2,000 increase in income eligibility in the comprehensive PACE Program.

The net effect of this amendment to the PACE Program would be to increase the income limits of the PACE Program to \$16,000 for singles; \$19,200 for married couples. It eliminates the \$500 cash deductibles and higher copayments and makes those currently enrolled in the PACENET Program eligible for the PACE Program.

The SPEAKER. Mr. Eachus, do you have a fiscal note for this? Mr. EACHUS. Yes, sir, I do; right here.

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, I just wanted to interrogate the gentleman for a moment, if I could.

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

Mr. PERZEL. I understand that the other side of the aisle had a press conference where they announced the Democrat Plan for Pennsylvania. Were you at that press conference, Mr. Speaker?

Mr. EACHUS. Yes, sir.

Mr. PERZEL. And they also had a press conference on cutting the property taxes for all the people of the Commonwealth of Pennsylvania by roughly \$500 million this year. Were you at that press conference also?

Mr. EACHUS. Are you talking about the press conference a number of weeks ago, sir?

Mr. PERZEL. Yes.

Mr. EACHUS. Yes, sir, I was.

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, I wanted to bring up a couple things here. I would like to thank the gentleman for his time and his answers.

About 3 weeks ago on the floor of the House, some of my friends on the other side of the aisle put about 500 million dollars' worth of extra spending, Mr. Speaker, into the budget process: \$100 million of the \$500 million was for property tax relief; the other \$400-and-some million was for all types of other programs to help all the people of the Commonwealth of Pennsylvania.

Then, that was on top of the \$500 million—

Mr. EACHUS. Mr. Speaker, on the amendment, sir? I hate to interrupt the majority leader, but we are talking about the amendment. Is that correct?

The SPEAKER. I honestly was not listening to him, nor am I going to listen to him.

I was not listening. Continue, and I will make a ruling if it seems appropriate.

Mr. DeWEESE. Point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. Yes.

Mr. DeWEESE. With all due respect to the honorable majority leader, he was not on the amendment, but I think that is okay. I think that we have traditionally allowed floor leaders to have some amplitude. So I would respectfully allow the gentleman my own request.

The SPEAKER. The question was raised by the gentleman, Mr. Eachus. Perhaps you can get him to withdraw his objection.

Mr. DeWEESE. Thank you, Mr. Speaker.

Mr. PERZEL. Mr. Speaker?

The SPEAKER. Will the gentleman yield.

Mr. EACHUS. Mr. Speaker, I would politely allow the minority and majority leaders their indulgence.

The SPEAKER. Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

So originally we had a program to spend the surplus, and then we put out a program that is called the House Democrat Plan for Pennsylvania, which spent the surplus a second time, and today we are being asked to spend \$70 million for a pharmaceutical program, Mr. Speaker. I just wanted to remind the ladies and gentlemen of the House that had we listened to all the different programs that we wanted to fund over the last several weeks, it would have been somewhere in the neighborhood of \$2 billion and we would have had to raise taxes to pay for it.

I wanted to remind the members that— I do not expect that they would vote “no” on this program, Mr. Speaker, but I think that the people of Pennsylvania have to see the sham for what it was, which was a sham. You cannot spend the money three, four, and five times that you have in a surplus, Mr. Speaker. So I understand this is \$70 million, but on TV last week I was told that if we just agreed to the property tax portion of it, that the other side of the aisle would be happy. It just seems that that just simply is not true, Mr. Speaker. That is all. I just wanted to remind the members.

The SPEAKER. The Chair thanks the gentleman.

For the second time, Mr. Eachus.

Mr. EACHUS. Mr. Speaker, I think the majority leader misses the mark. We are using lottery-funded money, program money from the Lottery Fund, for this proposal, sir. There are no General Fund dollars being expended within my amendment. It is simply lottery money, and there is a \$96-million surplus currently in the lottery program.

Number two, I think it is a matter of priorities. If you support the growing— Already senior citizens are seeing rapid increases in the amount of money they are paying for pharmaceutical drugs, and frankly, you could make a decision today: Either you stand with senior citizens on the PACE Program or you do not. I think it is just a matter of priorities, sir.

