

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, FEBRUARY 15, 2000

SESSION OF 2000

184TH OF THE GENERAL ASSEMBLY

No. 12

HOUSE OF REPRESENTATIVES

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

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

PRAYER

The SPEAKER. Prayer will be offered by our Chaplain, the Reverend Ron Bachman, who, incidentally, is also superintendent of the House.

Members and all guests will please rise.

REV. RONALD L. BACHMAN, guest Chaplain of the House of Representatives and pastor of Rexmont Evangelical Congregational Church, Rexmont, Pennsylvania, offered the following prayer:

Shall we pray:

Father, in Your Word You tell us that it is good to give thanks. So this morning, Father, we want to first of all thank You for this beautiful day which You have prepared for us. We also want to thank You, Father God, for all of these You have called to positions of authority, and we pray that You will bless them today. I ask, Father God, that You would give them all spirits of cheerfulness so that they might work one with the other for the betterment of our State.

So, Father God, in closing, I ask now that You would bless Yourself here in this place today, and may everything that is done or said or even thought about today attend only to bring glory to Yourself, and we ask this, Father, in the name of Him who has come and is coming again. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Monday, February 14, 2000, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2260 By Representatives ORIE, GEORGE, WALKO, LAUGHLIN, E. Z. TAYLOR, SOLOBAY, McILHINNEY, THOMAS, HENNESSEY, BELARDI, BELFANTI, TRICH, VAN HORNE, DALEY, PETRARCA, CURRY, MANDERINO, TRELLO, M. COHEN, HARHAI, R. MILLER, YOUNGBLOOD, JOSEPHS and COLAFELLA

An Act amending the act of December 20, 1996 (P.L.1492, No.191), known as the Medical Foods Insurance Coverage Act, requiring coverage for treatment of certain intestinal disorders.

Referred to Committee on INSURANCE, February 15, 2000.

No. 2261 By Representatives KENNEY, WOGAN, J. TAYLOR, YOUNGBLOOD, BAKER, BELFANTI, CLARK, DeLUCA, FARGO, HALUSKA, HARHAI, HENNESSEY, HESS, MELIO, MICOZZIE, ROSS, RUBLEY, SEYFERT, SHANER, STEELMAN, E. Z. TAYLOR, THOMAS, TRELLO and WILT

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for adjudications in certain juvenile matters.

Referred to Committee on JUDICIARY, February 15, 2000.

No. 2264 By Representatives ROBERTS, SHANER, SURRA, SOLOBAY, TRAVAGLIO, LAUGHLIN, LEDERER, KIRKLAND, BELFANTI, SATHER, READSHAW, HUTCHINSON, DALEY, RAMOS, COLAFELLA, VAN HORNE and McILHATTAN

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

Referred to Committee on URBAN AFFAIRS, February 15, 2000.

No. 2265 By Representatives COY, McCALL, CAPPABIANCA, TRICH, ROBERTS, EACHUS, STETLER, TRAVAGLIO, TIGUE, TRELLO, HARHAI, YOUNGBLOOD, SAMUELSON, STEELMAN, BEBKO-JONES, JOSEPHS, LUCYK, OLIVER, VAN HORNE, DeWEESE, BATTISTO, SANTONI, M. COHEN, GRUCELA, SAINATO, GEORGE, VEON, DeLUCA, FRANKEL, CALTAGIRONE, MANN, GORDNER, LAUGHLIN, SHANER, STABACK, LaGROTTA and WILLIAMS

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the capital stock and franchise tax exemption.

Referred to Committee on FINANCE, February 15, 2000.

No. 2266 By Representatives COY, COSTA, THOMAS, SOLOBAY, YOUNGBLOOD, CORRIGAN, WILLIAMS, LUCYK, TRELLO, WATERS, DeLUCA and RAMOS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for safe operation of all-terrain vehicles.

Referred to Committee on TRANSPORTATION, February 15, 2000.

No. 2267 By Representatives VANCE, FICHTER, TRUE, BUXTON, ARGALL, BATTISTO, BISHOP, BROWNE, CAWLEY, CHADWICK, L. I. COHEN, M. COHEN, CURRY, DALLY, DeLUCA, DeWEESE, FRANKEL, FREEMAN, GEIST, GEORGE, HARHAI, LAUGHLIN, LYNCH, MAITLAND, MAJOR, MASLAND, MICHLOVIC, MUNDY, NAILOR, NICKOL, ORIE, PISTELLA, PLATTS, RAMOS, RAYMOND, READSHAW, ROEBUCK, ROSS, RUBLEY, SAYLOR, SEMMEL, SEYFERT, SHANER, SOLOBAY, STEELMAN, E. Z. TAYLOR, J. TAYLOR, THOMAS, TIGUE, TRELLO, TULLI, WILT and YOUNGBLOOD

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for persons entitled to letters of administration and for filing guardian vacancies; establishing the Commonwealth Guardianship Office to serve as guardian for certain incapacitated persons; providing for its powers and duties; waiving the defense of sovereign immunity in certain instances; and making an appropriation.

Referred to Committee on AGING AND YOUTH, February 15, 2000.

No. 2268 By Representatives McNAUGHTON, MARSICO, TULLI, BUXTON, ALLEN, SATHER, FAIRCHILD, MANN, SAYLOR, ARGALL, ARMSTRONG, FICHTER, MASLAND, MAYERNIK, FORCIER, SEYFERT, SHANER, B. SMITH, BELFANTI, MELIO, BENNINGHOFF, GIGLIOTTI, BISHOP, GODSHALL, GRUCELA, S. MILLER, BUNT, NAILOR, CALTAGIRONE, HARHAI, E. Z. TAYLOR, HENNESSEY, HERMAN, HERSHEY, TIGUE, HESS, TRAVAGLIO, CLARK, TRELLO, PIPPY, PISTELLA, TRUE, M. COHEN, PLATTS, VANCE, CORRIGAN, ROBERTS, DALEY, LEH, WOJNAROSKI, ROSS, DeWEESE, YOUNGBLOOD, MAITLAND and ZUG

An Act designating a portion of Routes 22 and 322 in Dauphin County, Pennsylvania as the John J. Shumaker Memorial Highway.

Referred to Committee on TRANSPORTATION, February 15, 2000.

No. 2269 By Representatives MARSICO, SEMMEL, NAILOR, EGOLF, PIPPY, PERZEL, BAKER, BARRAR, BEBKO-JONES, BELARDI, BELFANTI, BROWNE, CIVERA, CLARK,

CORRIGAN, DALEY, DeLUCA, DeWEESE, FICHTER, FRANKEL, GEIST, GEORGE, GIGLIOTTI, GRUCELA, HALUSKA, HARHAI, HENNESSEY, HERSHEY, HESS, HUTCHINSON, LAUGHLIN, LEDERER, MAITLAND, MANN, MARKOSEK, MASLAND, McCALL, McNAUGHTON, MELIO, ORIE, PETRONE, PHILLIPS, PISTELLA, READSHAW, ROBERTS, ROHRER, ROSS, SATHER, SAYLOR, SCHULER, SEYFERT, SHANER, STERN, E. Z. TAYLOR, THOMAS, TRELLO, WASHINGTON, WILT, WOGAN, WOJNAROSKI, YOUNGBLOOD and ZUG

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for eligibility for paralyzed veteran's pension.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 15, 2000.

No. 2270 By Representatives WALKO, COSTA, TRELLO, RUFFING, READSHAW, SAINATO, PETRARCA and HARHAI

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

Referred to Committee on JUDICIARY, February 15, 2000.

No. 2271 By Representatives YUDICHAK, GEORGE, ARGALL, DeWEESE, CAWLEY, M. COHEN, COSTA, FRANKEL, GRUCELA, HALUSKA, HARHAI, HASAY, HENNESSEY, LAUGHLIN, MANN, McCALL, MUNDY, PETRARCA, SOLOBAY, STEELMAN, STABACK, THOMAS, TIGUE, TRELLO, VAN HORNE and YOUNGBLOOD

An Act amending the act of May 19, 1995 (P.L.4, No.2), known as the Land Recycling and Environmental Remediation Standards Act, providing for previously mined sites with preexisting discharges that are proposed for re-mining, reclamation or redevelopment; and making editorial changes.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 15, 2000.

No. 2272 By Representatives TANGRETTI, BELFANTI, CASORIO, BELARDI, GIGLIOTTI, WOJNAROSKI, CAWLEY, CLARK, COSTA, SAINATO, SHANER, SOLOBAY, STABACK, TIGUE, READSHAW, RAYMOND, MICOZZIE, HARHAI, KIRKLAND, LAUGHLIN, GODSHALL, GEIST, FRANKEL, VAN HORNE, CORRIGAN and WALKO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for retaliation against witness or victim.

Referred to Committee on JUDICIARY, February 15, 2000.

No. 2273 By Representatives EVANS, JOSEPHS, MICHLOVIC, WASHINGTON, BEBKO-JONES, CAPPABIANCA, PESCI, BATTISTO, WALKO, McCALL, SOLOBAY, DeWEESE, STEELMAN, YOUNGBLOOD, LAUGHLIN, BELARDI, YUDICHAK, FRANKEL, HARHAI, WOJNAROSKI, ROONEY, MANDERINO, TRELLO,

BROWNE, SURRA, FREEMAN, GRUCELA, THOMAS, VEON, SAMUELSON, MANN and COLAFELLA

An Act providing for Commonwealth support for a Specialty Teacher Loan Forgiveness Program for Pennsylvania residents who graduate from institutions of higher education and who apply their degrees to teaching certain subjects in urban and rural public schools in this Commonwealth and for Commonwealth support for a Professional Personnel Recruitment Initiative Program to provide grants to certain institutions of higher education; and making an appropriation.

Referred to Committee on EDUCATION, February 15, 2000.

No. 2274 By Representatives HANNA, BAKER, BELARDI, BELFANTI, BUNT, CLARK, M. COHEN, CORRIGAN, DALEY, DeWEESE, FAIRCHILD, FEESE, FREEMAN, GEORGE, GRUCELA, HALUSKA, HARHAI, HESS, HORSEY, HUTCHINSON, JOSEPHS, LEVDANSKY, MAJOR, MASLAND, McCALL, McILHATTAN, NICKOL, SATHER, SEYFERT, SHANER, STEELMAN, TIGUE, TRELLO, WALKO, WASHINGTON, WOJNAROSKI, YOUNGBLOOD, YUDICHAK and RAMOS

An Act amending the act of May 17, 1929 (P.L.1798, No.591), referred to as the Forest Reserves Municipal Financial Relief Law, further providing for amount of payment to counties, school districts and townships.

Referred to Committee on LOCAL GOVERNMENT, February 15, 2000.

No. 2275 By Representatives McGEEHAN, LEDERER, GEORGE, WALKO, KENNEY, VEON, SOLOBAY, BARRAR, PETRARCA, KAISER, JOSEPHS, MELIO, READSHAW, SANTONI, HORSEY, McGILL, HALUSKA, STABACK, RIEGER, MYERS, SHANER, DRUCE, GRUCELA, E. Z. TAYLOR, BISHOP, SCRIMENTI, GIGLIOTTI, HARHAI, MANDERINO, WOGAN, MUNDY, PISTELLA, DAILEY, TANGRETTI, J. TAYLOR, M. COHEN, TRELLO, LAUGHLIN, PETRONE, ROEBUCK, YOUNGBLOOD, KELLER, HESS, FLICK, DALEY, HENNESSEY, DeLUCA, BELFANTI, BARD, BROWNE, LUCYK, O'BRIEN, RAMOS and COSTA

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further defining "occupational disease."

Referred to Committee on LABOR RELATIONS, February 15, 2000.

No. 2276 By Representatives GANNON, ARGALL, BOYES, L. I. COHEN, DALEY, FAIRCHILD, FEESE, HORSEY, KENNEY, MANDERINO, McILHATTAN, McNAUGHTON, NICKOL, ORIE, PLATTS, SCHRODER, SCRIMENTI, E. Z. TAYLOR, J. TAYLOR, WALKO, WILT and YOUNGBLOOD

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for permissible argument as to damages at trial.

Referred to Committee on JUDICIARY, February 15, 2000.

No. 2277 By Representatives GANNON, BASTIAN, CIVERA, CLARK, M. COHEN, DALEY, GEIST, HORSEY, MAYERNIK, MICOZZIE, PISTELLA, SCRIMENTI, STEVENSON, TRELLO, WILT and ZIMMERMAN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for prohibitions in specified places.

Referred to Committee on TRANSPORTATION, February 15, 2000.

No. 2278 By Representatives RAYMOND, BENNINGHOFF, CLARK, CORNELL, CORRIGAN, DEMPSEY, HANNA, MARKOSEK, PESCI, PIPPY, SATHER, SAYLOR, S. H. SMITH, STETLER, TRELLO, WILLIAMS and ZIMMERMAN

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, imposing a tax on the sale and use of prebuilt housing.

Referred to Committee on FINANCE, February 15, 2000.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 368 By Representatives HORSEY, PESCI, ROBINSON, BROWNE, TRICH, MELIO, STURLA, ALLEN, JOSEPHS, WASHINGTON, SANTONI, RUBLEY, MANDERINO, WALKO, DALEY, YOUNGBLOOD, ROEBUCK, FRANKEL, KIRKLAND, WILLIAMS, M. COHEN, DeWEESE, RAMOS, BISHOP, CARN, EVANS, JAMES, MYERS, OLIVER, PRESTON, THOMAS and WATERS

A Resolution memorializing the Legislature of the State of South Carolina to remove the Confederate battle flag from the South Carolina State Capitol Building.

Referred to Committee on RULES, February 15, 2000.

No. 369 By Representatives HORSEY, YOUNGBLOOD, WASHINGTON, BISHOP, BARD, BEBKO-JONES, L. I. COHEN, DAILEY, FORCIER, HARHART, HERMAN, JOSEPHS, LAUGHLIN, LEDERER, MAJOR, MANDERINO, MANN, S. MILLER, MUNDY, ORIE, RUBLEY, SEYFERT, STEELMAN, E. Z. TAYLOR, TRUE, VANCE, WILLIAMS, CARN, EVANS, JAMES, KIRKLAND, MYERS, OLIVER, PRESTON, RAMOS, ROBINSON, ROEBUCK, THOMAS, WATERS, PISTELLA, SCRIMENTI, BELARDI, READSHAW, ROBERTS, PESCI, HERSHEY, FRANKEL, MICHLOVIC, DeWEESE, M. COHEN and BELFANTI

A Resolution calling on the President and the Congress of the United States and the Immigration and Naturalization Service to amend the guidelines regulating decisions made to grant asylum to women and girls who have been a victim of or fear becoming a victim of female genital mutilation against her will; calling on the United Nations to take action against such injustices against women and girls around the world;

and calling on Immigration Judge Donald Ferlise to grant asylum to Margareth Awiti.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, February 15, 2000.

No. 374 By Representatives DeWEESE, GEORGE, DALEY, GEIST, HESS, BEBKO-JONES, CALTAGIRONE, CAPPABIANCA, CASORIO, HALUSKA, MELIO, PETRARCA, READSHAW, STABACK, TANGRETTI, TRAVAGLIO, YOUNGBLOOD, PESCI, GIGLIOTTI, PETRONE, LAUGHLIN, M. COHEN, SOLOBAY, BELFANTI, BELARDI, HORSEY, WOJNAROSKI and JOSEPHS

A Resolution urging the President and the Congress of the United States to work together to reform the financial structure of the Coal Act to ensure that retired coal miners continue to receive the health care benefits they were promised and rightly deserve.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, February 15, 2000.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that the following House bills be removed from the table:

HB 178;
HB 324;
HB 969;
HB 1284;
HB 1429;
HB 1458; and
SB 977.

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 back on the table:

HB 178;
HB 324;
HB 969;
HB 1284;
HB 1429;
HB 1458; and
SB 977.

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

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.)

SUNSHINE NOTICE

The SPEAKER. The clerk will read the following notice in compliance with the State's Sunshine Act.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

NOTICE
SESSION TIME
HOUSE OF REPRESENTATIVES

Notice is hereby given, in accordance with the Act of July 3, 1986, P.L. 388, Number 84, that the House of Representatives will convene in open session in the Hall of the House on the following date and time:

February 16, 2000 at 11:00 a.m.

Ted Mazia
Chief Clerk

Tuesday, February 15, 2000

COMMUNICATION SUBMITTED FOR THE RECORD

The following communication was submitted for the Legislative Journal:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

February 15, 2000

The Honorable Mike Veon
Democratic Whip
House of Representatives
Room 428, Main Capitol Building
Harrisburg, PA 17120

Dear Representative Veon:

Please be advised that I had requested a leave of absence for February 14, 2000 and was not put on the leave of absence list. I will not request per diem or mileage for that day.

If you have any questions regarding this matter, please contact my office at 783-0408.

Sincerely,
Benjamin Ramos
State Representative
180th Legislative District

BR/gmm

LEAVES OF ABSENCE

The SPEAKER. The Chair at this time turns to leaves of absence.

The Chair recognizes the majority whip, who advises that there are no requests for leaves of absence.

The Chair recognizes the Democratic floor leader, who requests a leave of absence for the gentleman, Mr. EVANS, and the gentleman, Mr. RAMOS, for today's session. Without objection, leaves will be granted. The Chair hears no objections.

MASTER ROLL CALL

The SPEAKER. Members, please report to the floor. The Chair is about to take the master roll. Members will proceed to vote.

The following roll call was recorded:

PRESENT—198

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

DeWeese	Levdansky	Ruffing	Zimmerman
DiGirolamo	Lucyk	Sainato	Zug
Donatucci	Lynch	Samuelson	
Druce	Maher	Santoni	Ryan, Speaker
Eachus	Maitland	Sather	

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

Evans	Ramos	Rooney	Veon
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LEAVES ADDED—3

Allen	Grucela	Mayemik
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GUEST INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Mr. Matthew Edris, a teacher at Milton Hershey School, here as the guest of Representative Tulli. Would the gentleman please rise; to the left of the Speaker.

SUPPLEMENTAL CALENDAR A

RESOLUTIONS PURSUANT TO RULE 35

Mr. O'BRIEN called up **HR 370, PN 2987**, entitled:

A Resolution recognizing the week of February 14 through 18, 2000, as "National Heart Failure Awareness Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

Cawley	Herman	Perzel	Travaglio
Chadwick	Hershey	Pesci	Trello
Civera	Hess	Petrarca	Trich
Clark	Horsey	Petrone	True
Clymer	Hutchinson	Phillips	Tulli
Cohen, L. I.	Jadlowiec	Pippy	Vance
Cohen, M.	James	Pistella	Van Home
Colafella	Josephs	Platts	Vitali
Cornell	Kaiser	Preston	Waiko
Corrigan	Keller	Raymond	Washington
Costa	Kenney	Readshaw	Waters
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Rieger	Wilt
Dailey	LaGrotta	Roberts	Wogan
Daley	Laughlin	Robinson	Wojnaroski
Dally	Lawless	Roebuck	Wright
DeLuca	Lederer	Rohrer	Yewcic
Dempsey	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Yudichak
DeWeese	Levdansky	Ruffing	Zimmerman
DiGirolamo	Lucyk	Sainato	Zug
Donatucci	Lynch	Samuelson	
Druce	Maher	Santoni	Ryan,
Eachus	Maitland	Sather	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-4

Evans	Ramos	Rooney	Veon
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

Mr. BUXTON called up HR 371, PN 2988, entitled:

A Resolution commending all electric utility employees who were involved in the restoration of electrical service to Pennsylvania residents who experienced power outages during Hurricane Floyd in September 1999.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

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

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

NAYS-0

NOT VOTING-2

EXCUSED-4

Roebuck	Waters		
Evans	Ramos	Rooney	Veon

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

Mr. STAIRS called up HR 372, PN 2989, entitled:

A Resolution calling on the citizens of this Commonwealth to assure that every child is in a safe place reading together with a caring adult on the evening of March 2, 2000.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-197

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

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

NAYS—0

NOT VOTING—1

Waters

EXCUSED—4

Evans	Ramos	Rooney	Veon
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

Mr. ROSS called up **HR 373, PN 2990**, entitled:

A Resolution designating March 5 through 11, 2000 as "Space, Satellite and Technology Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Adolph	Egolf	Manderino	Schroder
Allen	Fairchild	Mann	Schuler
Argall	Fargo	Markosek	Scrimenti
Armstrong	Fees	Marsico	Semmel
Baker	Fichter	Masland	Seyfert
Bard	Fleagle	Mayernik	Shaner

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

NAYS—0

NOT VOTING—1

Freeman

EXCUSED—4

Evans	Ramos	Rooney	Veon
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Alan Shadewasser, who is serving as a guest page. His father, David, is here with him. They are the guests of Representative Mundy. Would the guests please rise.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the gentleman, Mr. DeWeese, who asks for a leave of absence for today's session for the gentleman, Mr. MAYERNIK. Without objection, leave will be granted. The Chair hears none.

CALENDAR

BILL ON SECOND CONSIDERATION

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

HB 2262, PN 2978.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1366, PN 2980**, entitled:

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

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.

(Members proceeded to vote.)

VOTE STRICKEN

The **SPEAKER**. The clerk will strike the vote.

HB 1366, PN 2980, before it can be run will require a suspension of the rules because it was amended in committee yesterday.

RULES SUSPENDED

The **SPEAKER**. Mr. Majority Leader, suspend the rules for consideration of this bill?

The majority leader, Mr. Perzel, moves that the rules be suspended to permit the immediate consideration of HB 1366.

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

The following roll call was recorded:

YEAS—192

Adolph	Eachus	Major	Sather
Allen	Egolf	Manderino	Saylor
Argall	Fairchild	Mann	Schroder
Armstrong	Fargo	Markosek	Schuler
Baker	Feese	Marsico	Scrimenti
Bard	Fichter	Masland	Sermel
Barley	Fleagle	McCall	Seyfert
Barrar	Flick	McGeehan	Shaner
Bastian	Forcier	McGill	Smith, B.
Battisto	Frankel	McIlhattan	Smith, S. H.
Bebko-Jones	Freeman	McIlhinney	Snyder

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

NAYS—4

Hanna	Krebs	Stelman	Steil
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NOT VOTING—1

Travaglio

EXCUSED—5

Evans	Ramos	Rooney	Veon
Mayernik			

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1366, PN 2980**, entitled:

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

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

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

The question is, shall the bill pass finally?

Mr. Gordner. The gentleman will yield.

Members, please take your chairs. Conferences on the floor, please go to the outside meeting rooms.

Mr. Gordner.

Mr. GORDNER. I was going to speak on final passage, Mr. Speaker.

The SPEAKER. Would you yield to the gentleman, Mr. George?

Mr. George, did you seek recognition?

Mr. GEORGE. Mr. Speaker—

The SPEAKER. The gentleman will yield.

It is impossible to hear with the conversations that are going on. Please. The conferences at both the majority leader's area and the area surrounding Mr. George, please.

Mr. George.

Mr. GEORGE. Thank you.

Mr. Speaker, I have an amendment to HB 1366, and the gentleman, Mr. Raymond, would happily endorse it, and I do not know why it is not being called up rather than final passage on HB 1366, Mr. Speaker.

The SPEAKER. Mr. George, I am advised by the Parliamentarian that it will be necessary to have your amendment redrafted because it was drafted to an earlier print number.

Mr. GEORGE. Well, then as a matter of courtesy, in that I know we all want to do the right thing, that amendment is being drafted now. Could we hold this bill up for just a few minutes?

BILL PASSED OVER TEMPORARILY

The SPEAKER. The bill will be over, without objection.

Mr. GEORGE. I thank the gentleman.

The SPEAKER. The Chair hears none.

BILL PASSED OVER

The SPEAKER. HB 1085 is over.

The House proceeded to third consideration of **HB 2092, PN 2706**, entitled:

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.

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—197

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Evans	Ramos	Rooney	Veon
Mayernik			

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

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

* * *

BILL PASSED OVER

The SPEAKER. HB 445 is over.

* * *

The House proceeded to third consideration of **HB 891, PN 965**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

Mr. **VITALI** offered the following amendment No. **A0241**:

Amend Title, page 1, line 3, by striking out "and"

Amend Title, page 1, line 4, by removing the period after "execution" and inserting

; and providing for a commission to study the imposition and administration of the death penalty.

Amend Bill, page 1, lines 7 through 9, by striking out all of said lines and inserting

Section 1. The title of 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," is amended to read:

AN ACT

Providing for a procedure and method of execution; establishing a commission to study the imposition and the administration of the death penalty; and making repeals.

Section 2. Section 1 of the act is repealed.

Amend Sec. 2, page 1, line 10, by striking out "2" and inserting
3

Amend Sec. 3, page 2, line 9, by striking out "3" and inserting
4

Amend Bill, page 3, by inserting between lines 8 and 9

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

Section 8.1. Death penalty study commission.

(a) A commission on the death penalty shall be established to study the law that provides for the death penalty and the administration of the death penalty in this Commonwealth. The commission shall make recommendations for amendments to the death penalty law to provide assurances that:

(1) defendants who are sentenced to death are in fact guilty of first degree murder;

(2) defendants in death penalty cases are provided adequate and experienced counsel and adequate resources for the defense of their cases at the trial, appellate and post-conviction stages;

(3) race does not play an impermissible role in determining which defendants are sentenced to death; and

(4) death penalty cases are handled similarly by all district attorneys throughout this Commonwealth.

(b) Report.—The commission shall report to the General Assembly within six months from the effective date of this section.

(c) Membership.—The commission shall consist of eight members as follows:

(1) The Governor or designee of the Governor.

(2) The Attorney General or a designee of the Attorney General.

(3) The Chief Justice of the Supreme Court of Pennsylvania or a designee of the Chief Justice.

(4) Five persons, one from each of the listed organizations appointed by the Governor from a list of three members selected by the executive board of each of the following organizations:

(i) The Pennsylvania affiliate of the National Association for the Advancement of Colored People.

(ii) The Pennsylvania Bar Association.

(iii) The Pennsylvania Prison Society.

(iv) The Pennsylvania Council of Churches.

(v) The Pennsylvania District Attorneys Association.

Section 6. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

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

Mr. **VITALI**. Thank you, Mr. Speaker.

I have two amendments to this bill, both involving the very serious question of the death penalty in Pennsylvania, but I will be withdrawing these amendments. May I speak very briefly on the issue, though?

The SPEAKER. The gentleman is recognized under unanimous consent.

Mr. **VITALI**. Thank you, Mr. Speaker.

What these two amendments would have done would be very similar. One amendment would have imposed a 1-year moratorium on Pennsylvania's death penalty and also established an eight-member commission to examine the application of the death penalty in Pennsylvania. The second amendment simply would have established that eight-member commission.

The purpose of this commission is really a life-or-death matter, and the life-or-death matter is this: Are people being wrongly executed in this State? Because statistics show that this is happening nationwide. There are 85 cases nationwide documented where people on death row ready to be executed subsequently were found to be not guilty and charges were dropped.

The SPEAKER. Mr. Vitali, it seems that it would be better if you debated this very hot issue at the time you offer your amendments. Is there some reason why you want to make a statement at this time?

Mr. **VITALI**. Thank you, Mr. Speaker. Let me just conclude.

I have been asked to withdraw this amendment because in the next week or two there will be a very important committee meeting to discuss the application of the death penalty. Cardinal Bevilacqua, people from the Bar Association will be coming in, and I have been asked to defer this vote so that we can get the benefit of their testimony, and it is my intention to revisit this issue once we have had the benefit. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The two amendments are withdrawn at this time.

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—197

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Evans	Ramos	Rooney	Veon
Mayernik			

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

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

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The House proceeded to third consideration of **HB 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 recurring,

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

The SPEAKER. The Chair has been advised that all the amendments that were proposed to HB 1072 have been withdrawn.

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—197

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

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Evans	Ramos	Rooney	Veon
Mayernik			

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

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

BILLS PASSED OVER

The SPEAKER. The Chair turns to page 3 of today's calendar. HB 2069 is over.

SB 1047. The calendar has just been marked over on that bill. HB 411 is over.

BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 584 is over temporarily.

The House proceeded to third consideration of **HB 2053, PN 2623**, entitled:

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.

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Melio, who, I am told, has four amendments. Mr. Melio, it is the understanding of the Chair that you have four amendments to

this bill? Would you give us the order in which you wish them offered.

Mr. MELIO. Yes, Mr. Speaker. I am going to withdraw two of them, but I am going to run the first one, A0— This is the inspection sticker, Mr. Speaker.

Mr. Speaker, I would like to yield to Mr. Solobay. He would like to offer his amendment first.

The SPEAKER. The Chair recognizes the gentleman. Does the clerk have a copy of that amendment? The clerk will read the amendment.

Mr. SOLOBAY offered the following amendment No. **A0377**:

Amend Sec. 1 (Sec. 1905), page 2, line 2, by inserting after "advancement"

, support and improvement

Amend Sec. 1 (Sec. 1905), page 2, line 3, by inserting after "Commonwealth"

, including, but not limited to, education and training initiatives and equipment acquisition and maintenance

Amend Sec. 1 (Sec. 1905), page 2, lines 5 and 6, by striking out "Fire Services Institute" and inserting

Emergency Management Agency

Amend Sec. 1 (Sec. 1905), page 2, by inserting between lines 8 and 9

(3) The Pennsylvania Emergency Management Agency shall promulgate rules and regulations to carry out the provisions of this subsection.

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

The SPEAKER. The Chair recognizes the gentleman. Mr. SOLOBAY. Thank you, Mr. Speaker.

This is an agreed-to amendment that just cleans up the language on the direction of where the \$15 fund would go, to the Enhancement Fund, and that would be to the Pennsylvania Emergency Management Agency instead of the Fire Institute.

The SPEAKER. The gentleman, Mr. Geist.

Mr. GEIST. Thank you very much, Mr. Speaker.

This is an agreed-to amendment, and Representative Schroder and Representative Solobay have worked very, very hard on this bill, and I would ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—197

Adolph	Egolf	Major	Schroder
Allen	Fairchild	Manderino	Schuler
Argall	Fargo	Mann	Scrimenti
Armstrong	Feese	Markosek	Semmel
Baker	Fichter	Marsico	Seyfert
Bard	Fleagle	Masland	Shaner
Barley	Flick	McCall	Smith, B.
Barrar	Forcier	McGeehan	Smith, S. H.
Bastian	Frankel	McGill	Snyder
Battisto	Freeman	McJhattan	Solobay
Bebko-Jones	Gannon	McIlhinney	Staback
Belardi	Geist	McNaughton	Stairs
Belfanti	George	Melio	Steelman

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Evans	Ramos	Rooney	Veon
Mayemik			

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?

The SPEAKER. For what purpose does the lady, Mrs. Cohen, rise?

Mrs. COHEN. Mr. Speaker, that last amendment was not up on our computer screens. We did vote on it, but we did not know what it was because we did not have it in front of us.

The SPEAKER. The Chair thanks the lady.

Mrs. COHEN. Thank you.

On the question recurring,

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

Mr. MELIO offered the following amendment No. A0001:

Amend Title, page 1, line 3, by striking out "and"

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

: and further providing for prohibition on expenditures for emission inspection program.

Amend Bill, page 5, by inserting between lines 23 and 24

Section 3. Section 4706 of Title 75 is amended by adding a subsection to read:

§ 4706. Prohibition on expenditures for emission inspection program.

(c.1) Exchange of evidence of emission inspection.—A person replacing a windshield or repairing a windshield in such a manner as to require removal of evidence of emission inspection shall at the option of the registrant of the vehicle or the owner of a mass transit vehicle cut out the portion of the windshield containing the evidence of emission inspection and deliver it to the registrant of the vehicle or the owner of the mass transit vehicle or destroy the evidence of emission inspection. The vehicle or the mass transit vehicle may be driven for up to five days if it displays the portion of the old windshield containing the evidence of emission inspection as prescribed in department regulations. Within the five-day period an official emission inspection station may affix to the vehicle or mass transit vehicle another evidence of emission inspection for the same inspection period without reinspecting the vehicle or mass transit vehicle in exchange for the portion of the old windshield containing the evidence of emission inspection. A fee of no more than \$2 plus the fee paid to access the department's computer to enter the evidence of emission inspection into the system may be charged for exchanging evidence of emission inspection.

Amend Sec. 3, page 5, line 24, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendment?

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

Mr. MELIO. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is based on the original— When it first came out we had an exemption, and this was to allow residents that use their vehicles less than 5,000 miles in a year, to exempt them from the emission fee.

I am sorry, Mr. Speaker. This is on the inspection sticker.

This amendment provides that a person replacing a windshield or repairing a windshield which requires removal of the emission inspection sticker shall cut out the portion of the windshield containing the sticker and deliver it to the registrant of the vehicle or the owner of the mass transit vehicle or destroy the evidence of emission inspection. And what it does is allows the resident, if he has a problem with his mirror where the inspection sticker has been placed, to replace it within 5 days at no cost to the person, except that we are allowing that a fee of no more than \$2 plus the fee paid to access the department's computer to enter the evidence of emission inspection into the system may be charged for exchanging evidence of emission inspection, and I believe this is an agreement that is shared.

The SPEAKER. Mr. Melio, would you check your amendment and see if you are speaking to 411 or are you speaking to 1?

Mr. MELIO. AI, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the amendment, Mr. Schroder.

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

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

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Evans	Ramos	Rooney	Veon
Mayernik			

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

On the question recurring,

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

Mr. MELIO offered the following amendment No. A0411:

Amend Title, page 1, line 3, by striking out "and"

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

; and further providing for periodic vehicle inspection.

Amend Bill, page 5, line 24, by striking out all of said line and inserting

Section 3. Section 4702 of Title 75 is amended by adding a subsection to read:

§ 4702. Requirement for periodic inspection of vehicles.

(h) Maximum fee.—A vehicle subject to exception under subsection (g) shall be charged a fee not to exceed \$15.

Section 4. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

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

Mr. MELIO. Mr. Speaker, this amendment would provide that the residents do it on a biennial basis. I have talked to the Transportation chairman, and at this time we are going to remove that amendment.

The SPEAKER. You are withdrawing the amendment at this time?

Mr. MELIO. Yes.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Wilt, who offers the following amendment— It is the understanding of the Chair that the gentleman wishes to make a few remarks and then withdraw the amendment.

Mr. WILT. Thank you, Mr. Speaker.

I do have two amendments to this bill, but in deference to the prime sponsor and to the chairman of the Transportation Committee, I am going to withdraw those amendments.

However, amendment A0004 deals with an issue that I hope that we can address before we adjourn and sine die this November, and that is this issue that our off-road trail users, our snowmobilers and our ATV (all-terrain vehicle) users, continue year after year to buy their gasoline at a retail location and pay money into the Motor License Fund. They can apply individually for that money to be reimbursed back to them since they are not operating those vehicles on our public thruways.

However, I in my last term and also again this term have a bill in committee that would designate up to \$3½ million, which is about half of what they pay into the Motor License Fund, that \$3½ million be transferred out of the Motor License Fund over to DCNR (Department of Conservation and Natural Resources) to be used for recreational trails. That is an issue that I hope we take up as a legislature before we adjourn in late November, and I will be back at you and asking the members for their support at that time.

But in deference to Representative Schroder and HB 2053, amendments 0004 and 0005 are being withdrawn. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

Mr. Hutchinson, for what purpose do you rise?

Mr. HUTCHINSON. To speak on final passage.

The SPEAKER. All right; we have a long way to go.

Mr. HUTCHINSON. Okay. Thank you.

The SPEAKER. The Chair recognizes the gentleman, Mr. Harhai, who offers the following amendment, which the clerk will now read. Is this withdrawn?

Mr. HARHAI. Yes, sir.

The SPEAKER. Let us see if we can take some shortcuts. I will come back, Mr. Harhai.

Mr. George, I have you marked for six amendments. Do you intend to offer— One of them; fine. Do we know which one that is?

Mr. GEORGE. 4534, Mr. Speaker.

The SPEAKER. Thank you very much.

Mr. McCall, I have you marked for four amendments. Do you intend to offer all four? Yes.

Mr. Evans is on leave. It is my understanding Mr. Myers will offer them.

Mr. Coy has two.

Mr. Petrarca, do you have four amendments? One. Which—

Mr. PETRARCA. Mr. Speaker, I will just be running amendment 4539.

The SPEAKER. Thank you.

Mr. Harhai.

Mr. HARHAI. Thank you, Mr. Speaker.

I stand to withdraw my amendment 0032 to this, and I support the Geist amendment.

In working with Representative Geist on amendment 4594, it provides a more detailed version of what I initially intended to do, and it was the passing in the left-hand lane. I received a number of calls from constituents and letters stating their opposition. Therefore, I do withdraw the amendment in support of the Geist amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. GEORGE offered the following amendment No. A4534:

Amend Title, page 1, line 2, by inserting after "providing"
for display of registration plates and

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

Section 1. Section 1332(b) of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 1332. Display of registration plate.

* * *

(b) Obscuring plate.—It is unlawful to display on any vehicle a registration plate which is so dirty as to prevent the reading of the number or letters thereon at a reasonable distance or is otherwise illegible at a reasonable distance or is obscured in any manner. This subsection shall not apply to a registration plate bracket which obscures only the Commonwealth's World Wide Web site.

Section 2. Section 1905 of Title 75 is amended by adding a subsection to read:

Amend Sec. 2, page 2, line 9, by striking out "2" and inserting
3

Amend Sec. 3, page 5, line 24, by striking out "3" and inserting
4

On the question,

Will the House agree to the amendment?

The SPEAKER. Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I rise today to offer amendment 4534 because I have had a multitude of calls, as you all have, from constituents that are concerned and they are told that under the new license plate that has the Web page address, those motorists who have that containment or frame that holds the license, because it covers the World Wide Web page address, are being fined. Now, Mr. Speaker, this is wrong. Mr. Speaker, it does not cover the date, the expiration, the validation, any of the numbers, simply the World Wide Web page.

Now, Mr. Speaker, these license frames are made in Pennsylvania. These license frames make it easier to carry a plate. It only needs half of the encumbered screws, and we should continue to allow this with not making a big hullabaloo and fining citizens that are not even aware of the new policy established by the State Police and PennDOT.

Now, Mr. Speaker, even though they are not listening—

The SPEAKER. The gentleman will yield.

Please. The noise level is too high. Conferences in the aisles, please break up. Conferences in the aisles, please break up.

Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I apologize that I have not spoken to the majority chairman of the Transportation Committee, but I did speak to the minority chairman. He, too, has had a number of calls. I have spoken to several Republican legislators; they, too, have had calls. I see no reason, Mr. Speaker, with not doing something that is very important, costs the State not a dime, protects the people from being fined for an offense that should not be considered an offense.

I ask that we accept this amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. GEIST. Thank you, Mr. Speaker.

After eloquent remarks like that, the best thing I can do is say nothing other than roll it.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—196

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

NAYS—1

Gannon

NOT VOTING—0

EXCUSED—5

Evans	Ramos	Rooney	Veon
Mayernik			

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

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

Mr. McCALL offered the following amendment No. A0182:

Amend Title, page 1, line 2, by inserting after "funds;" requiring political subdivisions to check status of drivers' licenses of employees who drive municipal vehicles;

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

Section 1. Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 1576. Political subdivisions to check status of employees' drivers' licenses.

(a) