

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, FEBRUARY 14, 2000

SESSION OF 2000

184TH OF THE GENERAL ASSEMBLY

No. 11

HOUSE OF REPRESENTATIVES

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

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

PRAYER

DR. KIRBY NELSON KELLER, Chaplain of the House of Representatives and president of Evangelical School of Theology, Myerstown, Pennsylvania, offered the following prayer:

Let us pray:

O God, our Heavenly Father, You have stated in Holy Scripture that You love us with an everlasting love, and You have taught us that without love, whatever we do is worth nothing. On this St. Valentine's Day, we thank You for those whose love we treasure, our loved ones and families back home in our districts. We thank You for all the love and support they give us. We thank You also for the support staff who faithfully help us each day do our work effectively.

Lord, teach us how to love like You. Help us to understand that love is patient and kind, it does not envy or boast, it is not proud or rude, it is not self-seeking, it is not easily angered, and it keeps no record of wrongs. But love always protects, always trusts, and always hopes.

This we pray in the name of the one who first loved us. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal for Wednesday, February 9, 2000, will be postponed until printed. The Chair hears no objections.

JOURNAL APPROVED

The SPEAKER. The Chair is advised that the Journal for Tuesday, November 16, 1999, is in print. Without objection, the Journal will stand approved. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2200 By Representatives CHADWICK, HASAY, COY, HESS, KAISER, E. Z. TAYLOR, ADOLPH, ALLEN, ARGALL, ARMSTRONG, BAKER, BARD, BARLEY, BARRAR, BASTIAN, BATTISTO, BELFANTI, BENNINGHOFF, BIRMELIN, BISHOP, BOYES, BROWNE, BUNT, BUTKOVITZ, BUXTON, CALTAGIRONE, CAWLEY, CLARK, CLYMER, L. I. COHEN, COLAFELLA, CORNELL, CORRIGAN, COSTA, CURRY, DAILEY, DALEY, DALLY, DeLUCA, DEMPSEY, DERMODY, DeWEESE, DiGIROLAMO, DONATUCCI, EACHUS, FAIRCHILD, FARGO, FEESE, FICHTER, FLEAGLE, FLICK, FORCIER, GANNON, GEIST, GLADECK, GODSHALL, GRUCELA, GRUITZA, HABAY, HALUSKA, HANNA, HARHAI, HENNESSEY, HERMAN, HERSHEY, HUTCHINSON, JADLOWIEC, KELLER, KENNEY, KREBS, LaGROTTA, LAWLESS, LEH, LESCOVITZ, LEVDANSKY, LYNCH, MAJOR, MANDERINO, MARKOSEK, MARSICO, MASLAND, McCALL, McGEEHAN, McGILL, McILHATTAN, McILHINNEY, McNAUGHTON, MICOZZIE, MUNDY, NAILOR, NICKOL, O'BRIEN, ORIE, PERZEL, PETRARCA, PHILLIPS, PIPPY, PLATTS, PRESTON, RAMOS, RAYMOND, READSHAW, REINARD, RIEGER, ROBERTS, ROBINSON, ROHRER, RUBLEY, SAINATO, SANTONI, SATHER, SAYLOR, SCHRODER, SCHULER, SCRIMENTI, SEMMEL, SEYFERT, SHANER, B. SMITH, S. H. SMITH, SNYDER, SOLOBAY, STABACK, STAIRS, STEELMAN, STERN, STEVENSON, STRITTMATTER, STURLA, TANGRETTI, J. TAYLOR, THOMAS, TIGUE, TRAVAGLIO, TRELLO, TRICH, TRUE, TULLI, VAN HORNE, VANCE, WALKO, WASHINGTON, WILT, WOGAN, WRIGHT, YEWIC, YOUNGBLOOD, YUDICHAK, ZIMMERMAN and ZUG

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, further defining "franchise"; and further providing for powers and duties of the State Board of Vehicle Manufacturers, Dealers and Salespersons, for protest hearing decision within 120 days unless waived by the parties, for reimbursement for all parts and service required by the manufacturer or distributor, for reimbursement audits, for unlawful acts by manufacturers or distributors, for restriction of manufacturer invoking a right of first refusal and for limitations on establishing or relocating dealers.

Referred to Committee on PROFESSIONAL LICENSURE, February 10, 2000.

No. 2249 By Representative DALEY

An Act designating certain interchanges on the Mon-Fayette Expressway, SR 43, in Washington and Fayette Counties as the Sergeant Archibald Mathies Interchange, the Colonel Mitchell Paige Interchange and the Corporal Alfred E. Wilson Interchange.

Referred to Committee on TRANSPORTATION, February 10, 2000.

No. 2250 By Representatives BROWNE, STURLA, TULLI, BELARDI, CURRY, DALLY, FICHTER, FREEMAN, GEIST, GRUCELA, MANDERINO, MANN, PIPPY, PISTELLA, PLATTS, RAMOS, RUBLEY, SNYDER, STEELMAN, STETLER, J. TAYLOR, TRELLO, WALKO, WILLIAMS and YOUNGBLOOD

An Act providing targeted assistance to urban school districts to improve early learning and development so children are better prepared to succeed in school.

Referred to Committee on EDUCATION, February 10, 2000.

No. 2251 By Representatives DeWEESE, GEORGE, FAIRCHILD, BATTISTO, COSTA, M. COHEN, PETRARCA, HARHAI, FRANKEL, CURRY, SATHER, BELARDI, BELFANTI, DALEY, EVANS, FREEMAN, GRUCELA, HALUSKA, JOSEPHS, LAUGHLIN, LUCYK, MELIO, MYERS, PISTELLA, READSHAW, SCRIMENTI, SHANER, SOLOBAY, STEELMAN, THOMAS, TIGUE, TRAVAGLIO, TRELLO, WALKO, WASHINGTON, WOJNAROSKI, YOUNGBLOOD, YUDICHAK and RAMOS

An Act authorizing the Department of Environmental Protection and the Department of Conservation and Natural Resources to enter into cooperative agreements for the assessment, restoration and protection of water quality of interstate watersheds.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 10, 2000.

No. 2252 By Representatives DeWEESE, GEORGE, MAHER, DeLUCA, HARHAI, BELARDI, MAITLAND, BELFANTI, M. COHEN, DALEY, EVANS, FREEMAN, GRUCELA, HALUSKA, JOSEPHS, LAUGHLIN, LUCYK, MELIO, MYERS, PISTELLA, READSHAW, SCRIMENTI, SHANER, SOLOBAY, STEELMAN, THOMAS, TIGUE, TRAVAGLIO, TRELLO, WALKO, WASHINGTON, WOJNAROSKI, YOUNGBLOOD, YUDICHAK and RAMOS

An Act amending the act of July 2, 1996 (P.L.500, No.84), known as the Real Estate Seller Disclosure Act, further providing for the contents of the disclosure form.

Referred to Committee on PROFESSIONAL LICENSURE, February 10, 2000.

No. 2253 By Representatives DALLY, FREEMAN, WILT and BROWNE

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

Referred to Committee on JUDICIARY, February 10, 2000.

No. 2254 By Representatives MELIO, PESCI, SOLOBAY, BARRAR, CALTAGIRONE, OLIVER, PETRARCA, JOSEPHS, MANN, HORSEY, HALUSKA, MYERS, SHANER, BISHOP, HARHAI, DeWEESE, READSHAW, CLARK, BELARDI, STEELMAN, GEORGE, BROWNE, M. COHEN, TANGRETTI, DeLUCA, YUDICHAK, HENNESSEY, LAUGHLIN, YOUNGBLOOD, WILLIAMS, PLATTS, PISTELLA, THOMAS, TRELLO, TRICH, VEON, BELFANTI, CASORIO, CURRY, GIGLIOTTI, FRANKEL, COSTA, CORRIGAN, WOJNAROSKI, BATTISTO, SANTONI, McGEEHAN, LEDERER, CARN, WATERS, VITALI, BLAUM, LESCOVITZ, GRUCELA, SURRA, MANDERINO, EACHUS, COLAFELLA and McCALL

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for the prudent purchase of pharmaceuticals.

Referred to Committee on AGING AND YOUTH, February 10, 2000.

No. 2255 By Representatives MANDERINO, RAYMOND, ADOLPH, BAKER, BARRAR, BATTISTO, BEBKO-JONES, BELARDI, BELFANTI, BISHOP, BROWNE, BUNT, CAPPABIANCA, CARN, CIVERA, L. I. COHEN, M. COHEN, COSTA, COY, CURRY, DALEY, DeLUCA, DERMODY, DeWEESE, FAIRCHILD, FEESE, FICHTER, FLICK, FRANKEL, FREEMAN, GANNON, GEIST, GEORGE, GIGLIOTTI, GORDNER, GRUCELA, HARHAI, HENNESSEY, HERMAN, HORSEY, HUTCHINSON, JOSEPHS, KENNEY, KIRKLAND, LaGROTTA, LEDERER, LESCOVITZ, LYNCH, MAHER, MANN, McCALL, McILHATTAN, McNAUGHTON, MELIO, MICOZZIE, R. MILLER, MUNDY, MYERS, NICKOL, O'BRIEN, ORIE, PETRARCA, PETRONE, PISTELLA, RAMOS, ROBINSON, ROEBUCK, ROONEY, ROSS, RUBLEY, SAYLOR, SCHULER, SCRIMENTI, SEYFERT, SHANER, STABACK, STEELMAN, STERN, STETLER, STURLA, TANGRETTI, E. Z. TAYLOR, THOMAS, TRAVAGLIO, TRICH, VEON, WALKO, WASHINGTON, WATERS, WILLIAMS, WOJNAROSKI, YOUNGBLOOD, YUDICHAK, PLATTS, SNYDER, HERSHEY and DALLY

An Act authorizing the maintenance and operation of multipurpose service centers for displaced homemakers and single parents; providing for powers and duties of the Department of Education; and making an appropriation.

Referred to Committee on EDUCATION, February 10, 2000.

No. 2256 By Representative J. TAYLOR

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

Referred to Committee on LIQUOR CONTROL, February 14, 2000.

No. 2257 By Representatives ORIE, GEORGE, WOJNAROSKI, M. COHEN, HENNESSEY, HERMAN, FRANKEL, DeWEESE, BELARDI, WALKO, PESCI, STEELMAN, CORRIGAN, BEBKO-JONES, PISTELLA, COSTA, DALEY, CURRY, TRELLO, CIVERA, WILLIAMS, E. Z. TAYLOR, YUDICHAK, WASHINGTON and THOMAS

An Act providing for playground safety, for safety audits and hazard analysis and for safety plans; establishing the Statewide Advisory Council for Playground Safety and providing for its powers and duties; and providing for enforcement.

Referred to Committee on AGING AND YOUTH, February 14, 2000.

No. 2258 By Representatives STETLER, SAYLOR, DeWEESE, B. SMITH, LESCOVITZ, NICKOL, WILLIAMS, BARRAR, BATTISTO, BELARDI, BELFANTI, BISHOP, BROWNE, L. I. COHEN, M. COHEN, CORRIGAN, COSTA, COY, CURRY, DALEY, FLICK, FRANKEL, FREEMAN, GEIST, GEORGE, GORDNER, GRUCELA, HALUSKA, HARHAI, HORSEY, HUTCHINSON, JOSEPHS, LaGROTTA, MANDERINO, MANN, McGEEHAN, McILHATTAN, MELIO, ORIE, PETRARCA, SEYFERT, ROONEY, SHANER, STEELMAN, TANGRETTI, THOMAS, TIGUE, TRELLO, TRICH, VAN HORNE, VEON, WALKO, YOUNGBLOOD, MICHLOVIC and RAMOS

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for the Pennsylvania Emerging Technology and Biotechnology Tax Benefit Transfer Program; and making an appropriation.

Referred to Committee on FINANCE, February 14, 2000.

No. 2259 By Representatives GODSHALL, E. Z. TAYLOR, DeWEESE, ADOLPH, BARD, BARRAR, BATTISTO, BLAUM, BROWNE, BUNT, L. I. COHEN, DAILEY, DeLUCA, DEMPSEY, EGOLF, FAIRCHILD, FICHTER, GEIST, HALUSKA, HARHAI, HESS, KENNEY, LUCYK, MARSICO, MASLAND, MCGILL, MELIO, PLATTS, READSHAW, RUBLEY, SATHER, SHANER, STABACK, STEVENSON, TIGUE, TRELLO, WALKO, WATERS and WOJNAROSKI

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentences for offenses committed with firearms.

Referred to Committee on JUDICIARY, February 14, 2000.

No. 2262 By Representatives BOYES, HARHART, SAYLOR, PIPPY, FLICK, CIVERA, HABAY, DEMPSEY, E. Z. TAYLOR, MAITLAND, METCALFE, REINARD, VANCE, FICHTER, STEVENSON, RAYMOND, WRIGHT, S. MILLER, BARRAR, GODSHALL, PHILLIPS, BAKER, ZIMMERMAN, CLARK, HERSHEY, GEIST, MAJOR, CLYMER, STAIRS, SEYFERT, CORNELL, MCGILL, NAILOR, RUBLEY, TULLI, CHADWICK, DALLY, DRUCE, MICOZZIE, MASLAND, SNYDER, FARGO, FLEAGLE, STEIL, SCHULER, HENNESSEY, FESE, DAILEY, BARD, BUNT, ARGALL, STERN, TRUE, HESS, HUTCHINSON, MARSICO, ORIE, S. H. SMITH, FAIRCHILD, ROSS and EGOLF

An Act making an appropriation to the State Fire Commissioner for grants to volunteer fire companies.

Referred to Committee on APPROPRIATIONS, February 14, 2000.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 366 By Representatives ORIE, READSHAW, WALKO, LESCOVITZ, DALEY, STABACK, FRANKEL, LAUGHLIN, WILLIAMS, MAJOR, BARD, COSTA, PETRARCA, CHADWICK, COLAFELLA, DeLUCA, CURRY, LEDERER, HARHAI, M. COHEN, MUNDY, PISTELLA, YOUNGBLOOD, E. Z. TAYLOR and THOMAS

A Resolution memorializing political subdivisions, public, private or nonpublic elementary or secondary schools or approved child-care facilities operating a playground area within this Commonwealth to establish minimum safety requirements for the playground equipment, carry out periodic safety inspections of the playground equipment and develop a long-range plan for the maintenance of safe playground equipment in the future.

Referred to Committee on RULES, February 14, 2000.

SENATE BILLS FOR CONCURRENCE

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

SB 359, PN 1561

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, February 10, 2000.

SB 664, PN 1638

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 10, 2000.

SB 1088, PN 1651

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 10, 2000.

SB 1109, PN 1650

Referred to Committee on JUDICIARY, February 10, 2000.

SENATE RESOLUTION FOR CONCURRENCE

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

SR 135, PN 1659

Referred to Committee on RULES, February 10, 2000.

BILLS REMOVED FROM TABLE

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

HB 47;
HB 483;
HB 542;
HB 866;
HB 1238;
HB 1274;
HB 1346;
HB 1474;
HB 152;
HB 190;
HB 598;
HB 608;
HB 948;
HB 1448;
HB 1585;
HB 1611;
HB 1686; and
HB 1687.

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

BILLS TABLED

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

HB 47;
HB 483;
HB 542;
HB 866;
HB 1238;
HB 1274;
HB 1346;
HB 1474;
HB 152;
HB 190;
HB 598;
HB 608;
HB 948;
HB 1448;
HB 1585;
HB 1611;
HB 1686; and
HB 1687.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 2092 and SB 1163 be taken from the table.

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

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 2092, PN 2706; and SB 1163, PN 1437.

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 2092 and SB 1163 be recommitted to the Committee on Appropriations.

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

COMMUNICATIONS FROM GOVERNOR**APPROVAL OF HOUSE BILLS**

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

HB 1970, and HB 1971.

**COMMUNICATION FROM
PENNSYLVANIA HEALTH CARE
COST CONTAINMENT COUNCIL**

The SPEAKER. The Chair acknowledges receipt of the audit report submitted by the Pennsylvania Health Care Cost Containment Council.

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

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guests of Representatives Robinson and Buxton, a group of children, K-3 to first grade, visiting here with us from the Keystone Math and Science Academy of Harrisburg, a private school within the legislative district of Mr. Buxton. With the children are the teachers, Mrs. Kitty and Mrs. Craig; also, the executive director of the school, Mrs. Contrena Baltimore. The Chair also acknowledges with that group Nolan Pharris, the son of

Kalvetta Pharris in the Democrat leader's office. Would the group please stand to be acknowledged.

The Chair at this time recognizes the gentleman, Mr. Robinson.
Mr. ROBINSON. Thank you, Mr. Speaker.

If the House will indulge me for a couple minutes just to make a couple comments about these fine young people who are future leaders in our community.

We oftentimes do not hear enough positive about what our young people are doing. These first graders represent the first class from Keystone Math and Science Academy, which is a Christian academy here in Harrisburg. This school has only been operating for 3 years. They are already accredited K through 12, and these young people represent the very first group who is coming through this school, and their future is very bright. Let us give them another hand, please — the youngsters from the Keystone Math and Science Academy, a Christian academy here in Harrisburg.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair is pleased to welcome to the hall of the House, as guest pages, the daughters of Representative Leo Trich. Brittney and Courtney are seated to the left of the Chair. Would they please rise. Where are they? Oh, I am sorry. They are in front of the Chair. Thank you.

The Chair is pleased to welcome to the hall of the House today the guest of Representative Daryl Metcalfe, Rebecca J. Hull. Rebecca, would you please rise. Thank you. Here to the left of the Speaker.

LEAVES OF ABSENCE

The SPEAKER. The Chair is about to take today's leaves of absence.

The Chair recognizes the majority leader, who requests a leave of absence for the gentleman from Berks, Mr. LEH, and the gentleman from Philadelphia, Mr. TAYLOR. Without objection, the leaves will be granted. The Chair hears no objections.

The Chair recognizes the gentleman, Mr. DeWeese, who requests a leave of absence for the week for the gentleman, Mr. VEON; for the week for the gentleman from Northampton, Mr. ROONEY; and for the day's session, the gentleman from Philadelphia County, Mr. WATERS. Without objection, the leaves will be granted. The Chair hears no objections.

WEST CHESTER B. REED HENDERSON HIGH SCHOOL GIRLS SOCCER TEAM PRESENTED

The SPEAKER. The Chair at this time recognizes the lady from Chester County, Mrs. Taylor.

Mrs. TAYLOR. Thank you, Mr. Speaker.

I rise today before the House because we are honoring a special group of young women from my district. In fact, Chester County is being known as soccer country. The Downingtown boys won the Class AAA title, the West Chester Henderson girls won the Class AAA girls title, and Octorara's team won the Class AA boys title in 1999, and that is pretty much a soccer county.

These are women who know what it is to compete in the search of the thrill of victory. They are women who chased a dream for an

entire high school sports season. Their coach, Coach Rohall, said at one point, "It is just a great way to finish — through the season we were ranked seventh, and now look who is number one."

They are women who can be called champions. From hot summer day practices in 100-degree heat to a final championship game on a cool autumn eve, these young athletes ran, dribbled, and kicked their way to greatness.

These fine young ladies are members of the West Chester B. Reed Henderson High School girls soccer team, which won its third — one, two, three — third straight PIAA State championship this year with a 3-to-nothing victory over Mount Lebanon.

The expert guidance of coach Peter Rohall and the solid leadership of the team captains — Erin Chantler, Andrea Kinnik, and Kristina Rohall — gave the team the proper balance to achieve a moment of greatness for their high school and its great girls soccer program. The rest of the team is in the back of the hall of the House, with the AD (athletic director) and superintendent of schools and principal of the B. Reed Henderson School. I would ask them to rise. These are the captains and the coach. Let us give them a warm welcome, and congratulations.

For their victory, these young athletes have earned a place in PIAA record books. They were the first team to win the State title 3 consecutive years. But the success story did not end there, because this program has captured a State title 4 out of the last 5 years.

I do not recall meeting a more exceptional group of individuals. They are truly winners. The team is deserving of the House citation that I have awarded them, and may we all again recognize them for their accomplishment. May their triumphs on the soccer field be carried with these young women off the field and into the remainder of their lives. They made us proud — proud parents, proud players, proud coaches and teachers, and proud fans.

Good luck, ladies, and thanks for a memorable season.

JACQUELINE NICOLE YENERALL INTRODUCED

The SPEAKER. The Chair recognizes the lady from Allegheny County, Miss Orié.

Miss ORIE. Mr. Speaker, I rise today to acknowledge Jacqueline Nicole Yenerall and her family who are here today. She is an eighth grader from Pine-Richland Middle School. She is the winner of the third annual "There Ought To Be a Law" contest. She has proposed that all playground equipment in Pennsylvania undergo safety inspections once a year, and after 15 years of use, it should be evaluated for safety and repair or replacement. Certainly, with this type of legislation, playground safety and accidents could be drastically reduced, and I certainly commend her. Jacqueline is an extraordinary young citizen whose ideas reinforce the commitment in making Pennsylvania a better place for our youth and a better place for our citizens.

So I welcome Jacqueline and her family, and I thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—197

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Leh	Taylor, J.	Veon	Waters
Rooney			

LEAVES ADDED—1

Scrimenti

HOUSE BILL
INTRODUCED AND REFERRED

No. 2263 By Representatives BROWNE, HARHART, BOYES and RUBLEY

An Act providing property tax relief for individual homestead owners in the form of a homestead rebate.

Referred to Committee on FINANCE, February 14, 2000.

ADDITIONS AND DELETIONS OF SPONSORS

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

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

FINANCE COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Boyes, desires recognition to announce a committee meeting.

Mr. BOYES. Thank you, Mr. Speaker.

I am going to call an immediate meeting of the Finance Committee at the rear of the House at the recess; at the rear of the House at the recess, the Finance Committee.

The SPEAKER. The Chair thanks the gentleman.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Barley, the chairman of the Appropriations Committee, for an announcement.

Mr. BARLEY. Thank you, Mr. Speaker.

I would like to call for a meeting of the House Appropriations Committee immediately upon recess in the committee room of the majority Appropriations complex.

REPUBLICAN CAUCUS

The SPEAKER. The gentleman, Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

The Republicans will caucus at a quarter till 2, at 1:45. This will give time to the committees to have a quick meeting. But we will be in the caucus room at 1:45, and thank you. We will be coming back at 3 o'clock for continued votes.

The SPEAKER. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

The SPEAKER. Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be an immediate Democratic caucus to discuss bills coming up today and tomorrow.

The SPEAKER. The Chair thanks the gentleman.

Any further announcements prior to the declaration of a recess?

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority whip, who requests an immediate meeting of the Rules Committee.

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 2057, PN 2882 By Rep. SNYDER

An Act amending the act of May 19, 1995 (P.L.43, No.4), known as the Industrial Sites Environmental Assessment Act, providing for definitions, for performance-based loans and for annual reports; and making editorial changes.

RULES.

SB 1097, PN 1652 By Rep. SNYDER

An Act authorizing the Department of General Services, with the approval of the Governor, to sell and convey to Transitional Housing and Care Center of Columbia and Montour Counties certain land and a building, referred to as the Gatehouse, situate on Danville State Hospital, Montour County; authorizing the Department of Transportation, with the approval of the Governor, to sell and convey to the Public Auditorium Authority of Allegheny County certain land situate in the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Community Services for Children, Inc., certain lands situate in the City of Allentown, Lehigh County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey certain tracts of land situate in the City of Philadelphia, Pennsylvania; and authorizing the transfer of a certain bridge in Metal Township, Franklin County.

RULES.

**RESOLUTION REPORTED
FROM COMMITTEE**

HR 358, PN 2936 By Rep. SNYDER

A Resolution directing a select subcommittee of the Committee on Health and Human Services to study the growing issue of rising pharmaceutical prices and the availability of pharmaceutical drugs for individuals in this Commonwealth.

RULES.

RECESS

The SPEAKER. Do the Republican or Democrat leaders have any further announcements prior to the recess? Any of the members have announcements? Corrections of the record?

Hearing none, this House will stand in recess until 3 p.m., unless extended or called back sooner by the Chair.

AFTER RECESS

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

COMMITTEE APPOINTMENTS

The SPEAKER. Communications from the Speaker, which the clerk will now read.

The following communications were read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

February 9, 2000

The Honorable David G. Argall
108 Ryan Office Building
Harrisburg, PA 17120

Dear Dave:

I hereby appoint you Chairman of the Urban Affairs Committee for the remainder of the 2000 Session of the General Assembly.

Very truly yours,
Matthew J. Ryan
The Speaker

MJR:nr

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

February 9, 2000

The Honorable Roy Reinard
152 Main Capitol Building
Harrisburg, PA 17120

Dear Roy:

I hereby appoint you Chairman of the Liquor Control Committee for the remainder of the 2000 Session of the General Assembly.

Very truly yours,
Matthew J. Ryan
The Speaker

MJR:nr

WRIT OF SPECIAL ELECTION

The SPEAKER. The Chair has issued a writ of special election which will be submitted for the record.

The following writ of special election was submitted:

COMMONWEALTH OF PENNSYLVANIA, SS:

TO THE HONORABLE KIM PIZZINGRILLI, SECRETARY OF THE COMMONWEALTH, AND TO JOSEPH CORCORAN, RANDY CASTELLANI, AND ROBERT CORDARO, CONSTITUTING THE BOARD OF ELECTIONS OF LACKAWANNA COUNTY.

GREETINGS: WHEREAS, A vacancy exists in the office of Representative of the Commonwealth of Pennsylvania for the One Hundred Fourteenth Legislative District of the County of Lackawanna caused by the reason of the resignation of Frank A. Serafini, the Representative from said District, on the 7th day of February, two thousand.

NOW, THEREFORE, I, Matthew J. Ryan, Speaker of the House of Representatives, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania, and by the Act of Assembly in such case made and provided, do hereby command you:

That you cause an election to be held in the said County of Lackawanna on the 20th day of June, A.D., two thousand, to choose a person to represent said Legislative District in the House of Representatives of Pennsylvania, for the remainder of the term expiring December first, two thousand, and that you give due and public notice of said election throughout said District, in the form and manner directed by law.

Given under my hand and the seal of the House of Representatives at Harrisburg, Pennsylvania, this 10th day of February, A.D., two thousand.

ATTEST:

Ted Mazia

Chief Clerk of the House of Representatives

(SEAL)

Matthew J. Ryan
Speaker of the
House of Representatives

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the Democratic floor leader, Mr. DeWeese, who asks that the gentleman from Erie, Mr. SCRIMENTI, be added to the leaves for today's session. Without objection, the leave will be granted. The Chair hears no objection.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2262, PN 2978 By Rep. BARLEY

An Act making an appropriation to the State Fire Commissioner for grants to volunteer fire companies.

APPROPRIATIONS.

BILLS REREPORTED FROM COMMITTEE

HB 368, PN 381 By Rep. BARLEY

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, further providing for change by order of court.

APPROPRIATIONS.

HB 376, PN 389 By Rep. BARLEY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for judgment by confession filed against incorrectly identified debtors.

APPROPRIATIONS.

HB 445, PN 465

By Rep. BARLEY

An Act providing for the Tobacco Settlement Agreement Act; conferring powers and duties upon the Attorney General and the Department of Revenue; and imposing penalties.

APPROPRIATIONS.

HB 584, PN 2961

By Rep. BARLEY

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for manner of signing nominating petitions and for nominations by political bodies.

APPROPRIATIONS.

HB 891, PN 965

By Rep. BARLEY

An Act amending the act of June 18, 1998 (P.L.622, No.80), entitled "An act providing for a procedure and method of execution; and making repeals," providing for a short title; and further providing for definitions and for witnesses to execution.

APPROPRIATIONS.

HB 1085, PN 2981 (Amended)

By Rep. BARLEY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing school lunch and school breakfast reimbursement payments from the Commonwealth.

APPROPRIATIONS.

HB 1265, PN 1442

By Rep. BARLEY

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

APPROPRIATIONS.

HB 1366, PN 2980 (Amended)

By Rep. BARLEY

An Act providing for small business compliance assistance, for definitions, for duties of participating agencies, for implementation of duties, for reports and for evaluation.

APPROPRIATIONS.

HB 1457, PN 1732

By Rep. BARLEY

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

APPROPRIATIONS.

HB 1801, PN 2207

By Rep. BARLEY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for guardians ad litem in juvenile matters; further providing for counsel in juvenile matters; and making a repeal.

APPROPRIATIONS.

HB 1996, PN 2559

By Rep. BARLEY

An Act providing for court-appointed receivers to bring residential buildings into municipal code compliance when owners fail to comply.

APPROPRIATIONS.

HB 2053, PN 2623

By Rep. BARLEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for payments to special funds; and providing for driver duties in emergency response areas.

APPROPRIATIONS.

HB 2069, PN 2736

By Rep. BARLEY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for manufacture, distribution or possession of devices for theft of telecommunications services.

APPROPRIATIONS.

HB 2092, PN 2706

By Rep. BARLEY

An Act amending the act of July 2, 1984 (P.L.561, No.112), known as the Pennsylvania Conservation Corps Act, further providing for expiration.

APPROPRIATIONS.

SB 706, PN 1449

By Rep. BARLEY

An Act amending the act of July 28, 1953 (P.L.723, No.230), entitled, as amended, Second Class County Code, providing for an operating reserve fund; and further providing for the making of contracts.

APPROPRIATIONS.

SB 824, PN 901

By Rep. BARLEY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for purchase, consumption, possession or transportation of liquor or malt or brewed beverages by minors.

APPROPRIATIONS.

SB 1047, PN 1671 (Amended)

By Rep. BARLEY

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

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 445, PN 465; HB 584, PN 2961; HB 1085, PN 2981; and HB 2069, PN 2736.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority whip. Mr. SNYDER. Mr. Speaker, I move that HB 2262 be taken from the table.

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

CALENDAR**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1072, PN 1218**, entitled:

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

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

The SPEAKER. The Chair recognizes the lady, Ms. Steelman, who offers the following amendment, which the clerk will now read. The lady indicates she withdraws that amendment.

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

Mr. PHILLIPS offered the following amendment No. **A0360**:

Amend Title, page 1, line 2, by inserting after "for"
tobacco use in schools and for
Amend Sec. 1, page 1, line 6, by striking out "Section" where it
appears the second time and inserting
Sections 6306.1 and
Amend Sec. 1, page 1, line 7, by striking out "is" and inserting
are
Amend Sec. 1, page 1, by inserting between lines 7 and 8
§ 6306.1. Use of tobacco in schools prohibited.

(a) Offense defined.—

(1) A pupil [who possesses or uses] may not possess or use tobacco in a school building, a school bus or on school property owned by, leased by or under the control of a school district [commits a summary offense].

(2) A person may not use tobacco in a school building, a school bus or on school property owned by, leased by or under the control of a school district.

(b) Grading.—A [pupil] violation of subsection (a) constitutes a summary offense. A person who commits an offense under this section shall be subject to prosecution initiated by the local school district and

shall, upon conviction, be sentenced to pay a fine of not more than \$50 for the benefit of the school district in which such offending [pupil] person resides and to pay court costs. When a pupil is charged with violating subsection (a)(1), the court may admit the offender to an adjudication alternative as authorized under 42 Pa.C.S. § 1520 (relating to adjudication alternative program) in lieu of imposing the fine.

(c) Nature of offense.—A summary offense under this section shall not be a criminal offense of record, shall not be reportable as a criminal act and shall not be placed on the criminal record of the [offending school-age person] offender if any such record exists.

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

“Pupil.” A person between the ages of 6 and 21 years who is enrolled in school.

“School.” A school operated by a joint board, board of directors or school board where pupils are enrolled in compliance with Article XIII of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, including elementary schools, secondary schools, area vocational schools and intermediate units.

“Tobacco.” A lighted or unlighted cigarette, cigar, pipe or other lighted smoking product and smokeless tobacco in any form.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, the gentleman, Mr. Phillips, is recognized.

Mr. PHILLIPS. Thank you, Mr. Speaker.

What amendment A0360 would do is it would amend section 6306.1, which talks about the use of tobacco in our schools. The way the section reads now, it says, “A pupil who possesses or uses tobacco in a school building, a school bus or on school property owned by, leased by or under the control of a school district commits a summary offense.” What my amendment would do is it would change (a) and (1), “A pupil may not possess or use tobacco in a school building, a school bus or on school property owned by, leased by or under the control of a school district. (2) A person” — and this is added — “A person may not use tobacco in a school building, a school bus or on school property owned by, leased by or under the control of a school district.” And then “(b) Grading.—A violation of subsection (a) constitutes a summary offense.” And then through the rest of it, where it says “a pupil,” it says “a person,” and what I believe we should be doing, we should use the same for adults as we do for pupils, but in this case, an adult may possess but may not use, where a pupil may not possess or use tobacco on school property.

I would ask for your support of this amendment.

The SPEAKER. On the question, the gentleman, Mr. Yudichak.

Mr. YUDICHAK. Thank you, Mr. Speaker.

I just want to rise to support this amendment. I have drafted similar legislation which passed the Education Committee and was offered as an amendment to legislation here on the floor.

We send two very important messages with this legislation. One, we send a consistent message that teen smoking should not be allowed in our school districts, and two, we also protect the health of our children by making sure that secondhand smoke is not a problem in our schoolbuses or in our classrooms.

So I commend the speaker for offering the amendment and ask my colleagues to support it.

The SPEAKER. The gentleman from Philadelphia County, Mr. Horsey.

Mr. HORSEY. Mr. Speaker, may I interrogate the maker of the amendment, please?

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

Mr. HORSEY. Mr. Speaker, my intent is to support the amendment, but just for the sake of clarity, is there going to be a requirement in this legislation that a sign of some type— I mean, is there anywhere in the legislation that a sign be posted in the front of the school, because a person who comes from Delaware or Jersey or New York into a Pennsylvania school and they do not have the same code in their State and they inadvertently walk into the building with cigarettes in their pocketbook or pocket, they have technically violated this particular amendment. Is that correct, Mr. Speaker?

Mr. PHILLIPS. It is not in Title 18, Mr. Speaker, but it would be up to the school district, and I think they have the authority to post that on their schoolbuses. They could probably do that through the School Code.

Mr. HORSEY. Okay. Thank you, Mr. Speaker.

On the amendment, Mr. Speaker.

Mr. Speaker, I would urge my colleagues on both sides of the aisle to support this amendment. It is long overdue. It sends a clear message to our children and adults who are in the schools on what conduct is presentable and which conduct is not.

I would urge support for the amendment. Thank you, Mr. Speaker.

The SPEAKER. On the question of the adoption of the Phillips amendment, those in— Mr. Lescovitz, do you desire recognition on the amendment?

Mr. LESCOVITZ. Yes. Thank you, Mr. Speaker.

Mr. Speaker, I just want to make members aware of this amendment. Under this amendment, if you are a teacher and decide that you need to have a cigarette, you can no longer do it even outside the school building; if you are an individual who goes to a football game, you cannot have a cigarette or cigar anywhere on school property — that is even the football field — or if you are at another sporting event, you cannot even have any kind of tobacco use anywhere on school property.

I am not saying oppose it or support it. I just want to make sure people are aware, if you are on school property, in your vehicle, at a football game, or at a break from work, you can no longer use tobacco products if this amendment passes.

The SPEAKER. Mr. Phillips.

Mr. PHILLIPS. Thank you, Mr. Speaker.

That is exactly the purpose of this amendment, to make sure that we treat everybody the same. This is what we are trying to do, set an example for our youth who are going to our schools, and by doing this and by not seeing tobacco being used at sporting events, by not seeing tobacco used in our schools, by not having a separate room set up for our teachers, that they can go in a lounge and smoke while the pupils cannot, and that is the example we want to set to our youth today, that tobacco is harmful, and we have seen all the tobacco settlements, all the negative against the use of tobacco, and that is why this amendment is being proposed, and that is why I ask for your support.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

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

NAYS—2

Josephs Michlovic

NOT VOTING—0

EXCUSED—6

Leh Scrimenti Veon Waters
Rooney Taylor, J.

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. GEORGE offered the following amendment No. A4716:

Amend Title, page 1, line 3, by removing the period after "solvents" and inserting

; and adding provisions relating to privacy protection for customer information of financial transactions.

Amend Bill, page 2, by inserting between lines 24 and 25

Section 2. Chapter 73 of Title 18 is amended by adding a subchapter to read:

SUBCHAPTER C
PRIVACY PROTECTION FOR
CUSTOMER INFORMATION OF
FINANCIAL INSTITUTIONS

Sec.

7371. Definitions.

7372. Prohibition on obtaining customer information by false pretenses.

7373. Prohibition on solicitation of a person to obtain customer information from financial institution under false pretenses.

7374. Nonapplicability.

7375. Penalty.

7376. Regulations.

§ 7371. Definitions.

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

"Customer." With respect to a financial institution, any person, or authorized representative of a person, to whom the financial institution provides a product or service, including that of acting as a fiduciary.

"Customer information of a financial institution." Any information maintained by or for a financial institution which is derived from the relationship between the financial institution and a customer of the financial institution and is identified with the customer.

"Document." Any information in any form.

"Financial institution." Any institution engaged in the business of providing financial services to customers who maintain a credit, deposit, trust or other financial account or relationship with the institution. The following apply:

- (1) The term includes any depository institution, any broker or dealer, any investment adviser or investment company, any insurance company, any loan or finance company, any credit card issuer or operator of a credit card system and any consumer reporting agency that compiles and maintains files on consumers on a nationwide basis.
- (2) For purposes of this definition:
 - (i) the terms "broker" and "dealer" have the same meanings as given in section 3 of the Securities Exchange Act of 1934 (48 Stat. 74, 15 U.S.C. § 77a et seq.);
 - (ii) the term "investment adviser" has the same meaning as given in section 202(a)(11) of the Investment Advisers Act of 1940 (54 Stat. 847, 15 U.S.C. § 80b-1 et seq.); and
 - (iii) the term "investment company" has the same meaning as given in section 3 of the Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1 et seq.).
- (3) The term does not include any person or entity with respect to any financial activity that is subject to jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act (42 Stat. 988, 7 U.S.C. § 1 et seq.) and does not include the Federal Agricultural Mortgage Corporation or any entity chartered and operating under the Farm Credit Act of 1971 (Public Law 92-181, 12 U.S.C. §§ 2001-2023).

§ 7372. Prohibition on obtaining customer information by false pretenses.

It shall be unlawful for any person to obtain or attempt to obtain, or cause to be disclosed or attempt to cause to be disclosed to any person, customer information of a financial institution relating to another person:

(1) by making a false, fictitious or fraudulent statement or representation to an officer, employee or agent of a financial institution;

(2) by making a false, fictitious or fraudulent statement or representation to a customer of a financial institution; or

(3) by providing any document to an officer, employee or agent of a financial institution, knowing that the document is forged, counterfeit, lost or stolen, was fraudulently obtained or contains a false, fictitious or fraudulent statement or representation.

§ 7373. Prohibition on solicitation of a person to obtain customer information from financial institution under false pretenses.

It shall be unlawful for a person to request another person to obtain customer information of a financial institution, knowing that the other person will obtain, or attempt to obtain, the information from the institution in any manner described in section 7372 (relating to prohibition on obtaining customer information by false pretenses).

§ 7374. Nonapplicability.

(a) Nonapplicability to law enforcement agencies.—No provision of section 7372 (relating to prohibition on obtaining customer information by false pretenses) or 7373 (relating to prohibition on solicitation of a person to obtain customer information from financial institution under false pretenses) shall be construed so as to prevent any action by a law enforcement agency, or any officer, employee or agent of such agency, to obtain customer information of a financial institution in connection with the performance of the official duties of the agency.

(b) Nonapplicability to financial institutions in certain cases.—No provision of section 7372 or 7373 shall be construed so as to prevent any financial institution, or any officer, employee or agent of a financial institution, from obtaining customer information of such financial institution in the course of:

(1) testing the security procedures or systems of such institution for maintaining the confidentiality of customer information;

(2) investigating allegations of misconduct or negligence on the part of any officer, employee or agent of the financial institution; or

(3) recovering customer information of the financial institution which was obtained or received by another person in any manner described in section 7372 or 7373.

(c) Nonapplicability to insurance institutions for investigation of insurance fraud.—No provision of section 7372 or 7373 shall be construed so as to prevent any insurance institution or any officer, employee or agent of an insurance institution, from obtaining information as part of an insurance investigation into criminal activity, fraud, material misrepresentation or material nondisclosure that is authorized for such institution under State law, regulation, interpretation or order.

(d) Nonapplicability to certain types of customer information of financial institutions.—No provision of section 7372 or 7373 shall be construed so as to prevent any person from obtaining customer information of a financial institution that otherwise is available as a public record filed pursuant to securities laws.

(e) Nonapplicability to collection of child support judgments.—No provision of section 7372 or 7373 shall be construed to prevent any State-licensed private investigator, or any officer, employee or agent of such private investigator, from obtaining customer information of a financial institution, to the extent reasonably necessary to collect child support from a person adjudged to have been delinquent in the person's obligations by a Federal or State court, and to the extent that such action by a State-licensed private investigator is not unlawful under any other Federal or State law or regulation, and has been authorized by an order or judgment of a court of competent jurisdiction.

§ 7375. Penalty.

(a) General rule.—Except as provided in subsection (b), any person who knowingly and intentionally violates, or knowingly and intentionally attempts to violate, section 7372 (relating to prohibition on obtaining customer information by false pretenses) or 7373 (relating to prohibition on solicitation of a person to obtain customer information from financial

institution under false pretenses) commits a misdemeanor of the first degree and shall, upon conviction, be sentenced to pay a fine of not more than \$10,000 or to imprisonment for not more than five years, or both.

(b) Enhanced penalty for aggravated cases.—Any person who violates, or attempts to violate, section 7372 or 7373 while violating another law of the United State or this Commonwealth or as part of a pattern of any illegal activity involving more than \$100,000 in a 12-month period commits a felony of the third degree and shall, upon conviction, be sentenced to pay a fine of not more than \$15,000 or to imprisonment for not more than seven years, or both.

§ 7376. Regulations.

The Department of Banking, after consultation with the Pennsylvania Securities Commission and the Attorney General, may prescribe regulations clarifying or describing the types of institutions which shall be treated as financial institutions for purposes of this subchapter.

Amend Sec. 2, page 2, line 25, by striking out "2" and inserting

3

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. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, this amendment has language similar to the privacy protection language from the Federal banking bill passed by Congress and signed into law last year. It will permit local district attorneys to prosecute efforts to steal personal financial information. Under the Federal law, the prosecution would have to be limited by the U.S. attorney in your region.

This language has received bipartisan support in Congress and hopefully right here in the General Assembly, where it is needed. I believe several of our colleagues across the aisle said that if I had changed it, as it is now, they would support it. We had offered it some time ago.

I ask that we all support this amendment, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Major	Santoni
Allen	Evans	Manderino	Sather
Argall	Fairchild	Mann	Saylor
Armstrong	Fargo	Markosek	Schroder
Baker	Feese	Marsico	Schuler
Bard	Fichter	Masland	Semmel
Barley	Fleagle	Mayermik	Seyfert
Barrar	Flick	McCall	Shaner
Bastian	Forcier	McGeehan	Smith, B.
Battisto	Frankel	McGill	Smith, S. H.
Bebko-Jones	Freeman	McIlhattan	Snyder
Belardi	Gannon	McIlhinney	Solobay
Belfanti	Geist	McNaughton	Staback
Benninghoff	George	Melio	Stairs
Birmelin	Gigliotti	Metcalfe	Steelman
Bishop	Gladeck	Michlovic	Steil
Blaum	Godshall	Micozzie	Stern
Boyes	Gordner	Miller, R.	Stetler
Browne	Grucela	Miller, S.	Stevenson
Bunt	Gruitza	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Callagirono	Hanna	Nickol	Tangretti

Cappabianca	Harhai	O'Brien	Taylor, E. Z.
Carn	Harhart	Oliver	Thomas
Casorio	Hasay	Orie	Tigue
Cawley	Hennessey	Perzel	Travaglio
Chadwick	Herman	Pesci	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	True
Clymer	Horsey	Phillips	Tulli
Cohen, L. I.	Hutchinson	Pippy	Vance
Cohen, M.	Jadlowiec	Pistella	Van Horne
Colafella	James	Platts	Vitali
Cornell	Josephs	Preston	Walko
Corrigan	Kaiser	Ramos	Washington
Costa	Keller	Raymond	Williams
Coy	Kenney	Readshaw	Wilt
Curry	Kirkland	Reinard	Wogan
Dailey	Krebs	Rieger	Wojnaroski
Daley	LaGrotta	Roberts	Wright
Dally	Laughlin	Robinson	Yewcic
DeLuca	Lawless	Roebuck	Youngblood
Dempsey	Lederer	Rohrer	Yudichak
Dermody	Lescovitz	Ross	Zimmerman
DeWeese	Levdansky	Rubley	Zug
DiGirolamo	Lucyk	Ruffing	
Donatucci	Lynch	Sainato	Ryan,
Druce	Maher	Samuelson	Speaker
Eachus	Maitland		

NAYS—0

NOT VOTING—0

EXCUSED—6

Leh	Scrimenti	Veon	Waters
Rooney	Taylor, J.		

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

On the question recurring,

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

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentleman, Mr. Coy.
Mr. COY. Mr. Speaker, I move that the rules of the House be suspended to permit me to offer two amendments to the bill before the House.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question of suspension of the rules, Mr. Snyder.

Mr. SNYDER. Mr. Speaker, I understand that these amendments were not filed timely and would oppose suspension of the rules for their consideration.

The SPEAKER. On the question of suspension of the rules, Mr. Coy, who is standing in the stead of the Democratic floor leader.

Mr. COY. Thank you, Mr. Speaker.

With due respect to the previous comment, these amendments are both language which has passed this House on a previous occasion this session. They are both bills which have passed during

the course of this session, I think by substantial votes if not unanimous, without checking the record. They are simple, direct, and straightforward and will not require much time on the part of the House to deal with it, and therefore, I would encourage members to vote to suspend the rules.

The one amendment has to do with raising the fine for littering in an agriculture security area, and the other one has to do with raising the fine for passing a schoolbus illegally.

The SPEAKER. Mr. Coy, do you wish the vote to be taken as a single vote or would you prefer I do two votes?

Mr. COY. Let us do two.

The SPEAKER. Two votes. Which one first?

Mr. COY. Amendment 0397.

The SPEAKER. The question before the House is, will the House suspend its rules to permit the gentleman, Mr. Coy, to offer immediately amendment A0397 to HB 1072?

On that question, Mr. Snyder.

Mr. SNYDER. Mr. Speaker, I am not aware that these particular amendments were passed unanimously by the House. It is my understanding that it is a substantial change that takes language out of the current Vehicle Code and puts it into the Crimes Code. I think it is a substantive policy issue, and because of the fact that it was not timely filed, we have not been able to caucus on these amendments nor prepare a summary for our members, and that is why I ask for a "no" vote on suspension.

The SPEAKER. On the question of suspension, Mr. Coy.

Mr. COY. Well, Mr. Speaker, then maybe we could simply put the bill over till tomorrow, when you would have time to caucus the issue.

BILL PASSED OVER

The SPEAKER. Without objection, the bill will go over with the amendments. The Chair hears no objection.

BILL ON FINAL PASSAGE

The House proceeded to consideration on final passage of **HB 1576, PN 2738**, entitled:

An Act providing for procedures for students expelled from school and for powers and duties of boards of school directors.

On the question recurring,

Shall the bill pass finally?

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its decision that the bill has been agreed to on third consideration as amended.

On the question recurring,

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Egolf, who has four amendments, I understand, to offer. Oh, one. Would you give us the number of that amendment?

Mr. EGOLF. Thank you, Mr. Speaker.
It is amendment A0296.

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

Mr. EGOLF offered the following amendment No. A0296:

Amend Bill, page 1, lines 5 through 14; pages 2 through 6, lines 1 through 30; page 7, lines 1 through 9, by striking out all of said lines on said pages and inserting

Section 1. Short title.

This act shall be known and may be cited as the Student Responsibility Law.

Section 2. Declaration of policy.

The General Assembly finds and declares as follows:

(1) The right of children in this Commonwealth to a public education is conditioned upon their compliance with the rules and regulations of the school entity they attend and other requirements of law.

(2) The board of school directors of every public school entity possesses the authority to suspend or temporarily or permanently expel any student and reinstate such student upon terms and conditions established by the board.

(3) The parents or legal guardians of school-age students expelled from the school entity have the responsibility to assume the costs of providing these students with an education during the period of time the students are expelled.

(4) Students in the public schools of this Commonwealth have the responsibility to conduct themselves in accordance with the rules and regulations established by the board of school directors of every school entity. Failure by students to abide by such rules and regulations may result in their suspension or expulsion from the public schools or other discipline.

(5) The taxpayers of this Commonwealth should be relieved from the responsibility of paying for the education of students expelled from the public schools.

Section 3. Definitions.

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

“Actual cost.” The additional incremental expenditure by the entity in order to provide an alternate placement program to a particular expelled student, minus the amount of any subsidy, reimbursement, grant moneys or other funding received by the entity from non-local sources specifically for the purpose of providing an alternate placement program to that student.

“Alternate placement program.” Educational services provided to an expelled student, such as placement in another school, home tutorial or correspondence study, or other approved program, or combination thereof, which satisfy compulsory education requirements applicable to expelled students.

“Board.” The board of school directors or trustees of a school entity.

“Compulsory education requirements.” The minimum educational requirements for children of compulsory school age as established in section 1327 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, and implementing regulations thereto.

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

“School entity.” A public school district, charter school, intermediate unit or area vocational-technical school.

“State board.” The State Board of Education of the Commonwealth.

Section 4. Education of expelled students of compulsory school age.

(a) General rule.—Except as provided in subsection (c), no school entity shall be required to expend funds for the education of any student of compulsory school age who is expelled from a school entity during the expulsion period or the 12-month period beginning with the date of expulsion, whichever is less.

(b) Placement.—Within 30 days of the date of expulsion, the parents or legal guardians of an expelled student of compulsory school age shall comply with all of the following provisions:

(1) Make arrangements for the education of the student in compliance with compulsory education requirements, at no cost to the school entity, through placement in another school, through tutorial or correspondence study or through another approved educational program.

(2) Notify the school entity of the placement made.

(c) Financial inability to provide alternative education placement.—

(1) If the parents or legal guardians demonstrate to the school entity's board or the board's designee that after a bona fide effort, they are unable to provide for an alternate placement program because neither they nor the student have access to sufficient financial resources, then the school entity shall provide for such alternate placement program for the student as the board in its sole discretion determines to be appropriate. The board may, in its discretion, require an expelled student and/or the parents or legal guardians of the expelled student to pay for all or such part of the entity's actual cost of providing such alternate placement program as is determined to be within the financial ability of the student and/or parents or legal guardians, or to permit the student and/or the parents or legal guardians to perform a given number of hours of community service during the period of expulsion in lieu of such payment in accordance with such procedures and conditions as the board may determine. The assigned hours of community service shall not be on the property of the school entity and shall not benefit the school entity unless agreed to by the school entity.

(2) The school entity shall establish procedures by which the parents or legal guardians may apply to the school entity for a determination of financial inability to provide a sufficient alternate placement program, and may require the parents or legal guardians and student to submit proof in the form of financial or tax documents, affidavits or other evidence of such financial inability. In the event an application for determination of financial inability is initially denied, the parents or legal guardians shall be offered the opportunity for a hearing before the board or the board's designee. The parents or legal guardians may appeal the determination of the board or the board's designee to court in accordance with the provisions of the Local Agency Law as defined in 2 Pa.C.S. § 105 (relating to Local Agency Law). The court in any such appeal shall not have jurisdiction to review or alter any determination of the school entity's board or officials relating either to the nature or extent of the alternate placement program provided by the school entity, or to the board's prior decision to expel or impose other discipline upon the student.

(3) Any student whose alternative placement program is provided by the school entity shall submit a sworn affidavit signed by the student and the student's parents or legal guardians stating that the student agrees to comply with the terms and conditions applicable to the alternate placement program, including, but not limited to, all applicable rules of student conduct.

(d) Requirements.—Upon the expiration of the expulsion period or the 12-month period beginning with the date of expulsion of a student of compulsory school age, whichever is less, the school entity shall:

(1) readmit the student to the school entity subject to the terms and conditions established by the board as provided in section 5 of this act; or

(2) if the period of expulsion has not expired, provide the student with an alternate placement program in another school, through tutorial or correspondence study or in another educational

program determined by the board in its sole discretion to be appropriate.

Section 5. Readmission policy.

(a) General rule.—Every school entity shall establish a policy governing the procedures and requirements for expelled students, whether or not of compulsory school age, to be readmitted upon the expiration of the period of expulsion. This policy may include:

(1) A sworn affidavit signed by the expelled student and the student's parents or legal guardians requesting readmission to the school entity stating that the student agrees to comply with the terms and conditions established by the board, including, but not limited to, all applicable rules of student conduct.

(2) A meeting between the expelled student, the parents or legal guardians of the expelled student, unless the student is an emancipated minor, and the district superintendent or chief school administrator or a designee. Sufficient notice of the time and place of the meeting shall be given to the expelled student and the student's parents or legal guardians.

(3) An expelled student who has been readmitted to a school entity under this section and who is expelled subsequent to those procedures shall be liable for legal fees and costs incurred by the school entity in such subsequent expulsion proceeding or related court proceedings. If the student is a minor child, the parents or legal guardians of the student shall be liable for the legal fees and costs.

(b) Readmission prior to expiration of expulsion.—The board of school directors may, upon recommendation of the district superintendent or chief school administrator, or on its own initiative, readmit an expelled student to school prior to the expiration of the terms of expulsion, under such further terms, conditions or requirements as the board may determine in addition to those established pursuant to subsection (a).

(c) Exception to readmission.—Expelled students shall not be eligible to apply for readmission to the school entity if they are 21 years of age or older, or have graduated from another public or private school entity or have acquired a general education development (GED) certificate.

Section 6. Admission of transferring students.

(a) Expulsion from another school.—

(1) Admissions of, and provision of alternate placement programs to, students expelled from a school entity other than the entity of current residence or a nonpublic school shall be subject to the provisions of sections 4 and 5. No school entity shall be required to admit a student expelled from another school entity or nonpublic school into its regular school program until the period of expulsion has expired. Provided however, that this paragraph shall not apply to a student expelled or dismissed from a nonpublic school for reasons that would not otherwise subject the student to expulsion under the receiving entity's rules of student conduct.

(2) A receiving school entity shall not be required to provide an alternate placement program for a student of compulsory school age during the 12-month period since expulsion was imposed or to entertain an application by the parents or legal guardians for a determination of financial inability in accordance with section 4 if such application has previously been denied by another school entity.

(b) Provisional enrollment.—Notwithstanding any provision of this act to the contrary, a receiving school entity may enroll a student transferring from another school entity or non-public school on a provisional basis until a certified copy of the student's disciplinary record and sworn statement as required in section 1304-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is received by the school entity. If the disciplinary record contains a history of misbehavior, the student may be placed in an alternative program and may be ineligible to participate in extracurricular activities at the discretion of the receiving entity.

(c) If a provisionally enrolled or other transferring student has committed acts while enrolled in another school entity or nonpublic

school which would subject students in the receiving entity to possible expulsion, but for which the former school entity or nonpublic school did not expel the student prior to the transfer, the board of the receiving school entity may, after hearing, expel or deny admission to the student or impose such other discipline or disciplinary assignment as is consistent with the standards and policies of the receiving school entity. Denial of admission shall be treated as expulsion for purposes of this act.

Section 7. Student and parent notification.

Every school entity shall forward a certified letter to the parents or legal guardians of expelled students specifying all terms and conditions imposed by the school entity pursuant to this act. If an expelled student is 18 years of age or older or if the school entity has reason to believe that the student is an emancipated minor, a certified letter shall also be forwarded directly to the student.

Section 8. Failure to comply.

Nothing in this act shall be construed to exempt an expelled student or the student's parents or legal guardians from compulsory education requirements or the penalties contained in sections 1333, 1338 and 1338.1 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, if they fail to provide the student with a sufficient alternate placement program and have not been determined financially unable to do so pursuant to section 4.

Section 9. Exemptions.

Nothing in this act shall supersede the provisions of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) and its corresponding Federal regulations relating to the discipline of challenged students.

Section 10. Regulations.

The State board shall promulgate regulations to carry out this act.

Section 11. Repeals.

All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 12. Effective date.

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. Egolf.

Mr. EGOLF. Thank you, Mr. Speaker.

This amendment consolidates three technical amendments that were put in and voted on the floor last week. It also takes out an amendment that was passed last week that is Representative Roebuck's and puts in language that he wanted and has in fact submitted another amendment for, so it clarifies the language that he wanted in there and agrees to. In other words, what it will do is, if a student is expelled from a private school, a public school would take that student on a provisional basis until their records are received from the private school. If he was expelled for some offense that would have resulted in expulsion at the public school, the public school then can treat him as an expelled student under this act. In other words, they do not have to take him in.

Also, this amendment spells out what costs the parents would be liable for. In addition, it provides for an additional safety gate for parents who may not be able to afford alternative programs. What it does is allows parents to apply to a school board for relief from financial responsibility rather than having to go directly to a court. Some questions last week showed concern that possibly the parents would not be able to afford an attorney. This gives them another method of going to the school board and asking for financial relief. If they do not get it, they can then appeal or go through the original route of going to a court. So they have a

number of methods there that they can pursue if they feel they cannot afford this alternate placement.

In addition, it defines and clarifies the term "alternate placement program" for an expelled student as being different from alternative education programs that may be part of a school's program. So just a matter of clarification.

So those basically are the contents and the changes that are put in by this amendment, 296. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia County, Mr. Horsey.

Mr. HORSEY. Mr. Speaker, may I interrogate the maker of the amendment, please?

The SPEAKER. The gentleman, Mr. Egolf, will stand for interrogation. You may begin.

Mr. HORSEY. Mr. Speaker, I just want to ask a couple questions on the amendment.

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

The gentleman, Mr. Horsey, is recognized. Please start over.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, this particular amendment, is it restricted just to private schools or does it include parochial schools also?

Mr. EGOLF. It includes nonpublic schools, only to the extent that if a student is expelled from any nonpublic school. Of course, they would ordinarily go into a public school then if they are expelled from this private or parochial school. This would provide for the public schools to take the student on provisionally until they get their record, which is now required, under current law, is required to follow that student. If they find out that the student was expelled for some very serious offense that would have gotten them expelled from their public school, they can then treat that student under this law — in other words, keep him expelled. The student would still have to go through hearings, the normal sequence to be expelled from the public school, but since the act was committed in the nonpublic school, they can still use that and say it is serious enough that they can expel them from that public school. But it includes all nonpublic schools as well as public schools.

Mr. HORSEY. Mr. Speaker, to what extent can we as a legislative body impose the responsibility on a parochial institution to carry out and perform some duty?

Mr. EGOLF. This is not putting any new requirement on the parochial school.

Mr. HORSEY. So just one last question, Mr. Speaker.

So if a person who has been expelled from a parochial school and that parochial school does not want to provide for a public record and that student has been expelled from the parochial school and he wants to transfer to a public school, can he still transfer to that public school?

Mr. EGOLF. He can still transfer, but according to current law, the records still have to go, still have to be sent to that public school, so he would essentially be— I mean, he can be accepted into the public school — in fact, would have to be provisionally — until those records come. So there is no new requirement on the parochial school.

Mr. HORSEY. I am just making sure, Mr. Speaker, that the law follows the Constitution and the provisions provided to us under the Constitution, so, Mr. Speaker, I guess my question is, what is the restriction on what records are mandated by law as opposed to what records are not? In other words, I am sure that grades are

mandated, Mr. Speaker, and they would be considered records, but would the conduct in the school he is coming from, are they mandated records to be provided for as records to follow the students? Is that already a mandate?

Mr. EGOLF. That is already a mandate; right. This does not require anything new. Let me just make sure I am saying the right thing.

Yes; what is under current law now is that the disciplinary records plus a sworn statement from the parents as to what had evolved there and what caused the transfer. That is under current law now, so that is not changed.

Mr. HORSEY. Okay. Thank you, Mr. Speaker.

I have no additional questions, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

A couple weeks ago when we were taking up this bill, there were a number of questions that were brought up by a few of the members, and we asked Representative Egolf if he would kind of hold the bill over to try to look at this a little closer and resolve some of the problems. In the meantime, the staffs from both the Republican and Democrat Caucuses and the School Boards Association sat down to work out some of the concerns that we had. So this amendment that Representative Egolf is offering resolves those differences and certainly makes the bill much better, and particularly, the school boards had a lot of input into this.

So I would hope that those members who had some concerns about the bill can feel assured that some of the problems were addressed, and I would hope that we all could support Representative Egolf and put some strong action into the bill to try to make students behave a little better in school and take care of the really disruptive students who are suspended from school. So I appreciate your support. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment.

The SPEAKER. The gentleman, Mr. Egolf, will stand for interrogation. You may begin.

Mr. GODSHALL. Thank you, Mr. Speaker.

As I read the amendment, it says the parents of the expelled student are responsible for the financial costs of that education. Who determines what that education consists of, who supplies the education? It is vague. It does not say who is responsible for that education, really, if it is education, or what degree of education that that expelled student would be entitled to in, say, his own home.

Mr. EGOLF. I will try to answer all your parts of the question there.

It can include tutoring. It can include a private school. It can include possibly the school district itself sending a teacher out for homebound if they want to, if the parents and the school agree. Any number of things, but now, it would have to be agreed upon by the school. You could not just have somebody come off the street to teach the student. It has got to be an approved program, and the local school district would approve that. I am not sure if that— Was there another part—

Mr. GODSHALL. So what you are saying, I think, is that this education that has to be provided at the expense of the parents is at the school district's discretion.

Mr. EGOLF. Well, the parents can find whatever they want and then take that to the school and say, this is the way we want to do it, and the school would then approve it or disapprove it.

Mr. GODSHALL. So in each and every case, this must be approved by the school district.

Mr. EGOLF. That is the way it is right now, currently. It is the way it is currently. The only thing is, what practically happens at this point is, in fact, the parents are even supposed to pay for it, but there are no teeth in it, and what happens is, parents just say, well, we cannot, and then the school, by law, must pick it up and must do it. This is saying the parents have to do now what they were always supposed to do. However, if they claim they cannot pay for it, there are methods that they can get relief from that if they in fact are not financially able to do it. But it is not really changing anything as far as what they are really required to do at this time.

Mr. GODSHALL. I was trying to get clear in my own mind, you know, who was responsible for the education and if it was totally to be at the parents' discretion or at the school district's discretion, so it is really at the school district's, primarily, the way it is in existence today.

Mr. EGOLF. Well, essentially, except we are putting the burden on the parents to fund it. I mean, currently the school still has to agree that it is an okay program. I mean, you do not just want a student going out there and the parents say, yeah, we are educating that student, and they are not getting any education. So there has to be some kind of controls on it, and it does not change anything. In fact, it clarifies it a little bit in this bill by requiring the schools to give a list. For instance, if it goes through the route to court to decide that the parents cannot pay for it, before that judge would make any decision, the school has to provide a list of these alternate placement programs — in other words, what can be used to educate that student, tutorial or private school, whatever. They have got to give a list so that they have an idea.

Mr. GODSHALL. Okay. Thank you, Mr. Speaker. That answered my questions.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. STURLA. Will the maker of the amendment rise for a brief interrogation?

The SPEAKER. The gentleman is standing, prepared to answer interrogation. You may begin.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, the other day when you had an amendment before the House, the question came up as to whether this applies to students with individualized education plans, special education students. This still does not apply to those students. Is that correct?

Mr. EGOLF. That is correct.

Mr. STURLA. Then as a followup question, if a student is coming from a private or parochial school and does not have an IEP and is not a special education student but was expelled for something that might get them thrown out of the public schools eventually, when they get to that public school, can they try and get their child classified as special ed and get an IEP, and in that case, would that then supersede this, or the fact that the expulsion occurred before they were listed and had an IEP, would that then say that they had to continue paying for their child?

Mr. EGOLF. Nothing in this bill will supersede the act, the Federal act.

Mr. STURLA. Okay. All right. Thank you very much for that clarification. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Colafella.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Egolf amendment.

This omnibus amendment was worked out by the staffs of both the Democratic and Republican Education Committees. It is taking care of the concerns that a number of members have had, and for those reasons I ask everyone's support for the Egolf amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. ROEBUCK. Thank you, Mr. Speaker.

I, too, rise to support the Egolf amendment.

As many of the members of the House know, I had concerns about the legislation as it came before us. I offered an amendment to address those concerns, and subsequently, after extended discussions, particularly with the input of the staffs of both the Democratic and Republican staff in the Education Committee, those concerns were resolved. I think the amendment as it will be incorporated into the bill substantially improves the content of the bill.

I would urge that the members support the Egolf amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the amendment, the gentleman, Mr. Tangretti. On the amendment.

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, I was curious if the maker of the amendment would answer a few questions.

The SPEAKER. The gentleman, Mr. Egolf, will stand for interrogation. You may begin.

Mr. TANGRETTI. Mr. Speaker, I was specifically interested in the section dealing with the requirement of the school board's participation to determine whether the family involved had the financial wherewithal to pay for the alternative education. Are there any recommended standards by which school boards are to review financial wherewithal, or is it a school board determination by school board determination?

Mr. EGOLF. They could require the submission of their income tax return, for example, or other documents.

Mr. TANGRETTI. I am sorry, Mr. Speaker. I cannot hear you.

Mr. EGOLF. The school board could require or the school board designee could require the submission of documentation, such as income tax returns or whatever. And I might add, I am not sure if you asked this, but if there is still question — the designee, say, determines that the parents are able to pay — the parents then can ask for a hearing with the school board, so that is an extra step there that they can go, and then, of course, if they turn them down, then they can go to the route we originally had, where they can go to the court.

Mr. TANGRETTI. I understand that part of the process. I guess I would rather key in, Mr. Speaker, if you will permit, whether the gentleman can answer as to whether there are poverty guidelines that are recommended in the amendment that would give guidance to school boards whether the family has the financial ability. For example, a family of four who has an income of \$25,000 or \$30,000 a year, how does that fit into the Federal poverty

guidelines, and would that be used in some fashion by school boards?

Mr. EGOLF. Right now there are not poverty guidelines and so on to be used. However, the Education Department could promulgate regulations under this, but currently there are not, but it does say in the legislation that they can require the financial records and so on to prove it, but beyond that, there are not guidelines as far as a certain percentage of poverty level or that sort of thing, if I understand your question.

Mr. TANGRETTI. It is and you have answered it.

Mr. Speaker, on the amendment?

The SPEAKER. The gentleman is in order on the amendment.

Mr. TANGRETTI. I am probably going to vote for this amendment, because I have heard my colleagues on this side of the aisle as well as others say that it has been substantially improved, but I just want to caution everyone that the subjectiveness of how school boards are going to determine whether in fact a family can or cannot afford the alternative education, I think, is highly suspect, and I do not think it was intentional. I think this could be further improved if there is some method by which the school boards are given guidance as to how they would determine financial wherewithal. Obviously, from school district to school district, that could vary substantially. I think in a lot of cases, regardless of how it has been suggested that the school boards can short-circuit the need to go to court, I think ultimately it is conceivable in my mind, without some sort of guidance, these are going to end up in court anyway, which then defeats the whole purpose.

So I would only offer that as a caution and suggest that perhaps it is something we ought to look at in the future, and I thank you for your attention.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Platts.

Mr. PLATTS. Thank you, Mr. Speaker.

I rise in support of this amendment.

The gentleman from Perry County has done a great job in bringing various groups, in my opinion, together to have a consensus to allow this important piece of legislation to move forward. I would emphasize the two points of trying to instill some personal responsibility in our students, that there are consequences that go with their actions, and that is not the case under the way we handle expulsions today, and second, to have greater fairness for our taxpayers who are paying exorbitant sums to provide a quality public education to our students and now are being asked to pay a second time when a student is expelled.

So I think this is a good step in the right direction. I again commend the gentleman from Perry for his efforts, and I hope we can support this amendment and move the bill forward. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Horsey, for the second time on the question.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, I am going to vote on this legislation reluctantly, as Representative Tangretti said, but I am a little reluctant about it, and I am primarily reluctant because we are imposing a duty on parents to pay for their children's education if they are expelled, but within the amendment, there is no provision for property tax relief. Now, rest assured, this is going to be a constitutional question on this amendment I can see sometime in the future by

some parent in that there is a duty on that parent to pay property taxes, which fund the schools, but if he or she, their children, are expelled, there is an additional duty, because they have got to pay for this special educational structure for their kids to, you know, go to school and receive this special tutoring program, but at the same time, there is no relief for them on the area of property tax. There is a mandate that they fund education for other people's kids.

I am telling you, there is going to be a constitutional question on this issue, Mr. Speaker, and I believe that is the loop in this particular amendment which in fact will put it in front of the State Supreme Court, Mr. Speaker, in that while we are imposing a duty on parents to pay for their kid's education, we are not offering them any property tax relief, which will fund the entire school system.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—194

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

NAYS—2

Adolph McGeehan

NOT VOTING—0

EXCUSED—6

Leh Scrimenti Veon Waters
Rooney Taylor, J.

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

On the question recurring,

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

The SPEAKER. The Chair has amendments listed for Mr. George, Mr. Phillips, Mr. Roebuck, Mr. Travaglio, and Mr. Pistella, none of which would be appropriate at this time in view of the last amendment having been added to the bill.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—186

Allen Eachus Maitland Samuelson
Argall Egolf Major Santoni
Armstrong Evans Manderino Sather
Baker Fairchild Mann Saylor
Bard Fargo Markosek Schroder
Barley Feese Marsico Schuler
Barrar Fichter Masland Semmel
Bastian Fleagle Mayernik Seyfert
Battisto Flick McCall Shaner
Bebko-Jones Forcier McGeehan Smith, B.
Belardi Frankel McIlhattan Smith, S. H.
Belfanti Freeman McIlhinney Snyder
Benninghoff Gannon McNaughton Solobay
Binnelin Geist Melio Staback
Blaum George Metcalfe Stairs
Boyes Gigliotti Michlovic Steelman
Browne Gladeck Miller, R. Stern
Bunt Godshall Miller, S. Stetler
Butkovitz Gordner Mundy Stevenson
Buxton Grucela Myers Strittmatter
Caltagirone Gruitza Nailor Sturla
Cappabianca Habay Nickol Surra
Cam Haluska O'Brien Tangretti
Casorio Hanna Oliver Taylor, E. Z.
Cawley Harhai Oriz Travaglio
Chadwick Harhart Perzel Trello
Civera Hasay Pesci Trich
Clark Hennessey Petrarca True
Clymer Herman Petrone Tulli
Cohen, L. I. Hershey Phillips Vance

Cohen, M. Hess Pippy Van Horne
Colafella Horsey Pistella Vitali
Cornell Hutchinson Platts Walko
Corrigan Jadlowiec Preston Washington
Costa James Ramos Williams
Coy Kaiser Raymond Wilt
Curry Keller Readshaw Wogan
Dailey Kenney Reinard Wojnaroski
Daley Kirkland Rieger Wright
Dally LaGrotta Roberts Yewcic
DeLuca Laughlin Robinson Youngblood
Dempsey Lederer Roebuck Yudichak
Dermody Lescovitz Rohrer Zimmerman
DeWeese Levdansky Ross Zug
DiGirolamo Lucyk Rubley
Donatucci Lynch Ruffing Ryan,
Druce Maher Sainato Speaker

NAYS—9

Adolph Krebs Micozzie Thomas
Bishop Lawless Steil Tigie
Josephs

NOT VOTING—1

McGill

EXCUSED—6

Leh Scrimenti Veon Waters
Rooney Taylor, J.

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

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

RESOLUTION PURSUANT TO RULE 35

Mr. BIRMELIN called up HR 363, PN 2948.

The SPEAKER. It has been requested that the clerk read the entire resolution.

The House will please come to order.

The clerk will read the resolution.

The following resolution was read:

A RESOLUTION

Noting with great sadness the passing of J. Donald Budge.

WHEREAS, J. Donald Budge, one of the most beloved sports heroes of the United States and a revered citizen of this Commonwealth, passed away January 26, 2000, at the age of 84; and

WHEREAS, Born June 13, 1915, in Oakland, California, Mr. Budge gained national recognition in 1938 when he became the first person to win the four most prestigious tennis titles, the open tournaments of Australia, Great Britain, France and the United States, and to this day he remains the only American to have accomplished that feat; and

WHEREAS, Mr. Budge led the country to its first Davis Cup title in 11 years in 1938, and that same year he was named the Associated Press Athlete of the Year; and

WHEREAS, Mr. Budge received the James E. Sullivan Trophy in 1937, was inducted into the International Tennis Hall of Fame in 1964

and was elected one of Tennis Magazine's 20 greatest players of the 20th century; and

WHEREAS, Mr. Budge lived his life to the fullest and will be forever regarded by contemporary players as a champion; therefore be it

RESOLVED, That the House of Representatives note with great sadness the passing of J. Donald Budge and recognize him as a tennis legend and for his lifetime achievements and good sportsmanship; and be it further

RESOLVED, That a copy of this resolution be transmitted to the family of J. Donald Budge.

On the question,
Will the House adopt the resolution?

The SPEAKER. On the question of the adoption of the resolution, the Chair recognizes the gentleman from Wayne County, Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

I beg the indulgence of the House for just a few minutes. It is not very often that we have a resolution similar to this, which is, in essence, a death resolution or condolence resolution but for a sports figure.

Many of you are tennis players, I know from my experience with you on the tennis courts, and so this perhaps means a little bit more to you than everybody else, but one of the most famous tennis players in Pennsylvania and America and in world history passed away last month. He was a constituent of mine in Pike County. I am not sure exactly how many years he lived there, but he lived there quite a few years.

But I wanted to note with some observation today the difference between the generation of athletes that Don Budge represented and those that we see today.

Mr. Speaker, may I ask for a little more order, please?

The SPEAKER. The gentleman is entirely right. Please.

Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

I first met Mr. Budge in 1998 at a very special celebration for him. It was the 60th anniversary of his winning the grand slam of tennis in 1938. He was the first man to ever do that and only one of two who have ever done it and the only American to have ever done it. And for those of you who are accustomed to seeing names like McEnroe and Borg and Pete Sampras today and Andre Agassi, you know that they are great tennis players, but none of those players have accomplished the feat, at least not the Americans have, that Mr. Budge did.

But what I wanted to point out today was not so much that he was a great athlete and in 1938 he was described as one of the greatest athletes of his time, but the fact that he was an excellent ambassador for the tennis game and he was a good role model, and unfortunately, today when we read of athletes who are being arrested for various and sundry offenses including murder, it is perhaps refreshing to look back on the life of one great athlete who, for over 60 years after accomplishing a very, very difficult task, was exemplary in his behavior.

And so that is why I have sponsored that resolution, and that is why I encourage people to look to the past sometimes to find the good role models in sports that we ought to be looking for today. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Leh	Scrimenti	Veon	Waters
Rooney	Taylor, J.		

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

SUPPLEMENTAL CALENDAR A

BILL ON CONCURRENCE IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 1097, PN 1652**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to sell and convey to Transitional Housing and Care Center of Columbia and Montour Counties certain land and a building, referred to as the Gatehouse, situate on Danville State Hospital, Montour County; authorizing the Department of Transportation, with the approval of the Governor, to sell and convey to the Public Auditorium Authority of Allegheny County certain land situate in the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Community Services for Children, Inc., certain lands situate in the City of Allentown, Lehigh County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey certain tracts of land situate in the City of Philadelphia, Pennsylvania; and authorizing the transfer of a certain bridge in Metal Township, Franklin County.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate to House amendments?

On that question, the gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this bill deals with the transfer of tracts of lands in four counties. One of the counties affected is Philadelphia County. I have been in touch with Mary Jane Hazell, the president of the Somerton Civic Association, which is one of the communities that is affected by this, and I have read various articles about this land transfer that have appeared in the Northeast Times and the Philadelphia Inquirer and the Philadelphia Daily News.

There is a lot of controversy in this particular land transfer. There is concern from the neighbors as to what goes in there. There is concern about the congestion in northeast Philadelphia, which I represent part of, although not the part of northeast Philadelphia that is most directly affected, but northeast Philadelphia is extremely congested as it is, and it is felt that this adds to the congestion. There is also concern about whether the city of Philadelphia and the PIDC (Philadelphia Industrial Development Corporation) is getting the best possible deal as a result of this.

There has already been authorization of transfer of a lot of acres already. This tract of land is known as the Byberry tract. There is a State hospital there for the mentally ill that has long been shut down, and money has been appropriated to the State to tear down the buildings for many, many years. I am told the figure is something like \$23 million that has been appropriated to the State for many years, and the money has just stayed there and nothing at all has been demolished, and it is, as anybody who drives by it, as I do on a fairly regular basis, sees, it is a tremendous eyesore the way it now is, and a lot of people are concerned about that.

There is a lot of sense that the first thing that ought to be done is to tear these buildings down and then deal with it.

Now, Mr. Kenney attempted in the House version of this bill to get in language requiring the demolition of all these buildings. This language would have made this bill much more palatable to the people. This language has been removed by the Senate. I understand Mr. Kenney will speak for himself, but I understand Mr. Kenney has gained some assurances that these buildings will be torn down anyway, but this bill takes out the mandate that he originally inserted that these buildings will be torn down, and it seems to me to expand the controversy from the acres that have already been authorized to a larger number of acres.

MOTION TO TABLE

Mr. COHEN. Because this is inherently controversial and because these land transfer bills really, by custom, deal with things that are not controversial, I would urge that the House not pass this particular bill at this time. I would recommend that we hold this over until we return. Perhaps there could be a greater consensus in a couple of weeks when we come back.

I would therefore move, Mr. Speaker, that this bill be tabled.

The SPEAKER. The motion of the gentleman— We are checking, as you know, as to whether or not it was a proper motion, and it is, and the motion before the House at this time is, shall the House table SB 1097 with any amendments? There are none other than those inserted by the Senate.

On the question,

Will the House agree to the motion?

PARLIAMENTARY INQUIRY

The SPEAKER. On the question of tabling.

Mr. SNYDER. Mr. Speaker, first of all, can any member speak on the tabling motion?

The SPEAKER. It is not debatable.

Mr. SNYDER. Well, Mr. Speaker, we do oppose tabling this legislation. There are several issues that are of a timely nature that are required to be able to proceed as soon as this legislation is approved.

This is a concurrence vote. This bill has already gone through the House and the Senate, and we ask our members to oppose a motion to table the legislation so we can bring it up for final consideration.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I do not know and I think other members of Philadelphia have expressed concern that they do not know all the details of the ramifications of this legislation. Mr. Robinson just told me that he does not know the details of the ramifications of this in Allegheny County, which is another county, and it is in his legislative district.

I believe if we all can table this bill, we may well find ourselves in agreement if we have more time to study this bill. Tabling this bill is in the interest of this legislature; it is in the interest of the taxpayers and the people of Pennsylvania.

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

Mr. SNYDER. Mr. Speaker, just so that the members understand, the issue that is being raised by the Representative from Philadelphia is not one of the issues that was raised for consideration of concurrence. This was not a change, my understanding is, this was not one of the changes made by the Senate that we are concurring on. This is an issue that has been in the bill throughout the process, and therefore, again I ask our members to vote "no" on the motion to table.

The SPEAKER. The gentleman, Mr. Cohen, desires to address your remarks, I guess.

Mr. COHEN. Yes.

Mr. Speaker, the Senate language takes out language inserted in the House requiring the demolition of Byberry State hospital grounds. This is very significant language that the Senate removed, and that enormously affects the acceptability of this bill to the community.

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

The following roll call was recorded:

YEAS—92

Armstrong	Donatucci	McCall	Solobay
Battisto	Eachus	McGeehan	Staback
Bebko-Jones	Evans	Melio	Steelman
Belardi	Freeman	Michlovic	Stetler
Belfanti	George	Mundy	Strittmatter
Bishop	Gigliotti	Myers	Sturla
Blaum	Grucela	O'Brien	Surra
Butkovitz	Gruitza	Oliver	Tangretti
Buxton	Haluska	Pesci	Thomas
Caltagirone	Hanna	Petrarca	Tigue
Cappabianca	Harhai	Petrone	Trello
Carr	James	Pistella	Trich
Casorio	Josephs	Preston	Van Home
Cawley	Keller	Ramos	Vitali
Cohen, M.	Kirkland	Readshaw	Walko
Colafella	LaGrotta	Rieger	Washington
Corrigan	Laughlin	Roberts	Williams
Coy	Lederer	Robinson	Wogan
Curry	Lescovitz	Roebuck	Wojnaroski
Daley	Levdansky	Ruffing	Yewcic
DeLuca	Lucyk	Sainato	Youngblood
Dermody	Manderino	Santoni	Yudichak
DeWeese	Mann	Shaner	Zimmerman

NAYS—103

Adolph	Fargo	Maher	Rubley
Allen	Feese	Maitland	Samuelson
Argall	Fichter	Major	Sather
Baker	Fleagle	Markosek	Saylor
Bard	Flick	Marsico	Schroder
Barley	Forcier	Masland	Schuler
Barrar	Frankel	Mayernik	Semmel
Bastian	Gannon	McGill	Seyfert
Benninghoff	Geist	McIlhattan	Smith, B.
Bimmelin	Gladeck	McIlhinney	Smith, S. H.
Boyes	Godshall	McNaughton	Snyder
Browne	Gordner	Metcalfe	Stairs
Bunt	Habay	Micozzie	Steil
Chadwick	Harhart	Miller, R.	Stern
Civera	Hasay	Miller, S.	Stevenson
Clark	Hennessey	Nailor	Taylor, E. Z.
Clymer	Herman	Nickol	Travaglio
Cohen, L. I.	Hershey	Orie	True

Cornell	Hess	Perzel	Tulli
Costa	Hutchinson	Phillips	Vance
Dailey	Jadlowiec	Pippy	Wilt
Dally	Kaiser	Platts	Wright
Dempsey	Kenney	Raymond	Zug
DiGirolamo	Krebs	Reinard	
Druce	Lawless	Rohrer	Ryan,
Egolf	Lynch	Ross	Speaker
Fairchild			

NOT VOTING—1

Horsey

EXCUSED—6

Leh	Scrimenti	Veon	Waters
Rooney	Taylor, J.		

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

On the question recurring,
Will the House concur in Senate amendments to House amendments?

The SPEAKER. The Chair, on that question, recognizes the gentleman from Philadelphia, Mr. Kenney, followed by Mr. Robinson. The gentleman, Mr. Kenney, waives off at this time.

Mr. Robinson.

Mr. ROBINSON. Thank you, Mr. Speaker.

Mr. Speaker, my concern is about item No. 2, which is part of this package of amendments. This particular parcel of land that is identified in the 21st ward of the city of Pittsburgh is in the 19th Legislative District, which I represent. This particular parcel of land is a part of the redevelopment of the North Side of Pittsburgh, which includes the building of two stadiums — one for our football team and one for our baseball team.

My concern about this portion or this amendment is that this land is going to be conveyed without three conditions being met that I think are essential. One, we do not know whether this parcel of land is going to be used for a public purpose or a private purpose.

The SPEAKER. Mr. Robinson, your remarks should be on the differences between the House and the Senate. This is a concurrence vote, not on the bill itself. Thank you.

Mr. ROBINSON. Thank you, Mr. Speaker.

Mr. Speaker, then let me indicate that I think that because there are some serious questions that remain relative to how this particular legislation would be implemented and what other pieces of legislation it is related to, Mr. Speaker, I believe that other legislation that we have passed in this House would dictate that this particular amendment not be considered until the conditions of that other legislation are addressed. Primarily — and the Senate evidently did not consider this — primarily an economic development impact study is supposed to be filed with the Governor's Office relative to the building of two new stadiums and a convention center expansion in Pittsburgh. This parcel-of-land transfer speaks directly to that issue. It obviously was not considered by the Senate, and I think it would be inappropriate for us to take action on SB 1097 until that issue is addressed.

MOTION TO POSTPONE

Mr. ROBINSON. In that regard, Mr. Speaker, I would like to make a motion to pass over SB 1097 until such time that we can get clarification as to whether or not all the conditions that should be met before this transfer is made have been met.

The SPEAKER. The gentleman is in order to postpone. I am not so sure, Mr. Robinson — postpone till when? It was an indefinite date. Do you want to give me some hard date?

Mr. ROBINSON. Thank you, Mr. Speaker.

I think that your comment is appropriate.

I should indicate that both Representative Walko and myself have been attempting to get a date specific when the Sports and Exhibition Authority, the Pittsburgh Pirates, the Pittsburgh Steelers, and other parties are going to file the report that is required by law. To date that report has not been filed, and the Governor's Office cannot give to us a date specific.

Mr. Speaker, I would like to suggest that we pass over this bill for at least 1 week until such time that we can get clarification.

The SPEAKER. We will not be in session in 1 week. Why do we not pass it over to the next— Why do you not change your motion to pass it over to the next legislative day after this week?

Mr. ROBINSON. Mr. Speaker, I would then like to amend my motion to indicate that we should pass over SB 1097 until the next legislative day after next week.

The SPEAKER. I am told that that is March 13.

Mr. ROBINSON. March 13, Mr. Speaker, is the date; to pass over until March 13, 2000.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question of the motion of the gentleman, the Chair recognizes Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, first of all, the issue that was just raised by the gentleman from Allegheny County is not a change in this legislation that we are concurring on. The process we have always had with concurrence, Mr. Speaker, in our rules is to vote "yes" or "no" to concur with amendments done by the Senate. The debate that is being suggested here is one that could have been done or should have been done when this bill was in the House, when we had an opportunity to review the merits of the overall legislation.

I believe we should vote "no" on the motion to postpone. If members have a problem with the bill and want to send it back for additional changes, their option is to vote "no" on concurrence rather than to postpone the legislation that is before us. Again, I ask for a "no" vote on postponement.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—90

Battisto	Evans	Mann	Shaner
Bebko-Jones	Freeman	McCall	Solobay
Belardi	George	McGeehan	Staback
Belfanti	Gigliotti	Melio	Steelman
Bishop	Grucela	Michlovic	Stetler
Blaum	Gruitza	Mundy	Sturla

Butkovitz	Habay	Myers	Surra
Buxton	Haluska	O'Brien	Tangretti
Caltagirone	Hanna	Oliver	Thomas
Cappabianca	Harhai	Pesci	Tigue
Carn	Horsey	Petrarca	Travaglio
Casorio	James	Petrone	Trello
Cohen, M.	Josephs	Pistella	Trich
Colafella	Keller	Preston	Van Horne
Corrigan	Kirkland	Ramos	Vitali
Coy	LaGrotta	Rieger	Walko
Curry	Laughlin	Roberts	Washington
Daley	Lederer	Robinson	Williams
DeLuca	Lescovitz	Roebuck	Wojnaroski
Dermody	Levdansky	Ruffing	Yewcic
DeWeese	Lucyk	Sainato	Youngblood
Donatucci	Maher	Santoni	Yudichak
Eachus	Manderino		

NAYS—106

Adolph	Egolf	Maitland	Samuelson
Allen	Fairchild	Major	Sather
Argall	Fargo	Markosek	Saylor
Armstrong	Feese	Marsico	Schroder
Baker	Fichter	Masland	Schuler
Bard	Fleagle	Mayernik	Semmel
Barley	Flick	McGill	Seyfert
Barrar	Forcier	McIlhattan	Smith, B.
Bastian	Frankel	McIlhinney	Smith, S. H.
Benninghoff	Gannon	McNaughton	Snyder
Birmelin	Geist	Metcalfe	Stairs
Boyes	Gladeck	Micozzie	Steil
Browne	Godshall	Miller, R.	Stern
Bunt	Gordner	Miller, S.	Stevenson
Cawley	Harhart	Nailor	Strittmatter
Chadwick	Hasay	Nickol	Taylor, E. Z.
Civera	Hennessey	Orie	True
Clark	Herman	Perzel	Tulli
Clymer	Hershey	Phillips	Vance
Cohen, L. I.	Hess	Pippy	Wilt
Cornell	Hutchinson	Platts	Wogan
Costa	Jadlowiec	Raymond	Wright
Dailey	Kaiser	Readshaw	Zimmerman
Dally	Kenney	Reinard	Zug
Dempsey	Krebs	Rohrer	
DiGirolamo	Lawless	Ross	Ryan,
Druce	Lynch	Rubley	Speaker

NOT VOTING—0

EXCUSED—6

Leh	Scrimenti	Veon	Waters
Rooney	Taylor, J.		

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

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, we dealt with this bill in State Government. The people who are impacted whose legislation is in this bill include Representative Belfanti, Representative Browne,

Representative Robinson, Representative Kenney, and Representative Egolf.

Mr. Speaker, I urge concurrence on this legislation. Thank you.

The SPEAKER. On the question of concurrence, Mr. Kenney.

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, I, too, rise on concurrence to SB 1097.

The gentleman, Mr. Cohen, from Philadelphia mentioned my name because I do represent the section in northeast Philadelphia that contains the Philadelphia State Hospital. I live there; Mr. Cohen does not. I have lived there for 40 years with my family.

Governor Casey in 1990 closed the State hospital. We then passed legislation in—

The SPEAKER. Will the gentleman yield. The question—

Mr. KENNEY. Okay. I am sorry, Mr. Speaker.

The SPEAKER. The question is concurrence.

Mr. KENNEY. Well, Mr. Speaker, the gentleman referenced some of those points, and I was just answering that.

But to get back on track, this piece of ground that the gentleman, Mr. Cohen, was concerned with in the legislation that was taken out or that remains in the bill contains about 18 acres of the total of 153 acres of ground being sold. So today he came to the floor concerned about 18 acres, not the 153 acres.

I can assure this House and my constituency back home, nothing at Philadelphia State Hospital is going to take place without the community's support. This legislation, SB 1097, has nothing to do with the future use of Philadelphia State Hospital, and I would ask for a concurrence. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question of concurrence, Mr. Cohen.

Mr. COHEN. Thank you.

Mr. Speaker, Mr. Kenney is correct. It is his district; it is not my district, but my district is affected by decline in property values, and one of the reasons there is decline in property values is because all over northeast Philadelphia there are abandoned houses and abandoned buildings and the number is growing, and the eyesore of it is the old State hospital is a major landmark in a major visible place.

When the House originally passed this legislation, it included — on page 13 of the bill, you will see a paragraph (f) that Mr. Kenney, to his credit, had inserted, and the paragraph (f) that was inserted on page 13 says that prior to the execution of a deed of conveyance, the Department of General Services shall demolish all buildings located in the following tract of land situated in the 58th ward of Philadelphia, and then it goes on throughout pages 13 and 14 to fully describe the tract of land.

Now, Mr. Kenney has been assured that the buildings will be demolished even if this language mandating them to demolish the buildings is taken out. It, frankly, does not make sense to me, Mr. Speaker, why somebody would say in the Department of General Services, we will demolish the buildings as long as you do not mandate us to demolish the buildings. Why, why are they trying to avoid a mandate if they are going to do it anyway? It would seem to me that if you are a bureaucrat in the Department of General Services and you want to demolish the buildings, it would certainly be very helpful in moving the demolition of the buildings up on the priority list if both Houses of the General Assembly and the Governor give you a mandate to demolish the buildings.

We have taken the mandate out in the Senate, and if the House goes along with it, the official record is going to show that there is no mandate to demolish the buildings, and in the bureaucratic warfare in GSA (General State Authority) or any other department that might get involved, somebody could waive it and say, well, originally there was a mandate in this bill, and the Senate took it out and the House concurred; therefore, we are not mandated to demolish the buildings and we have got other things to do. Well, the people have been waiting for about a decade for these buildings to be torn down, and we are taking out the mandate that these buildings be torn down. And there is a lot of distrust of the Department of General Services. There is a lot of confusion as to why the GSA is fighting the tearing down of these buildings. The buildings ought to be torn down. They are an eyesore. The eyesore affects not only Mr. Kenney's district but all of northeast Philadelphia. My constituents drive by these buildings every day. Constituents all over Philadelphia and Bucks County and Montgomery County drive by these buildings every day. It is an eyesore. It lowers property values of the surrounding neighborhood.

For all of these reasons, we ought to nonconcur now and slow this process down. Let us get the mandate back in the bill. Let us carefully look at the bill and make sure it is fully in the interest of the taxpayers of Pennsylvania and Philadelphia and all the other counties affected.

I urge a vote of nonconcurrence on this bill.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Kenney, for the second time on the question.

Mr. KENNEY. Thank you, Mr. Speaker.

As the previous speaker just mentioned, we do have assurances from this Governor that he is going to work with our community and the 170th District to begin demolition of some of the buildings at Philadelphia State Hospital. That is unlike the previous administration that just took a walk on us. This administration is working with the community. We will begin demolition to improve the Philadelphia Hospital site. Thank you, Mr. Speaker.

The SPEAKER. Mr. Robinson.

Mr. ROBINSON. Mr. Speaker, in anticipation of your admonition not to stray from the purpose for which I came to this mike, I would like to know if it would be appropriate for me to interrogate someone who is knowledgeable about concurrence relative to this bill.

The SPEAKER. Yes.

Mr. ROBINSON. Perhaps Mr. Snyder might stand inasmuch as he has spoken on behalf of concurrence.

The SPEAKER. Mr. Snyder, are you prepared to be interrogated on this bill, the concurrence question?

Mr. SNYDER. Mr. Speaker, I would suggest that the chairman of the State Government Committee is better prepared to respond to the specifics of the legislation.

The SPEAKER. The gentleman, Mr. Clymer, will stand for interrogation.

Mr. Robinson, you may begin.

Mr. ROBINSON. Thank you, Mr. Speaker.

Mr. Speaker, was a fiscal note prepared and distributed to members of the House concerning each amendment to SB 1097?

Mr. CLYMER. Mr. Speaker, could you please repeat your question. Was it on a fiscal note on each of the amendments within the bill?

Mr. ROBINSON. Yes, Mr. Speaker. I would like to know whether or not a fiscal note was prepared on each of the amendments to SB 1097 and whether or not those fiscal notes were distributed to members of the House?

The SPEAKER. Mr. Robinson, if I may. What we have before us is concurrence, not any of the amendments. So the only fiscal note that may or may not be required – I am not passing judgment on that right now – would be on the bill as it appears before you under the question of concurrence.

Mr. ROBINSON. Thank you, Mr. Speaker.

Mr. Speaker, was a fiscal note prepared on SB 1097 and distributed to members of the House?

The SPEAKER. We do not work these PCs (personal computers) as quickly as some of you.

It does not appear on our system that a fiscal note was prepared and put on the system.

Mr. ROBINSON. Mr. Speaker, if you will allow me just a moment of latitude, I promise not to stray too far.

My concern goes beyond what I have already stated to the fact that this particular parcel of land, the one I have been talking about, which is the second amendment, relates to the development of two stadiums in my legislative district. This House had serious debate and discussion, including with the administration and the Senate, to make available State funding for both those projects, and regardless of how members voted on that, Mr. Speaker, I think it is appropriate for us to know what the fiscal impact is going to be if this land is sold and possibly subsequently turned over to a private party.

The SPEAKER. Mr. Robinson, really, you are building stadiums now. We were just selling Byberry. I mean, that is really what is before the House, the question of demolish or do not demolish Byberry before a sale. I think that is the difference that is before us.

Mr. ROBINSON. One last comment, Mr. Speaker, and I appreciate the latitude that you have afforded me.

The SPEAKER. That is because I was not listening.

Mr. ROBINSON. Well, if you could just close your ears for about two more seconds. Thank you.

This House had the experience of someone trying to pull a fast one on us around these stadiums before. This is another fast one that someone is trying to pull.

Vote “no” on SB 1097 and find out how the taxpayers’ dollars are really being spent. Thank you, Mr. Speaker.

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

Mr. SNYDER. Mr. Speaker, just for the record, we do have a fiscal note for SB 1097, PN 1652, and if the gentleman would like a copy, we would be happy to provide him with one.

The SPEAKER. The Chair thanks the gentleman. I do not think that is relevant at the moment.

The Chair recognizes the gentleman, Mr. Hasay.

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of concurrence in SB 1097.

In the bill, Mr. Speaker, there is a shelter, a homeless shelter, that has been of great service. Even though it is in Montour County, it serves both those in Columbia County and the lower part of Luzerne County. I know those volunteers, some of those volunteers, that work there. It is for transitionally needy as well as homeless, and it does serve the bottom part of Luzerne County.

So I ask for a concurrence in those Senate amendments. Thank you, Mr. Speaker.

The SPEAKER. Mr. Robinson, you have spoken twice on this subject. Two is the limit.

Mr. ROBINSON. I appreciate that.

PARLIAMENTARY INQUIRY

Mr. ROBINSON. Then I would ask for a point of personal privilege.

The SPEAKER. Go ahead. Ask the question.

Mr. ROBINSON. Thank you, Mr. Speaker.

Mr. Speaker, in the rules of the House, rule 32 relates to the acquiring of lands of the Commonwealth. I would like to know if SB 1097 has a rule 32 note. We do not want to violate the rules of the House. I am sure Mr. Snyder does not want to violate the rules of the House.

The SPEAKER. Mr. Robinson, the reading of the rules seems to indicate that a rule 32, which is the appraisal and what have you which you are familiar with, must take place before a bill is reported from committee, and there was one attached to this particular bill when it was reported from committee. There is no requirement under our rules that any further rule 32 compliances must be taken prior to voting such as we are here today on concurrence.

Mr. ROBINSON. Thank you, Mr. Speaker.

With all due respect to your comments, what we have before us today is a change, a change in what was sent to the Senate. This House does not have in front of it the fiscal note that Mr. Snyder alluded to. I would like to see a copy of that, and I would like to see a copy of the rule 32 note as well. How do we know, Mr. Speaker, someone is not trying to pull a fast one on us again?

The SPEAKER. The House will stand at ease.

Mr. Robinson, would you go over to the majority leader’s desk. The information you requested is available, and if there is anything you want to put into the record, you are certainly welcome to do it.

The House will stand at ease.

(Conference held.)

The SPEAKER. The House will come to order.

Mr. Robinson.

Mr. ROBINSON. Thank you, Mr. Speaker.

Mr. Speaker, I urge my colleagues to vote “no” on concurrence on SB 1097.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS—154

Adolph	Druce	Lynch	Santoni
Allen	Eachus	Maitland	Sather
Argall	Egolf	Major	Saylor
Armstrong	Evans	Mann	Schroder

Baker	Fairchild	Markosek	Schuler
Bard	Fargo	Marsico	Semmel
Barley	Feese	Masland	Seyfert
Barrar	Fichter	Mayernik	Smith, B.
Bastian	Fleagle	McGeehan	Smith, S. H.
Battisto	Flick	McGill	Snyder
Bebko-Jones	Frankel	McIlhattan	Staback
Belardi	Freeman	McIlhinney	Stairs
Belfanti	Gannon	McNaughton	Steil
Benninghoff	Geist	Metcalfe	Stern
Birmelin	Gigliotti	Micozzie	Stetler
Boyes	Gladeck	Miller, R.	Stevenson
Browne	Godshall	Miller, S.	Strittmatter
Bunt	Gordner	Mundy	Surra
Butkovitz	Grucela	Nailor	Taylor, E. Z.
Buxton	Gruitza	Nickol	Tigue
Caltagirone	Habay	Oliver	Trello
Cappabianca	Haluska	Orie	Trich
Cawley	Hanna	Perzel	True
Chadwick	Harhart	Petrone	Tulli
Civera	Hasay	Phillips	Vance
Clark	Hennessey	Pippy	Van Horne
Clymer	Herman	Pistella	Washington
Cohen, L. I.	Hershey	Platts	Williams
Colafella	Hess	Ramos	Wilt
Cornell	Hutchinson	Raymond	Wogan
Corrigan	Jadlowiec	Readshaw	Wojnaroski
Costa	Kaiser	Reinard	Wright
Dailey	Kenney	Roberts	Yewcic
Daley	Kirkland	Rohrer	Yudichak
Dally	Krebs	Ross	Zimmerman
DeLuca	LaGrotta	Rublely	Zug
Dempsey	Laughlin	Ruffing	
Dermody	Lawless	Sainato	Ryan,
DiGirolamo	Lucyk	Samuelson	Speaker

NAYS—40

Bishop	Harhai	Melio	Shaner
Blaum	Horsey	Michlovic	Solobay
Cam	James	Myers	Steelman
Casorio	Josephs	O'Brien	Sturla
Cohen, M.	Lederer	Pesci	Tangretti
Coy	Lescovitz	Petrarca	Thomas
Curry	Levdansky	Preston	Travaglio
DeWeese	Maher	Rieger	Vitali
Donatucci	Manderino	Robinson	Walko
Forcier	McCall	Roebuck	Youngblood

NOT VOTING—2

George	Keller
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EXCUSED—6

Leh	Scrimenti	Veon	Waters
Rooney	Taylor, J.		

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

Ordered, That the clerk inform the Senate accordingly.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 2057, PN 2882**, entitled:

An Act amending the act of May 19, 1995 (P.L.43, No.4), known as the Industrial Sites Environmental Assessment Act, providing for

definitions, for performance-based loans and for annual reports; and making editorial changes.

On the question,
Will the House concur in Senate amendments?

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

Mr. STRITTMATTER. Thank you, Mr. Speaker.

This is a bill, a very good bill, that passed the House, went over to the Senate, and is now back for concurrence.

This would allow, empower, the department to make performance-based loans to correct brownfields and also nonhazardous waste or debris such as hazardous tires, waste tires.

There were three amendments by the Senate. One was dealing with Representative Yudichak's amendment dealing with culm banks. That was deleted. The Senate felt at that time that there were other provisions of the Growing Greener where the culm banks would be eligible to be included. They also changed the reporting requirements, adding another act, another fund, that should also be reported to the General Assembly each year, and then they also changed the effective date to take effect immediately rather than 60 days.

I would ask for a concurrence in this model legislation that other States are inquiring about. Thank you very much.

The SPEAKER. The question before the House is, will the House concur in the amendments inserted by the Senate to this bill?

On that question, Mr. Yudichak.

Mr. YUDICHAK. Thank you, Mr. Speaker.

May I interrogate the prime sponsor of this bill?

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

Mr. YUDICHAK. Just a point of clarification, Mr. Speaker. Is it your understanding from your communication with the department that mine-scarred lands could be eligible for loans and grants under the language of this legislation?

Mr. STRITTMATTER. Yes; that is correct. You have done a very good job representing your district. They are included. They feel that there are other provisions that your request can be met, and so I think you have done a very good job. What they would like to do is not have it in this act as well.

Mr. YUDICHAK. Thank you, Mr. Speaker.

May I speak on the bill?

The SPEAKER. The gentleman is in order on the question of concurrence.

Mr. YUDICHAK. I would ask my colleagues to concur with this bill, HB 2057, and we will address the issue of mine-scarred lands in other legislation.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. George, desire recognition on the question of concurrence?

Mr. GEORGE. Just to make a statement on it.

Now, Mr. Speaker, I am going to vote for this, but for those of you that did not pay any attention over in the Senate, they ripped the language out that would allow us to do a lot of reclamation on abandoned mines and matters of this. I am told that sooner or later they will be most willing to make amends for something that had been ripped out that was just as important as this bill and what is left, and hopefully, as we agree to help our colleagues who need

these types of bills for their area, hopefully you will remember that we all have an area and they all need help, and we will be waiting for your help when we restore the language that had been ripped out.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question of concurrence, Mr. Gordner.

Mr. GORDNER. Thank you, Mr. Speaker.

I also rise in support of this legislation.

I compliment Representative Strittmatter for working on the language of it. I think that this will address a lot of various problems throughout the Commonwealth, especially in regard to the Industrial Sites Cleanup Fund and various projects related to it, and I look forward to the enactment of this legislation and activities over the coming year.

Thank you, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—196

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

DiGirolamo	Lucyk	Ruffing	
Donatucci	Lynch	Sainato	Ryan,
Druce	Maher	Samuelson	Speaker
Eachus	Maitland		

NAYS—0

NOT VOTING—0

EXCUSED—6

Leh	Scrimenti	Veon	Waters
Rooney	Taylor, J.		

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

Ordered, That the clerk inform the Senate accordingly.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2263, PN 2979

By Rep. BOYES

An Act providing property tax relief for individual homestead owners in the form of a homestead rebate.

FINANCE.

SUPPLEMENTAL CALENDAR B

RESOLUTION

Mrs. VANCE called up HR 358, PN 2936, entitled:

A Resolution directing a select subcommittee of the Committee on Health and Human Services to study the growing issue of rising pharmaceutical prices and the availability of pharmaceutical drugs for individuals in this Commonwealth.

On the question,
Will the House adopt the resolution?

RESOLUTION RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HR 358 be recommitted to the Committee on Rules.

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

BILL SIGNED BY SPEAKER

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

HB 2057, PN 2882

An Act amending the act of May 19, 1995 (P.L.43, No.4), known as the Industrial Sites Environmental Assessment Act, providing for definitions, for performance-based loans and for annual reports; and making editorial changes.

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

SUPPLEMENTAL CALENDAR C

BILLS ON THIRD CONSIDERATION

BILL PASSED OVER

The SPEAKER. HB 1366 is over.

The House proceeded to third consideration of **HB 1265, PN 1442**, entitled:

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

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—196

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Leh	Scrimenti	Veon	Waters
Rooney	Taylor, J.		

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 368, PN 381**, entitled:

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, further providing for change by order of court.

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?

The Chair recognizes the gentleman from Bucks County, Mr. Wright.

Mr. WRIGHT. Thank you, Mr. Speaker.

This is a technical change. A family law attorney has brought to my attention some problems we have had in a previous bill that we passed regarding a record check for a background check and fingerprinting when people change their names. We had previously considered some changes related to its options. What we found out is there are some very obscure types of cases that are not quite adoptions but name changes of young children, especially when maybe mothers want to go back to a previous maiden name or whatever. At that point we had no ambition to make them go

through a background check, and this is merely a correction to take care of that detail. Thank you.

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—196

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Leh	Scrimenti	Veon	Waters
Rooney	Taylor, J.		

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 376, PN 389**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for judgment by confession filed against incorrectly identified debtors.

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

Mr. **GEORGE** offered the following amendment No. **A0223**:

Amend Bill, page 1, line 3, by removing the period after "debtors" and inserting
; and providing immunity for environmental activism.

The General Assembly finds and declares as follows:

(1) There has been a disturbing increase in lawsuits, known as Strategic Lawsuits Against Public Participation (SLAPP), brought primarily to chill the valid exercise by citizens of their constitutional right to freedom of speech and to petition the government for the redress of grievances.

(2) It is in the public interest to empower citizens to bring a swift end to retaliatory lawsuits seeking to undermine their participation in the establishment of State and local environmental policy and in the implementation and enforcement of environmental law and regulations.

(3) This act will ensure that a frivolous lawsuit or a SLAPP can be resolved in a prompt manner by permitting citizens to raise civil immunity to such suits when filing a preliminary objection for legal insufficiency of a pleading or demurrer or upon another appropriate motion and to obtain a stay on discovery as provided for in this act.

(4) A court should grant or deny relief on the preliminary objection or other appropriate motion without reserving the matter for further discovery.

Amend Sec. 1, page 1, line 7, by striking out "a section" and inserting

sections

Amend Sec. 1, page 2, by inserting between lines 2 and 3
§ 8340.1. Participation in environmental law or regulation.

(a) Immunity.—

(1) A person who acts in furtherance of the person's right of petition or free speech under the Constitution of the United States or the Constitution of Pennsylvania in connection with an issue related to enforcement or implementation of environmental law or regulation shall be immune from civil liability in any action except where the communication to the government agency is not genuinely aimed at procuring a favorable governmental action, result or outcome.

(2) A communication is not genuinely aimed at procuring a favorable governmental action, result or outcome if it:

(i) is not material or relevant to the enforcement or implementation of environmental law or regulation;

(ii) was knowingly false when made;

(iii) was rendered with reckless disregard as to the truth or falsity of the statement when made; or

(iv) represented a wrongful use of process or abuse of process.

(b) Stay of discovery.—The court shall stay all discovery proceedings in the action upon the filing of preliminary objections for legal insufficiency of a pleading or other appropriate motion on the basis of immunity, provided, however, that the court, on motion and after a hearing and for good cause shown, may order that specified discovery be conducted. The stay of discovery shall remain in effect until notice of the entry of the order ruling on the preliminary objections or on another appropriate motion.

(c) Admissibility of court determination.—If the court determines that the plaintiff has established that there is a substantial likelihood that the plaintiff will prevail on the claim, neither that determination nor the fact of that determination shall be admissible in evidence at any later stage of the case, and no burden of proof or degree of proof otherwise applicable shall be affected by that determination.

(d) Intervention.—The government agency involved in the furtherance of a person's right of petition or free speech under the Constitution of the United States or the Constitution of Pennsylvania in connection with a public issue may intervene or otherwise participate as an amicus curiae in the action involving public petition and participation.

(e) Legal protections of defendants.—Nothing in this section shall be construed to limit any constitutional, statutory or common-law protections of defendants to actions involving public petition and participation.

(f) Abuse of legal process.—In addition to other costs or remedies allowed by general rule or statute, in any administrative or judicial proceeding related to the enforcement or implementation of environmental law or regulation, the agency or court may award costs, including reasonable attorney fees, if the agency or court determines that an action, appeal, claim, motion or pleading is frivolous or taken solely for delay or that the conduct of a party or counsel is dilatory or vexatious.

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

“Act in furtherance of a person's right of petition or free speech under the United States Constitution or the Constitution of Pennsylvania in connection with a public issue.” Any written or oral statement or writing made before a legislative, executive or judicial proceeding, or any other official proceeding authorized by law; any written or oral statement or writing made in connection with an issue under consideration or review by a legislative, executive or judicial body, or any other official proceeding authorized by law; any written or oral statement or writing made in a place open to the public or a public forum in connection with an issue of public interest; or any written or oral statement or writing made to a government agency in connection with the implementation and enforcement of environmental law and regulations.

“Enforcement of environmental law and regulations.” Any activity related to the identification and elimination of violations of environmental laws and regulations, including investigations of alleged violations, inspections of activities subject to regulation under environmental law and regulations and responses taken to produce correction of the violations.

“Government agency.” The Federal Government, the Commonwealth and all of its departments, commissions, boards, agencies and authorities, and all political subdivisions and their authorities.

“Implementation of environmental law and regulations.” Any activity related to the development and administration of environmental programs developed under environmental law and regulations.

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

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, we passed this identical bill almost a year ago. It is over in the Senate. They are playing their games. I think we ought to make them understand once and for all we are our own people. When we pass a bill, we pass it because we know it is right.

I ask that we adopt this SLAPP (Strategic Lawsuits Against Public Participation) bill. I think it is agreed to, and I would hope that we would send a message to the Senate. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Leh	Scrimenti	Veon	Waters
Rooney	Taylor, J.		

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

On the question,

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

Bill as amended was agreed to.

The SPEAKER. 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—196

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Leh	Scrimenti	Veon	Waters
Rooney	Taylor, J.		

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 1457, PN 1732**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. It is the understanding of the Chair that the gentleman, Mr. George, has withdrawn his amendments to the next three bills.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Major	Santoni
Allen	Evans	Manderino	Sather
Argall	Fairchild	Mann	Saylor
Armstrong	Fargo	Markosek	Schroder
Baker	Feese	Marsico	Schuler
Bard	Fichter	Masland	Semmel
Barley	Fleagle	Mayernik	Seyfert
Barrar	Flick	McCall	Shaner
Bastian	Forcier	McGeehan	Smith, B.
Battisto	Frankel	McGill	Smith, S. H.
Bebko-Jones	Freeman	McIlhattan	Snyder
Belardi	Gannon	McIlhinney	Solobay
Belfanti	Geist	McNaughton	Staback
Benninghoff	George	Melio	Stairs
Birmelin	Gigliotti	Metcalfe	Steelman
Bishop	Gladeck	Michlovic	Steil
Blaum	Godshall	Micozzie	Stern
Boyes	Gordner	Miller, R.	Stetler
Browne	Grucela	Miller, S.	Stevenson
Bunt	Gruitza	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla

Buxton	Haluska	Nailor	Surra
Caltagirone	Hanna	Nickol	Tangretti
Cappabianca	Harhai	O'Brien	Taylor, E. Z.
Carn	Harhart	Oliver	Thomas
Casorio	Hasay	Orie	Tigue
Cawley	Hennessey	Perzel	Travaglio
Chadwick	Herman	Pesci	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	True
Clymer	Horsey	Phillips	Tulli
Cohen, L. I.	Hutchinson	Pippy	Vance
Cohen, M.	Jadlowiec	Pistella	Van Home
Colafella	James	Platts	Vitali
Cornell	Josephs	Preston	Walko
Corrigan	Kaiser	Ramos	Washington
Costa	Keller	Raymond	Williams
Coy	Kenney	Readshaw	Wilt
Curry	Kirkland	Reinard	Wogan
Dailey	Krebs	Rieger	Wojnaroski
Daley	LaGrotta	Roberts	Wright
Daily	Laughlin	Robinson	Yewcic
DeLuca	Lawless	Roebuck	Youngblood
Dempsey	Lederer	Rohrer	Yudichak
Dermody	Lescovitz	Ross	Zimmerman
DeWeese	Levdansky	Rubley	Zug
DiGirolamo	Lucyk	Ruffing	
Donatucci	Lynch	Sainato	Ryan,
Druce	Maher	Samuelson	Speaker
Eachus	Maitland		

NAYS—0

NOT VOTING—0

EXCUSED—6

Leh	Scrimenti	Veon	Waters
Rooney	Taylor, J.		

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 1801, PN 2207**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for guardians ad litem in juvenile matters; further providing for counsel in juvenile matters; and making a repeal.

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

Mr. **BLAUM** offered the following amendment No. **A0310**:

Amend Sec. 1 (Sec. 6311), page 1, line 10, by inserting after "proceeding"

including a master's hearing,

Amend Sec. 1 (Sec. 6311), page 1, line 14, by striking out "for" and inserting

to represent the best interests of

Amend Sec. 1 (Sec. 6311), page 1, line 17, by inserting after "of" where it appears the first time

the best interests of

Amend Sec. 1 (Sec. 6311), page 2, line 9, by striking out "court" and inserting

proceedings, including hearings before masters,

Amend Sec. 2 (Sec. 6337), page 3, line 16, by striking out "(a) General rule.—"

Amend Sec. 2 (Sec. 6337), page 3, line 16, by inserting brackets before and after "otherwise"

Amend Sec. 2 (Sec. 6337), page 3, lines 16 and 17, by inserting brackets before and after "under this chapter" and inserting immediately thereafter

in section 6311 (relating to guardian ad litem for child in court proceedings)

Amend Sec. 2 (Sec. 6337), page 4, lines 1 through 9, by striking out all of said lines

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. Blaum.

Mr. **BLAUM**. Thank you, Mr. Speaker.

Mr. Speaker, this is a technical amendment which just makes clear that the appointment of a guardian ad litem for various court hearings is also to be done in front of a master.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Major	Santoni
Allen	Evans	Manderino	Sather
Argall	Fairchild	Mann	Saylor
Armstrong	Fargo	Markosek	Schroder
Baker	Feese	Marsico	Schuler
Bard	Fichter	Masland	Semmel
Barley	Fleagle	Mayernik	Seyfert
Barrar	Flick	McCall	Shaner
Bastian	Forcier	McGeehan	Smith, B.
Battisto	Frankel	McGill	Smith, S. H.
Bebko-Jones	Freeman	McIlhattan	Snyder
Belardi	Gannon	McIlhinney	Solobay
Belfanti	Geist	McNaughton	Staback
Benninghoff	George	Melio	Stairs
Birmelin	Gigliotti	Metcalfe	Steelman
Bishop	Gladeck	Michlovic	Stei
Blaum	Godshall	Micozzie	Stern
Boyes	Gordner	Miller, R.	Stetler
Browne	Grucela	Miller, S.	Stevenson
Bunt	Gruitza	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Caltagirone	Hanna	Nickol	Tangretti
Cappabianca	Harhai	O'Brien	Taylor, E. Z.
Carn	Harhart	Oliver	Thomas
Casorio	Hasay	Orie	Tigue
Cawley	Hennessey	Perzel	Travaglio
Chadwick	Herman	Pesci	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	True
Clymer	Horsey	Phillips	Tulli
Cohen, L. I.	Hutchinson	Pippy	Vance
Cohen, M.	Jadlowiec	Pistella	Van Home
Colafella	James	Platts	Vitali
Cornell	Josephs	Preston	Walko
Corrigan	Kaiser	Ramos	Washington
Costa	Keller	Raymond	Williams
Coy	Kenney	Readshaw	Wilt
Curry	Kirkland	Reinard	Wogan

Dailey	Krebs	Rieger	Wojnaroski
Daley	LaGrotta	Roberts	Wright
Dally	Laughlin	Robinson	Yewcic
DeLuca	Lawless	Roebuck	Youngblood
Dempsey	Lederer	Rohrer	Yudichak
Dermody	Lescovitz	Ross	Zimmerman
DeWeese	Levdansky	Rubley	Zug
DiGirolamo	Lucyk	Ruffing	
Donatucci	Lynch	Sainato	Ryan,
Druce	Maher	Samuelson	Speaker
Eachus	Maitland		

NAYS—0

NOT VOTING—0

EXCUSED—6

Leh	Scrimenti	Veon	Waters
Rooney	Taylor, J.		

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

On the question,

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

Bill as amended was agreed to.

The SPEAKER. 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—196

Adolph	Egolf	Major	Santoni
Allen	Evans	Manderino	Sather
Argall	Fairchild	Mann	Saylor
Armstrong	Fargo	Markosek	Schroder
Baker	Feese	Marsico	Schuler
Bard	Fichter	Masland	Semmel
Barley	Fleagle	Mayernik	Seyfert
Barrar	Flick	McCall	Shaner
Bastian	Forcier	McGeehan	Smith, B.
Battisto	Frankel	McGill	Smith, S. H.
Bebko-Jones	Freeman	McIlhattan	Snyder
Belardi	Gannon	McIlhinney	Solobay
Belfanti	Geist	McNaughton	Staback
Benninghoff	George	Melio	Stairs
Birmelin	Gigliotti	Metcalfe	Steelman
Bishop	Gladeck	Michlovic	Steil
Blaum	Godshall	Micozzie	Stern
Boyes	Gordner	Miller, R.	Stetler
Browne	Grucela	Miller, S.	Stevenson
Bunt	Gruitza	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Caitagirone	Hanna	Nickol	Tangretti
Cappabianca	Harhai	O'Brien	Taylor, E. Z.
Cam	Harhart	Oliver	Thomas
Casorio	Hasay	Orie	Tigue
Cawley	Hennessey	Perzel	Travaglio
Chadwick	Herman	Pesci	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	True
Clymer	Horsey	Phillips	Tulli
Cohen, L. I.	Hutchinson	Pippy	Vance

Cohen, M.	Jadlowiec	Pistella	Van Horne
Colafella	James	Platts	Vitai
Cornell	Josephs	Preston	Walko
Corrigan	Kaiser	Ramos	Washington
Costa	Keller	Raymond	Williams
Coy	Kenney	Readshaw	Wilt
Curry	Kirkland	Reinard	Wogan
Dailey	Krebs	Rieger	Wojnaroski
Daley	LaGrotta	Roberts	Wright
Dally	Laughlin	Robinson	Yewcic
DeLuca	Lawless	Roebuck	Youngblood
Dempsey	Lederer	Rohrer	Yudichak
Dermody	Lescovitz	Ross	Zimmerman
DeWeese	Levdansky	Rubley	Zug
DiGirolamo	Lucyk	Ruffing	
Donatucci	Lynch	Sainato	Ryan,
Druce	Maher	Samuelson	Speaker
Eachus	Maitland		

NAYS—0

NOT VOTING—0

EXCUSED—6

Leh	Scrimenti	Veon	Waters
Rooney	Taylor, J.		

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

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

* * *

The House proceeded to third consideration of **SB 824, PN 901**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for purchase, consumption, possession or transportation of liquor or malt or brewed beverages by minors.

On the question,

Will the House agree to the bill on third consideration?

Ms. **STEELMAN** offered the following amendment No. **A0341**:

Amend Title, page 1, line 2, by inserting after "providing" for cruelty to animals and

Amend Bill, page 1, lines 7 and 8, by striking out all of said lines and inserting

Section 1. Section 5511(q) of Title 18 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a subsection to read:

§ 5511. Cruelty to animals.

* * *

(k.1) Confining, importing, breeding and selling pigeons for pigeon shoots.—A person commits a summary offense if he confines, breeds, imports, sells or offers for sale a pigeon for use at a pigeon shoot.

* * *

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

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

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

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

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

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

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

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

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

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

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

Section 2. Section 6308(a) of Title 18 is amended to read:

Amend Sec. 2, page 2, line 3, by striking out “2” and inserting

3

On the question,

Will the House agree to the amendment?

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

Ms. STEELMAN. Thank you, Mr. Speaker.

In the wake of the decision to eliminate the pigeon shoot at Hegins, some people have asked me, well, do we still need legislation that speaks to the question of pigeon shoots in Pennsylvania? This language would keep other organizations from confining, selling, breeding, or importing pigeons for use in pigeon shoots in Pennsylvania, and to a great extent it was the issues around confinement, importation, purchase of racing pigeons at auction. Those kinds of things were what made the Hegins pigeon shoot offensive to many people.

The current language does not refer to shooting sports. It does not restrict in any way people’s ability to enjoy hunting or other gun sports, but it would put organizations on notice that they cannot confine and restrict pigeons in order to engage in the kinds of contests that went on at Hegins.

I hope that you will be able to support this language and to bring Pennsylvania into the 21st century with regard to our position on animal cruelty.

The SPEAKER. Mr. Allen.

Mr. ALLEN. Thank you, Mr. Speaker.

Over the past 11 years I have debated this issue in the House. In the past I have supported the animal rights activists in a lot of their bills, but today, as in the past, I am opposing this legislation.

Mr. Speaker, there are two reasons that I oppose this legislation. The reason, first of all, that I am opposing this is that I believe, truthfully, that this is the first step in banning fishing and hunting in Pennsylvania. The animal rights groups will move from this issue, if it passes, to the game farms and then to banning fishing and hunting. To back that up, I have a letter in front of me from the Pennsylvania Federation of Sportsmen’s Clubs and the NRA (National Rifle Association) opposing this issue and this amendment.

The second and probably more important issue why this amendment should be voted down is that local governments are being deprived of their ability to act on issues of this type. If we continue to take the local government’s right to either say there should be a pigeon shoot or there should not be a pigeon shoot and if we move on similar issues, we might as well do away with local government.

Now, a lot of people called the people of Hegins barbarians, especially the people in the animal activist field. I am very proud of my constituents that live in the Hegins valley. It is a beautiful valley, and it is very pristine. Unlike some other areas of my district and some other areas of your districts, there are no murderers preying the streets of Hegins, Pennsylvania; there are no dope pushers pushing narcotics on the streets of Hegins, Pennsylvania; and you can leave your car open overnight in Hegins, Pennsylvania. We even let the pigeons fly in Hegins, Pennsylvania, in the daytime and the nighttime.

Mr. Speaker, I ask my colleagues to vote “no” on this issue as they have in the past. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Wojnaroski.

Mr. WOJNAROSKI. Thank you, Mr. Speaker.

Mr. Speaker, would the author of this legislation stand for a brief interrogation?

The SPEAKER. The lady, Ms. Steelman, indicates she will stand for interrogation. You may begin.

Mr. WOJNAROSKI. Mr. Speaker, what I would like to know is, what is the definition of a pigeon shoot?

Ms. STEELMAN. That is contained in the amendment: “An event or contest taking place in this Commonwealth involving the release of live pigeons as targets.”

Mr. WOJNAROSKI. Mr. Speaker, if an individual went to a hunting preserve and paid for the privilege of hunting and during the course of a day, one of the things he was awarded with was a pigeon shoot, if this took place, would they be in violation of this amendment?

Ms. STEELMAN. I do not know of any game preserves in Pennsylvania that offer people the opportunity to shoot caged pigeons, but if there are some, they would be in violation. Do you know— That is right. I am being interrogated. I am not supposed to ask the questions. However, I do not know of any game preserve in Pennsylvania that specializes in pigeons.

Mr. WOJNAROSKI. The question is not specializing. The question is, if I paid to hunt on this game preserve and the opportunity presents itself to shoot pigeons, would I be in violation of this amendment?

Ms. STEELMAN. Not if the game preserve owner had not confined the pigeons in order for you to be able to shoot at them. If the pigeons wandered into the game preserve and got in your way, you would be within your rights to shoot them.

Mr. WOJNAROSKI. One final question, Mr. Speaker.

Mr. Speaker, if I owned a farm and I raised pigeons and I invited my friends over to have a pigeon shoot, would they be in violation of this amendment?

Ms. STEELMAN. Well, here again I think we are talking about an unlikely situation, because most of the people who raise pigeons raise them to be sold for racing or for food or even, in some cases, as pets. If they wanted to have their friends come over and shoot their pigeons, that might be a problem since the language does say that you cannot breed pigeons specifically for use at a pigeon shoot. On the other hand, if you raise pigeons, some of them escape, and you invite your friends over to help rid you of your feral pigeons, I think that would be still within the bounds of the law.

Mr. WOJNAROSKI. That would— I am sorry, Mr. Speaker. I am sorry. Would the lady—

The SPEAKER. The gentleman will yield.

Mr. WOJNAROSKI. —repeat that?

The SPEAKER. The gentleman will yield.

Staff people who are not engaged in this particular bill, please be seated. Conferences on the floor, please break up. Members, be seated.

The Chair recognizes the gentleman. He has been requested, I think, to re— Well, I am not sure now. Mr. Wojnaroski.

Mr. WOJNAROSKI. Thank you, Mr. Speaker.

To reiterate that question, on private land, on a farm, we raise the pigeons; they invite their friends out to have a pigeon shoot; they do so. Are they in violation of this amendment?

Ms. STEELMAN. I think it would depend on whether this was an organized event or contest or a random occurrence.

Mr. WOJNAROSKI. Mr. Speaker, I think we ought to be clear about this before we pass this amendment.

That will end my interrogation. On the bill, Mr. Speaker.

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

Mr. WOJNAROSKI. Mr. Speaker, I think we ought to take us some time and study this before we make final passage. After hearing the testimony that was given here, I think a word is unclear in a few sentences, so I think we ought to take our time and digest this before final passage and voting for this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

In answer to Representative Wojnaroski's question pertaining to game preserves, many if not most game preserves do offer pigeon shoots. Most of those pigeons come from localized farms. And this amendment says if someone sells or offers for sale a pigeon for use — "a pigeon" — for use at a pigeon shoot — offers for sale "a pigeon."

The farm community is adamantly opposed to this legislation simply because they have no way of ridding their farm of pigeons, which are a tremendous nuisance on the farm. The only way they have is to capture and sell, shoot them themselves, and/or poison. That is the only way they can rid the farm of pigeons. So as I read this legislation where it says "offers for sale a pigeon for use at a pigeon shoot," that means if the kids on the farm capture pigeons and they are sold to someone who then uses them in a pigeon shoot, they are under violation.

You know, this is legislation, an amendment, that is adamantly also opposed by the major sporting groups in this State, it is

opposed by the NRA, and it is opposed by the agricultural community. I would ask for a "no" vote.

The SPEAKER. The gentleman, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the amendment. A lot of people may make light of this kind of legislative effort, but I think that our experience in Pennsylvania, particularly in Pennsylvania, shows that we need to do something about this issue. We have unfortunately gained a reputation across this country for animal cruelty because of our past history with the Hegins pigeon shoot, and because Hegins, the community, has decided that they do not wish anymore to engage in this activity does not mean that some other community cannot, and once that becomes well known across the country — and it surely will if we do not do something about it — then I believe we are going to go through the same process again, and it is not a positive one. There are people involved with various industries; some time ago we had seen famous actors and actresses saying they will not shoot films in Pennsylvania. That is not a reputation that we need.

We need to finally put this issue behind us, and I strongly urge that we do that, adopt the Steelman amendment and get this issue behind us. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Lucyk.

Mr. LUCYK. Thank you, Mr. Speaker.

I was not going to rise today on this issue because I have talked until I am blue in the face on pigeon shoots and the cruelty to pigeons. I want to rise and support my colleague, Mr. Allen, and I was not going to do so until the last speaker, and I take offense, I take offense at the people on this floor, the floor of this House, bringing up Hegins, Hegins, Hegins. I invite you all, Representative Allen and I invite you to go to Hegins and see what kind of a community you are bashing on the House of this floor — a community of God-fearing, God-loving agricultural people who, as Mr. Allen said — Yeah; you got me on that one, did you not? Okay. They are good people.

The SPEAKER. Everybody got you on that one.

Mr. LUCYK. Yeah; okay. But anyway, I take offense. Hegins is not in my district, but I have to rise and take objection to the use of this community as a symbol of cruelty to animals. I just do not think it is true. It is a good community of good people.

I am going to vote against this measure, and I ask my colleagues to vote against this issue. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman, Mr. Michlovic, for the second time.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I am sorry the gentleman took offense, and I apologize to him or anybody who would take offense at my comments, particularly the people of Hegins. I did not mean to in any way impugn their integrity or anything of the like. All I am saying is that in the past, it has not been a positive aspect of Pennsylvania's history. And I do not know the people of Hegins; the gentleman obviously knows people there, and I would imagine that they, like the people of my district, are good, solid citizens. We are not saying that. We are just saying that this activity has not earned Pennsylvania a positive reputation, and I think we need to adopt the Steelman amendment to put that activity behind us.

Thank you, Mr. Speaker, and if anybody from the community of Hegins takes offense, I deeply apologize. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady, Ms. Steelman, for the second time.

Ms. STEELMAN. Thank you, Mr. Speaker.

I would like to say, first, that I mean no insult or disrespect to the residents of Hegins when I talk about the Hegins pigeon shoot as an example of animal cruelty. The overwhelming majority of the people of Hegins itself did not participate in the pigeon shoot. Most of the people who were there came from outside Hegins, and a number of newspaper stories since the cancellation of the shoot have made it very clear that a significant number of the people in that lovely little community are very happy that the shoot no longer exists. Those people would also like you to vote for the language of this amendment. I think that Hegins was always a good community and that it has made itself better through the recent happenings there.

Second, I would like to just touch briefly on the problems of farmers and pigeons. There is nothing in this bill that prohibits farmers from shooting pigeons or poisoning them or inviting people out to shoot nuisance pigeons at their farms, and I know that that happens various places around the Commonwealth. What the language of the amendment would prevent is people trapping pigeons and confining them, sometimes for long periods of time without food or water, in order to ship them to an organized pigeon shoot. I am not at all sure what portion of Pennsylvania's agricultural budget is taken up in the sale of pigeons by young farm people, but I do not think that that contributes significantly, and if you want to help Pennsylvania agriculturalists, there are much better ways to do it.

I would also like to speak briefly to the issue of whether this is the first step in banning hunting and fishing in Pennsylvania: no; no a thousand times. It is materially impossible and it is not even proposed by any animal welfare organization with which I am acquainted that there should be any attempt to ban hunting or fishing. But pigeon shoots, involving as they do a complete lack of sport and chance for the animals involved, who have been previously handicapped by their confinement, bears no relation to real hunting.

And finally, the issue of whether this is a local problem or whether it is a statewide problem of course is an issue that comes up every time we deal with any piece of legislation, and we always have to make that decision of whether this is an undue interference with local government. But if we decided that local government ought to be able to make up its mind about everything, there would be no need for us. We are here because we believe that we need to have certain laws that are consistent across the State, and I am asking you, just as previous sessions declared that there is no local option on dogfighting, there is no local option on cockfighting, there is no local option on bullbaiting in Pennsylvania because previous Houses of Representatives deemed those cruel and inappropriate for our great Commonwealth, please become a part of that glorious history and vote "yes" on this amendment.

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

The following roll call was recorded:

YEAS—81

Bard	Freeman	Mayemik	Samuelson
Bebko-Jones	Gigliotti	McGeehan	Snyder

Bishop	Habay	McIlhinney	Solobay
Browne	Hennessey	Melio	Steelman
Butkovitz	Horsey	Michlovic	Steil
Buxton	James	Mundy	Stetler
Caltagirone	Josephs	Myers	Stevenson
Cappabianca	Kaiser	Nailor	Sturla
Carn	Keller	Oliver	Tangretti
Cawley	Kenney	Orie	Thomas
Cohen, L. I.	Kirkland	Pistella	Tigue
Cohen, M.	Krebs	Preston	Trello
Cornell	LaGrotta	Ramos	Trich
Costa	Lederer	Readshaw	Vitali
Curry	Levdansky	Reinard	Walko
DeLuca	Lynch	Rieger	Washington
DiGirolo	Maher	Robinson	Williams
Donatucci	Manderino	Roebuck	Wogan
Druce	Mann	Rubley	Youngblood
Evans	Markosek	Ruffing	Yudichak
Frankel			

NAYS—115

Adolph	Eachus	Lescovitz	Sather
Allen	Egolf	Lucyk	Saylor
Argall	Fairchild	Maitland	Schroder
Armstrong	Fargo	Major	Schuler
Baker	Feese	Marsico	Semmel
Barley	Fichter	Masland	Seyfert
Barrar	Fleagle	McCall	Shaner
Bastian	Flick	McGill	Smith, B.
Battisto	Forcier	McIlhattan	Smith, S. H.
Belardi	Gannon	McNaughton	Staback
Belfanti	Geist	Metcalfe	Stairs
Benninghoff	George	Micozzie	Stern
Birmelin	Gladeck	Miller, R.	Strittmatter
Blaum	Godshall	Miller, S.	Surra
Boyes	Gordner	Nickol	Taylor, E. Z.
Bunt	Grucela	O'Brien	Travaglio
Casorio	Gruitza	Perzel	True
Chadwick	Haluska	Pesci	Tulli
Civera	Hanna	Petrarca	Vance
Clark	Harhai	Petrone	Van Horne
Clymer	Harhart	Phillips	Wilt
Colafella	Hasay	Pippy	Wojnaroski
Corrigan	Herman	Platts	Wright
Coy	Hershey	Raymond	Yewcic
Dailey	Hess	Roberts	Zimmerman
Daley	Hutchinson	Rohrer	Zug
Dally	Jadlowiec	Ross	
Dempsey	Laughlin	Sainato	Ryan,
Dermody	Lawless	Santoni	Speaker
DeWeese			

NOT VOTING—0

EXCUSED—6

Leh	Scrimenti	Veon	Waters
Rooney	Taylor, J.		

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

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

The SPEAKER. It is the understanding of the Chair that the gentleman, Mr.— Mr. Coy waives.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Leh	Scrimenti	Veon	Waters
Rooney	Taylor, J.		

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

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

MOTION TO SUSPEND RULES

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

Mr. HORSEY. Mr. Speaker, would it be appropriate at this time to ask for a suspension of the rules for the option or the right to introduce HR 368?

The SPEAKER. It would be.

Mr. HORSEY. Thank you, Mr. Speaker.

On the question,

Will the House agree to the motion?

Mr. HORSEY. Mr. Speaker, on the resolution?

The SPEAKER. No, on the question of suspension of the rules.

Mr. HORSEY. On the question.

Mr. Speaker, one nation under God, indivisible. We stand up, Mr. Speaker, quite often and pledge allegiance to the flag. We recognize primarily one flag that governs all of us, Mr. Speaker, and—

The SPEAKER. Mr. Horsey, please.

A short description is one thing; a full-blown debate is something else. The question before the House is whether or not the House will suspend its rules to allow you to offer a resolution. Briefly describe it. Do not take us through American history.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, this motion calls for the suspension of the rules with the intent of introducing a resolution that would call for the State of South Carolina to remove the Confederate flag from its Capitol.

The SPEAKER. Thank you. That was a brief description, a very thorough description. I think everyone understands.

Mr. Snyder, on the question of suspension of the rules.

Mr. SNYDER. Mr. Speaker, we certainly understand the maker of the amendment's concern to have this resolution brought before the House, but as we know, the Speaker has the right to bring noncontroversial resolutions before the House for immediate consideration. This issue certainly does not fit into that category and should be reviewed by a committee prior to being brought before this House. Therefore, I would ask our members to oppose suspension of the rules and allow this bill to go through the process that we have set up under the rules of this House for such resolutions.

The SPEAKER. On the question of suspension of the rules, Mr. Horsey.

Mr. HORSEY. Mr. Speaker, I—

The SPEAKER. Suspension of the rules.

Mr. HORSEY. I heard the gentleman talk about it going to a committee, but I did not hear a definitive committee identified to where it might go—

The SPEAKER. When your resolution is introduced, which it has not been, it would be sent to the Rules Committee.

Mr. HORSEY. Okay. But on suspension, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. HORSEY. Mr. Speaker, the very crux of the past presentation of it being controversial or not controversial goes to the heart of the issue, Mr. Speaker, and whether it is controversial or not depends on what side of the room you are looking at it from. From my perspective, Mr. Speaker, it is not controversial, which is why it was not requested to go through committee and why I am asking for the full House to vote for the suspension of the rules.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

I want to correct my earlier statement. The resolution has in fact been introduced. I did not realize that when I made my statement.

Mr. Cohen, I assumed that the leadership had relinquished its right to debate on the question of suspension of the rules to the gentleman, Mr. Horsey, and under our rules, we have only the two members who may debate.

The question before the House is, will the House suspend its rules to permit the introduction and immediate consideration of HR 368?

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

The following roll call was recorded:

YEAS—93

Battisto	Eachus	Manderino	Sainato
Bebko-Jones	Evans	Mann	Samuelson
Belardi	Frankel	Markosek	Santoni
Belfanti	Freeman	Mayernik	Solobay
Bishop	George	McCall	Staback
Blaum	Gigliotti	McGeehan	Stetler
Butkovitz	Gordner	Melio	Sturla
Buxton	Grucela	Michiovic	Surra
Caltagirone	Gruitza	Mundy	Tangretti
Cappabianca	Haluska	Myers	Thomas
Cam	Harhai	Oliver	Tigue
Casorio	Horsey	Pesci	Travaglio
Cawley	James	Petrarca	Trello
Cohen, M.	Josephs	Petrone	Trich
Colafella	Kaiser	Pistella	Van Horne
Corrigan	Keller	Preston	Vitali
Costa	Kirkland	Ramos	Walko
Coy	LaGrotta	Readshaw	Washington
Curry	Laughlin	Rieger	Williams
Daley	Lederer	Roberts	Wojnaroski
DeLuca	Lescovitz	Robinson	Yewcic
Dermody	Levdansky	Roebuck	Youngblood
DeWeese	Lucyk	Ruffing	Yudichak
Donatucci			

NAYS—103

Adolph	Fargo	Major	Schroder
Allen	Feese	Marsico	Schuler
Argall	Fichter	Masland	Semmel
Armstrong	Fleagle	McGill	Seyfert
Baker	Flick	McIlhattan	Shaner
Bard	Forcier	McIlhinney	Smith, B.
Barley	Gannon	McNaughton	Smith, S. H.
Barrar	Geist	Metcalfe	Snyder
Bastian	Gladeck	Micozzie	Stairs
Benninghoff	Godshall	Miller, R.	Steelman
Birmelin	Habay	Miller, S.	Steil
Boyes	Hanna	Nailor	Stern
Browne	Harhart	Nickol	Stevenson
Bunt	Hasay	O'Brien	Strittmatter
Chadwick	Hennessey	Orie	Taylor, E. Z.
Civera	Herman	Perzel	True

Clark	Hershey	Phillips	Tulli
Clymer	Hess	Pippy	Vance
Cohen, L. I.	Hutchinson	Platts	Wilt
Cornell	Jadlowiec	Raymond	Wogan
Dailey	Kenney	Reinard	Wright
Dally	Krebs	Rohrer	Zimmerman
Dempsey	Lawless	Ross	Zug
DiGirolamo	Lynch	Rubley	
Druce	Maher	Sather	Ryan,
Egolf	Maitland	Saylor	Speaker
Fairchild			

NOT VOTING—0

EXCUSED—6

Leh	Scrimenti	Veon	Waters
Rooney	Taylor, J.		

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

The SPEAKER. The Chair advises the members that there will be no further votes today.

VOTE CORRECTION

The SPEAKER. Are there any corrections to the record?

Mr. Maher.

Mr. MAHER. On SB 1097 for concurrence, I inadvertently hit the wrong switch. I wish to be recorded in the affirmative.

The SPEAKER. The Chair thanks the gentleman.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Mr. Baker.

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, I would like to submit comments for the record on HB 1457, please.

The SPEAKER. The gentleman will send his statements to the desk.

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

HB 1457:

- — changes the jurisdiction of district justices in order to allow them to hear cases in replevin where the amount of personal property in question does not exceed \$2,000.
- — replevin is a civil action where one alleges that another has unlawfully taken control or possession of personal property.
- — currently, replevin is heard by the courts of common pleas.
- — under the Pennsylvania Constitution, the General Assembly sets the jurisdiction (kinds of cases a court will hear) of the courts of common pleas and district justices (Article V, section 5(b), and Article V, section 10(c)).
- — this bill will benefit citizens because it is generally cheaper and faster to have cases heard by a district justice than by a court of common pleas judge. Also, it will lighten the load of courts of common pleas judges.

The Special Judges Association (organization that represents district justices) believes the district judges can handle this. The Minor Judiciary Rules Committee has asked for time to write court rules (180 days), which is the bill's effective date.

BILL AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Any further announcements? Corrections to the record? Democratic leader? Republican leader?

Hearing none, the Chair recognizes the gentleman from Somerset, Mr. Bastian.

Mr. BASTIAN. Mr. Speaker, I move that this House do now adjourn until Tuesday, February 15, 2000, at 11 a.m., e.s.t., unless sooner recalled by the Chair.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:20 p.m., e.s.t., the House adjourned.