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

The following roll call was recorded:

YEAS—199

Adolph	Fairchild	Mann	Saylor
Allen	Fargo	Markosek	Schroder
Argall	Feese	Marsico	Schuler
Armstrong	Fichter	Masland	Scrimenti
Baker	Fleagle	Mayernik	Semmel
Bard	Flick	McCall	Serafini
Barley	Forcier	McGeehan	Seyfert
Barrar	Frankel	McGill	Shaner
Bastian	Freeman	McHhattan	Smith, B.
Battisto	Gannon	McIlhinney	Smith, S. H.
Bebko-Jones	Geist	McNaughton	Snyder
Belardi	George	Melio	Solobay
Belfanti	Gigliotti	Metcalfe	Staback
Benninghoff	Gladeck	Michlovic	Stairs

Birmelin	Godshall	Micozzie	Stelman
Bishop	Gordner	Miller, R.	Stern
Blaum	Grucela	Miller, S.	Stetler
Boyes	Gruitza	Mundy	Stevenson
Browne	Habay	Myers	Strittmatter
Bunt	Hafuska	Nailor	Sturla
Butkovitz	Hanna	Nickol	Surra
Buxton	Harhai	O'Brien	Tangretti
Caltagirone	Harhart	Oliver	Taylor, E. Z.
Cappabianca	Hasay	Orie	Taylor, J.
Carn	Hennessey	Perzel	Thomas
Casorio	Herman	Pesci	Tigue
Cawley	Hershey	Petrarca	Travaglio
Chadwick	Hess	Petrone	Trello
Civera	Horsey	Phillips	Trich
Clark	Hutchinson	Pippy	True
Clymer	Jadlowiec	Pistella	Tulli
Cohen, L. I.	James	Platts	Vance
Cohen, M.	Josephs	Preston	Van Home
Colafella	Kaiser	Ramos	Veon
Cornell	Keller	Raymond	Vitali
Corrigan	Kenney	Readshaw	Walko
Costa	Kirkland	Reinard	Washington
Coy	Krebs	Rieger	Williams
Curry	LaGrotta	Roberts	Wilt
Dailey	Laughlin	Robinson	Wogan
Daley	Lawless	Roebuck	Wojnaroski
Dally	Lederer	Rohrer	Wright
DeLuca	Leh	Rooney	Yewcic
Dempsey	Lescovitz	Ross	Youngblood
Dermody	Levdansky	Rubley	Yudichak
DeWeese	Lucyk	Ruffing	Zimmerman
DiGirolamo	Lynch	Sainato	Zug
Donatucci	Maitland	Samuelson	
Druce	Major	Santoni	Ryan, Speaker
Eachus	Manderino	Sather	
Egolf			

NAYS—0

NOT VOTING—0

EXCUSED—3

Evans Maher Steil

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

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

Mr. DeWEESE. Mr. Speaker?
The SPEAKER. Mr. DeWeese.
Mr. DeWEESE. I would just like to thank the Republican members for supporting what their leader said was a sham.
Mr. PERZEL. Mr. Speaker?
The SPEAKER. Mr. Perzel. Here we go. You started it.

Mr. PERZEL. Mr. Speaker, the bill that is before us now has approximately \$100 million in there for property tax relief for the seniors of the Commonwealth of Pennsylvania, and to be honest with everyone, when we told people they were going to get that, they will be getting that. I would very seriously doubt whether we will see this again— maybe we will not, maybe we will— whether Mr. Eachus' portion of this bill will still be in there, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Readshaw.

Mr. READSHAW. Mr. Speaker, with the passage of amendment 0970, the two amendments that I have submitted, 0963 and 0965, will be out of order, because that amendment basically guts the bill. I would only ask at this time that of the two amendments, the members may look at 0963. I believe it is a subject we have to address for senior citizens, and I will be back with it. But at this time I withdraw both amendments. I thank you, sir.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On that question, Mr. DeWeese.

Mr. DeWEESE. I would just politely ask the gentleman from Philadelphia, the majority leader, in his negotiations with the other side—

The SPEAKER. Will the gentleman yield; will the gentleman yield.

I am not directing this at you, Mr. DeWeese, but we are about to get into a political squabble that I think everyone would just as soon save until the session is over, the way we have been doing it lately.

Now, if you are speaking on final passage, that is one thing, but if this is further shooting at one another, I really would appreciate it if you would let it wait.

Mr. DeWEESE. Mr. Speaker—

The SPEAKER. Final passage.

Mr. DeWEESE. Mr. Speaker, after Mr. Eachus spoke, the honorable gentleman from Philadelphia went wide of the mark. I am not going to go wide of the mark. I am going to speak on final passage.

And my only polite admonition to the floor leader and to the Republican leadership team would be, in their negotiations with the Senate vis-a-vis final passage of this bill today, to encourage the State Senate to keep the Todd Eachus language in the bill. If all of his members voted for it, do not let it be the sham that our budget effort was a couple of weeks ago, where within 30 seconds of it landing in the Senate, all of our proposals, all of our work was eviscerated. Allow — do not just allow — work hard, Mr. Majority Leader, work hard, Republican leaders, to see that this language remains in the bill.

PACENET has not worked. We want a restoration of PACE. We want to work against that \$500 deductible for our senior citizens. We want to work against that \$16 copay.

The SPEAKER. Mr. DeWeese, final passage, please.

Mr. DeWEESE. And final passage—

The SPEAKER. Save the political rhetoric until the end of the day like you always do.

Mr. DeWEESE. Mr. Speaker, quite frankly, we are a political body, and it is a very subjective analysis as to whether this is rhetoric or not, and I do not think the Chair needs to intercede while I make a few summary remarks on final passage.

The SPEAKER. Mr. DeWeese, as long as the Chair is the person who is here, I will make those decisions, and I try and do it fairly on both sides. I asked you politely not to go through a political windstorm, and that seems to be the direction you are going. If you want to speak on final passage, do it.

Mr. DeWEESE. Mr. Speaker, I cannot separate the process in the Senate from the inherent political dialogues that will take place.

The SPEAKER. Speak on final passage, please. You do not have to lecture me.

Mr. DeWEESE. Mr. Speaker, I was privileged to be at that dais for 2 years, and I allowed you maximum flexibility from the microphone on every occasion. You have not done that to me.

The SPEAKER. That is not so. You come up and see me, and we will talk about it. We are not doing this for the benefit of everyone.

Mr. DeWEESE. You come down to the pit if you want to debate me, sir.

The SPEAKER. You might regret that. Go ahead; finish up your debate.

Mr. DeWEESE. I welcome you in the pit.

My argumentation on final passage would be, the amendment that Todd Eachus just injected into the bill is quintessential. If this legislation passes by some sort of connivance amongst House Republicans and Senate Republicans without this amendment, we and our senior citizens will be shortchanged.

The SPEAKER. On the question of final passage, Mr. Perzel, I am giving you the same warnings I gave the minority leader; speak on final passage.

Mr. PERZEL. I thank you, Mr. Speaker.

Mr. Speaker, the Republican side of the aisle promised the seniors of Pennsylvania property tax relief. We are asking all of the members to support our bill on final consideration to give all of the seniors, 200,000 more of them, an opportunity to have property tax relief, Mr. Speaker. So I would urge a "yes" vote from all the members here.

The SPEAKER. The Chair thanks the gentleman.

Mr. Adolph, final passage.

Mr. ADOLPH. Thank you, Mr. Speaker.

HB 773 expands the existing Property Tax and Rent Rebate Program. As Representative Perzel stated, there will be an additional 181,000 Pennsylvania residents that will come back into this program. Over the last decade, as a result of increases in pensions and Social Security, many of our taxpayers, senior citizens and disabled people, have been eliminated from this program.

I have a breakdown county by county of those that will be given increases. The additional rebate is going to be \$100 a year. The average rebate right now is \$267. It is going to go up to \$367. Many of those that are eligible now will go up to the maximum rebate of \$500. This is not only a tax rebate for property owners; this is also for our senior citizens that pay rent. Let us not forget those senior citizens and disabled people that also pay rent out there.

I have been here for— This is my 11th year. Many legislators out there, both Republican and Democratic, have introduced legislation similar to this. We all know that \$15,000 is too small to run a program anymore. I hope we can all get along right here and vote this bill, and let us pass it on to the Senate for its approval. Thank you very much.

The SPEAKER. On the question of final passage, Mrs. Harhart. Mrs. HARHART. Thank you, Mr. Speaker.

I rise in support of this bill.

Our senior citizens and disabled residents need help paying their rent, and they need relief from high property taxes, and they need it soon. HB 773 will provide that relief. By expanding the Property Tax and Rent Rebate Program, we can deliver effective and targeted property tax and rent relief to senior citizens all across Pennsylvania.

This bill is very simple. It excludes 50 percent of a person's Social Security and railroad retirement benefits from the \$15,000 income eligibility limit. That means thousands of seniors who were dropped from the program because they received cost-of-living increases will now be eligible once again.

As it was stated before, in total, this will add over 180,000 more senior citizens to the program, providing rebates up to \$500 a year to almost a half a million Pennsylvanians. Just in Lehigh and Northampton Counties alone, it will benefit an additional 5,628 claimants, and this represents a 57-percent increase in both counties.

With this commonsense approach, we will be able to help more deserving citizens, who will also receive more — \$100 more on average. In addition, a majority of recipients will now be eligible to receive the maximum rebate of \$500.

This program will continue to be fully funded, and we are not going to back down from our responsibility to help Pennsylvania's senior citizens.

This HB 773 is an excellent way for the General Assembly to reaffirm our strong commitment to Pennsylvania's middle-class and elderly citizens, and I urge my colleagues on both sides of the aisle to vote "yes." Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the lady from Montgomery County, Ms. Bard, on final passage.

Ms. BARD. Thank you, Mr. Speaker.

Expanding the Property Tax and Rent Rebate Program, while keeping existing lottery programs whole, is critical to the older residents of Pennsylvania. In my district, many older residents have expressed to me their concerns about being chased from their homes by high property taxes, particularly high school property taxes. Some of these older residents are paying now more in property taxes than they ever paid in mortgage payments. I know of two women in my southeastern Montgomery County district — one, 73 years old, and one, 79 years old — who ought to be enjoying the fruits of retirement well deserved, living in the security of their own home. Rather, these two women are currently out seeking part-time work to pay these high property taxes.

This is a travesty, Mr. Speaker. This bill seeks to address this problem by targeting property tax relief to those who truly need it — our older, fixed-income and low-income residents.

I ask for support for Mr. Adolph's bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—199

Adolph	Fairchild	Mann	Saylor
Allen	Fargo	Markosek	Schroder
Argall	Feese	Marsico	Schuler
Armstrong	Fichter	Masland	Scrimenti
Baker	Fleagle	Mayemik	Semmel
Bard	Flick	McCall	Serafini
Barley	Forcier	McGeehan	Seyfert
Barrar	Frankel	McGill	Shaner
Bastian	Freeman	McIlhattan	Smith, B.
Battisto	Gannon	McIlhinney	Smith, S. H.
Bebko-Jones	Geist	McNaughton	Snyder
Belardi	George	Melio	Solobay
Belfanti	Gigliotti	Metcalfe	Staback
Benninghoff	Gladeck	Michlovic	Stairs
Birmelin	Godshall	Micozzie	Steelman
Bishop	Gordner	Miller, R.	Stern
Blaum	Grucela	Miller, S.	Stetler
Boyes	Gruitza	Mundy	Stevenson
Browne	Habay	Myers	Strittmatter
Bunt	Haluska	Nailor	Sturla
Butkovitz	Hanna	Nickol	Surra
Buxton	Harhai	O'Brien	Tangretti
Caltagirone	Harhart	Oliver	Taylor, E. Z.
Cappabianca	Hasay	Orie	Taylor, J.
Carn	Hennessey	Perzel	Thomas
Casorio	Herman	Pesci	Tigue
Cawley	Hershey	Petrarca	Travaglio
Chadwick	Hess	Petrone	Trello
Civera	Horsey	Phillips	Trich
Clark	Hutchinson	Pippy	True
Clymer	Jadlowiec	Pistella	Tulli
Cohen, L. I.	James	Platts	Vance
Cohen, M.	Josephs	Preston	Van Home
Colafella	Kaiser	Ramos	Veon
Cornell	Keller	Raymond	Vitali
Corrigan	Kenney	Readshaw	Waiko
Costa	Kirkland	Reinard	Washington
Coy	Krebs	Rieger	Williams
Curry	LaGrotta	Roberts	Wilt
Dailey	Laughlin	Robinson	Wogan
Daley	Lawless	Roebuck	Wojnaroski
Dally	Lederer	Rohrer	Wright
DeLuca	Leh	Rooney	Yewcic
Dempsey	Lescovitz	Ross	Youngblood
Demody	Levdansky	Rublely	Yudichak
DeWeese	Lucyk	Ruffing	Zimmerman
DiGirolamo	Lynch	Sainato	Zug
Donatucci	Maitland	Samuelson	
Druce	Major	Santoni	Ryan,
Eachus	Manderino	Sather	Speaker
Egolf			

NAYS—0

NOT VOTING—0

EXCUSED—3

Evans	Maher	Steil
-------	-------	-------

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

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

* * *

The House proceeded to third consideration of **HB 1335, PN 1582**, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, prohibiting the location of methadone treatment facilities in certain locations.

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?

Mr. Platts, on the question of final passage?

Mr. **PLATTS**. Yes, Mr. Speaker.

The **SPEAKER**. The gentleman is recognized.

Mr. **PLATTS**. Thank you, Mr. Speaker.

This bill, **HB 1335**, proposes to regulate where we locate methadone treatment facilities. It is an issue that Representative Casorio, Representative Serafini, Senator Waugh, and I have been working on, to come up with a comprehensive solution to where we allow these facilities which treat heroin addicts to be located. Under this bill, it establishes a statutory buffer zone of 500 feet from neighborhood schools, parks, places of worship, child-care facilities; to allow these facilities to go forward and treat heroin addicts but not allow them to be placed next to locations where children especially will be at play or at school and to protect those children from the high crime rates associated with heroin addicts. On average, heroin addicts before treatment commit a crime on average 200 days of the year. Even after 6 months of methadone treatment, they still average once a month committing a crime.

I do not think we want these types of facilities next to our homes, next to our parks, where our children are, and that is what this bill seeks to do. It protects those facilities that are already in existence, and it allows for a local opt-out. If a local municipality has a reason for having one in a location that would be within the buffer zone, following a public hearing, following a local vote, that could go forward. So there is local control in the end.

I appreciate a "yes" vote, and thank you, Mr. Speaker.

The **SPEAKER**. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Westmoreland County, Mr. Casorio.

Mr. **CASORIO**. Thank you, Mr. Speaker. I will be brief.

I rise in support of the Platts bill, **HB 1335**. This bill is a bipartisan effort. It looks to address some of the problems that there have been concerns with in Philadelphia and Allegheny County. We have taken care of those concerns. This goes to the heart of the problem. This bill attempts to have heroin addicts treated, but it keeps them away from, with the 500-foot buffer zone, away from churches, schools, playgrounds, and charitable institutions.

Again, this bill looks to keep those situations under control, and I would ask for an affirmative vote on the methadone clinic bill. Thank you, Mr. Speaker.

The **SPEAKER**. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Chester County, Mr. Ross.

Mr. **ROSS**. Thank you, Mr. Speaker.

Certainly none of us want to see children coming into contact with people that are addicted to drugs, and I think that although the intent of this piece of legislation is extremely worthy, I do not think that it will perform the function that it is designed for. I think that it will cause some mischief, and I think there is a much better way to achieve this goal. The reason I do not think it is going to accomplish what is intended is because a 500-foot buffer zone between buildings is not what this problem is all about; it is about contact between people, and quite frankly, it takes about 3 or 4 minutes to walk 500 feet. Everybody who goes to one of these clinics is going to walk out the door, every child who goes to school or goes to a playground is going to walk away from those facilities, and they are very likely to come in contact with each other, so it is not going to get done what we are intending to do.

Secondly, I think it is going to cause some mischief, because we are adding a new element into the Municipalities Planning Code that is going to have to be figured in along with all of the other elements that any municipal board has to accomplish, and what we may in fact have is a situation where, as the lawyers say, we might have a de facto zoning exclusion, and then what we are going to wind up having is that will wind up — you know, putting it in simple terms — we are going to have a lawsuit and a case which the municipality is going to have to carry up through the courts. That is not going to solve any problems, and it is only going to cost money to the taxpayers.

Finally, there is a better way to solve this problem, and that is through the existing Municipalities Planning Code conditional-use hearings, which are available to all the townships that might be dealing with this problem. Simply put, they can have a conditional-use hearing, they can consider the appropriate issues that ought to be considered here, and they can impose conditions on one of these clinics to make sure that it is operated in a safe way, and actually, conditions that could be much more stringent than merely a separation; others that have to do with the kinds of security and other elements that are associated.

So, Mr. Speaker, although this is a worthy idea and a worthy concept, I think that what we have here is a bill that misses the mark and really will actually cause some harm. Thank you.

The **SPEAKER**. The gentleman, Mr. Dally.

Mr. **DALLY**. Thank you, Mr. Speaker.

I echo the remarks of the previous speaker in terms of this bill. I think it is a noble cause that the Representative from York County is pursuing here. However, I do have a question or two, and I would like to interrogate the maker of the bill, please.

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

Mr. **DALLY**. Mr. Speaker, this bill amends the Pennsylvania Municipalities Planning Code. Are there any other setback provisions for any other uses contained in the Municipalities Planning Code?

Mr. **PLATTS**. There are other setback restrictions in law. Whether they are specifically in the Municipalities Planning Code, I cannot answer that question, but there are other statutory distance limitations — for example, dealing with liquor establishments, where we do not allow a liquor establishment within 500 feet of a neighborhood — but whether there are similar ones in the MPC, I cannot answer that question.

Mr. **DALLY**. Okay. Thank you, Mr. Speaker.

I would like to speak on the bill, please.

The SPEAKER. The gentleman is in order and may proceed.

Mr. DALLY. Mr. Speaker, as my colleague from Chester County stated previously, certainly we do not want these facilities located where there are children in schools, near churches and residential neighborhoods. However, we have empowered local municipalities in the State of Pennsylvania through their local zoning ordinances to deal with these issues.

As the prime sponsor of the bill indicated, there are no provisions in the MPC for setback requirements, and what we are doing here is creating one, an exception, for these types of clinics, and I suggest that this is going to create a slippery slope and could lead to an onslaught of all sorts of zoning, in effect State zoning done here in Harrisburg as opposed to done at the local level, and because of that, Mr. Speaker, I am going to oppose the bill.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Westmoreland, Mr. Harhai.

Mr. HARHAI. Thank you, Mr. Speaker.

I rise in support of the Platts bill. I have been exposed to this methadone situation on a personal basis in my district, and I am fully supportive of this bipartisan effort that has been put forth. I commend Representative Platts for his efforts and also Representative Casorio, in my neighboring district.

I do not think we need these centers close to schools, near the neighborhoods, the churches, or the playgrounds. So I fully support this bill, and I would hope that we would have a good following to support it also. Thank you.

The SPEAKER. The gentleman from Chester County, Mr. Hershey, on the question.

Mr. HERSHEY. Thank you, Mr. Speaker.

I would like to question the author of the bill.

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

Mr. HERSHEY. Mr. Speaker, it has come to my attention — and correct me if I am wrong — a very successful methadone treatment center in Kennett Square, Chester County, and Coatesville applied to purchase a house in the city of York, got local approval, and I want to know if this is the precipitation of this legislation, the cause of it.

Mr. PLATTS. Mr. Speaker, the issue of methadone treatment facilities did come to my attention because of a proposed clinic in my legislative district, in York County. It was at a specific site that was adjacent to yards where it was being proposed for. It had not received approval from the department yet. It has to this day not yet received State approval or an occupancy permit at that location. In fact, within the last week, the company that proposes to operate the clinic in York County and operates the facilities in Chester County has said they will not put it in that location, because they understand the community's concerns of it should not be located next to homes where children are playing.

Mr. HERSHEY. Thank you, Mr. Speaker.

I think maybe we could change the 500 feet to 200 or 300 feet, but I know this system in Chester County works very well, and I am going to oppose the bill. Thank you.

The SPEAKER. The gentleman, Mr. Serafini.

Mr. SERAFINI. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the legislation.

I have sponsored legislation very similar, which had a restriction of 2,500 feet, but I believe Representative Platts has reached a compromise here that would save a number of municipalities from going through the same trauma which I had to

endure in my local municipality of Old Forge, where the community got up in arms where a methadone treatment facility had been sited and fortunately was not able to open because of a problem with the lease. It is unfortunate that we have to have methadone treatment facilities at all, but to locate them in areas that are residential or close to where young people might congregate or the community might meet and gather is a definite mistake, and these facilities, in my opinion, do not benefit anyone but the heroin addict, and they should be located either in a community that welcomes this kind of a facility or out in an area away from people who have kept themselves clean and free of drugs and should not be confronted by this kind of a pollution in their community.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, will the maker of this bill rise for a brief interrogation?

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, in my district there are several congregations, churches, that do particular emphasis on their outreach to persons with drug problems and counseling for them and try and work with drug addicts to bring them back into the mainstream. Would this legislation prohibit a church like that from, say, allowing a methadone clinic to be set up in their church basement?

Mr. PLATTS. Mr. Speaker, the way the bill is drafted — and we tried to account for that type scenario where there is that local support, that community support — they could have it next to the church or in the church, if there is a decision by that community through your locally elected officials to opt out of the buffer zone. We have seen and I have been — My information about the clinic here in Harrisburg that operates today, where it is associated with a local church, a large percentage of the population it treats is in that community and its community service is tied to the church. In those type settings where there is a true local community embracing the facility, they just need to work with the community and then have a vote at the local level to allow that facility to be set up in the church or next to the church. So it does not prohibit that, but it ensures that there will be local input and a local decision made by the community, not by a for-profit provider coming into the community.

Mr. STURLA. Okay. Mr. Speaker, when you say that as long as there is a decision made by the community, if in my city there is a church that wants to do this, can the local government say, yes, you can do it in that church, but we still uphold the 500-foot limit for the rest of the city, in case somebody else wants to do it?

Mr. PLATTS. It would be an individual application for a specific site that would be put before your city council for a vote, that we are going to approve this site because there is community support. Important in the national accreditation of methadone treatment facilities, they emphasize, for it to be a successful facility, that it needs that community support, and if you are going to have that, that should include the local officials who represent that community, and that is what we have tried to account for in our legislation, taking a balanced approach.

Mr. STURLA. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Platts, desire recognition for the second time? The gentleman is recognized.

Mr. PLATTS. Thank you, Mr. Speaker.

Real quickly, a couple of things.

I did not mention the groups who have indicated support for this. The First Class Township Commissioners Association supports a buffer zone. The Pennsylvania Community Providers Association, the association that represents our MH/MR (mental health/mental retardation) and our drug and alcohol facilities at the local county level, has indicated to me their support of this legislation as a fair and reasonable approach to where we locate these facilities.

As I stated earlier, there is precedent in State law. With liquor establishments, we have a 500-foot distance limitation relating to neighborhoods, to residential areas.

I believe a 500-foot buffer zone will achieve the stated purpose. Using that proposed location in my district, where it was going to be right up against that neighborhood because it is a street that runs through a well-developed neighborhood, the main street is zoned office, apartment, AO. A 500-foot buffer zone prohibits that main street, because it is within 500 feet of the neighborhoods on either side. Even though it is only 500 feet, about one city block, it will establish a very important buffer zone.

If we do not want these facilities, as some of the opponents of the legislation have stated, they do not want them where children are at play, where children are in school, the only way you can ensure throughout the State that we do not have these facilities where children would be is for us to adopt a statutory solution at the State level. Otherwise, you are saying, we do not want them next to where children are, but we are going to rely on somebody else to protect those children. I think we have the onus today to protect those children and ensure that we are doing the right thing from a public policy standpoint.

I again ask for a "yes" vote. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—182

Adolph	Feese	Masland	Scrimenti
Allen	Fichter	Mayemik	Semmel
Argall	Fleagle	McCall	Serafini
Armstrong	Flick	McGeehan	Seyfert
Baker	Forcier	McGill	Shaner
Bard	Frankel	McIlhattan	Smith, B.
Barley	Gannon	McIlhinney	Smith, S. H.
Barrar	Geist	Melio	Snyder
Bastian	George	Metcalfe	Solobay
Battisto	Gigliotti	Michlovic	Staback
Bebko-Jones	Gladeck	Micozzie	Stairs
Belardi	Godshall	Miller, R.	Steelman
Belfanti	Gordner	Miller, S.	Stern
Birmelin	Grucela	Mundy	Stetler
Bishop	Gruitza	Myers	Stevenson
Blaum	Habay	Nailor	Strittmatter
Browne	Haluska	Nickol	Sturla
Bunt	Hanna	O'Brien	Surra
Butkovitz	Harhai	Oliver	Tangretti
Buxton	Harhart	Perzel	Taylor, E. Z.
Caltagirone	Hasay	Pesci	Taylor, J.
Cappabianca	Hennessey	Petrarca	Thomas

Casorio	Herman	Petrone	Tigue
Cawley	Hess	Phillips	Travaglio
Chadwick	Horsey	Pippy	Trello
Civera	Hutchinson	Pistella	Trich
Clark	Jadlowiec	Platts	True
Clymer	James	Preston	Tulli
Cohen, M.	Kaiser	Ramos	Vance
Colafella	Keller	Raymond	Van Horne
Corrigan	Kenney	Readshaw	Veon
Costa	Kirkland	Reinard	Vitali
Coy	LaGrotta	Rieger	Walko
Dailey	Laughlin	Roberts	Washington
Daley	Lawless	Roebuck	Wilt
DeLuca	Lederer	Rohrer	Wogan
Dempsey	Leh	Rooney	Wojnaroski
Dermody	Lescovitz	Rublely	Wright
DeWeese	Levdansky	Ruffing	Yewcic
DiGirolamo	Lucyk	Sainato	Youngblood
Donatucci	Maitland	Samuelson	Yudichak
Druce	Major	Santoni	Zimmerman
Eachus	Manderino	Sather	Zug
Egolf	Mann	Saylor	
Fairchild	Markosek	Schroder	Ryan,
Fargo	Marsico	Schuler	Speaker

NAYS—17

Benninghoff	Curry	Josephs	Orie
Boyes	Dally	Krebs	Robinson
Carn	Freeman	Lynch	Ross
Cohen, L. I.	Hershey	McNaughton	Williams
Cornell			

NOT VOTING—0

EXCUSED—3

Evans	Maher	Steil
-------	-------	-------

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

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that SB 502 be removed from the table.

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

The SPEAKER. Any further business?

STATEMENT BY MS. WILLIAMS

The SPEAKER. Ms. Williams.
Ms. WILLIAMS. Thank you, Mr. Speaker.
I have a point of personal privilege.
The SPEAKER. The lady will please state it.

Ms. WILLIAMS. Mr. Speaker, one of the greatest strengths of our country is that we are a country where people are free to worship where they like. Twice today there has been language that has come up referring to houses of worship as "churches." I would like to ask my colleagues that they consider that there are other places of worship as well as churches, like synagogues and mosques, and in the future please refer to houses of worship as "houses of worship" rather than just "churches."

The SPEAKER. Will the lady yield for a moment.

I am advised by the Parliamentarian that the particular resolution that you are referring to is in Reference Bureau now being changed to "places of worship."

Ms. WILLIAMS. Thank you very much, Mr. Speaker, but I would appreciate that maybe when people think about drafting this legislation, they think about one of the tenets that our Commonwealth especially was founded on, which was freedom of worship.

The SPEAKER. The lady is exactly right.

Ms. WILLIAMS. Thank you.

RESOLUTIONS SUBMITTED FOR THE RECORD

Mr. WOJNAROSKI submitted the following resolutions for the Legislative Journal:

COMMONWEALTH OF PENNSYLVANIA THE HOUSE OF REPRESENTATIVES

RESOLUTION

WHEREAS, Frank J. Pasquerilla of Johnstown, founding father of Crown American Realty Trust, passed away April 21, 1999, at the age of seventy-two; and

WHEREAS, Chairman and chief executive officer of Crown American Realty Trust, Mr. Pasquerilla shared his wealth with his native Johnstown, contributing to the Pasquerilla Center for the Performing Arts at the University of Pittsburgh, Johnstown, supporting the Pittsburgh Opera, refurbishing a fountain in Central Park and donating one million dollars to the Johnstown Area Heritage Association towards the creation of a museum dedicated to the history of blue-collar workers in the region. Additionally, in February 1999, he provided the airfare for a ten-year-old Bosnian boy and his mother to go to Johnstown so the boy could be treated for his failing kidney; and

WHEREAS, A remarkable example of the American dream, yet someone who never forgot his roots, Mr. Pasquerilla was on the Forbes Magazine's list of the four hundred wealthiest Americans in 1988. His company, Crown American Realty Trust, owns a number of midstate shopping facilities; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with great sadness the passing of Frank J. Pasquerilla, dedicated businessman, noble humanitarian, and loyal servant of the community; extend heartfelt condolences to his wife, Sylvia Pasquerilla; son, Mark; and daughter, Leah; and be it further

RESOLVED, That a copy of this resolution, sponsored by the Honorable Edward P. Wojnaroski, Sr., be transmitted to Mrs. Sylvia Pasquerilla.

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

COMMONWEALTH OF PENNSYLVANIA THE HOUSE OF REPRESENTATIVES

RESOLUTION

WHEREAS, Joseph P. Roberts of Johnstown, patriarch of Cambria County politics, passed away April 21, 1999, at the age of eighty-five; and

WHEREAS, An eight-term Cambria County commissioner whose government career spanned a half century, Mr. Roberts was known as a dedicated public servant striving not only to improve the county but also to help people, regardless of their station. His career in county government began in 1948, when he was named chief county detective. He moved to the county sheriff's office as chief deputy sheriff four years later, then ran for countywide office and was elected county treasurer in 1956. Four years later, he was elected county commissioner, a post he would hold until 1991. Except for eight years when he was the minority commissioner, he served as president commissioner during his thirty-two years in office; and

WHEREAS, When he retired, Mr. Roberts was the longest continuous county commissioner in Pennsylvania history. He was a sterling example of the highest level of competence, leadership, integrity and fairness. With his roots in the community and his heart and mind well-tuned to the dictates and precepts of our modern society, he was able to function as an effective agent on behalf of all the citizens he was elected to serve and carried out his responsibilities with compassion, a public-spirited focus and a broad commitment to the common good; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with great sadness the passing of Joseph P. Roberts, beloved family member and esteemed governmental leader; extend heartfelt condolences to his wife, Edith Hite Roberts; sons, Jeff, Jerome, Joseph P. Jr., Justin and Jay; daughters, Josette Roberts, Mary Jane Crilley and June Chiaappone; thirteen grandchildren; and eight great-grandchildren; and be it further

RESOLVED, That a copy of this resolution, sponsored by the Honorable Edward P. Wojnaroski, Sr., be transmitted to Mrs. Edith Hite Roberts.

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

ANNOUNCEMENT BY MR. CHADWICK

The SPEAKER. Mr. Chadwick.

Mr. CHADWICK. Unanimous consent to make an announcement.

The SPEAKER. The gentleman is in order.

Mr. CHADWICK. Thank you, Mr. Speaker.

There has been a lot of interest in a resolution I intend to introduce on telecommunications. I just wanted to advise the members, I intend to introduce that resolution on Wednesday, so if you want to cosponsor it, you need to get back to me before Wednesday. Thank you, Mr. Speaker.

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

RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. Any further announcements? Any further business?

Hearing none, the Chair recognizes the gentleman from Allegheny County, Mr. Ruffing.

Mr. RUFFING. Mr. Speaker, I move that this House do now adjourn until Tuesday, May 4, 1999, at 11 a.m., e.d.t., unless sooner recalled by the Chair.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:40 p.m., e.d.t., the House adjourned.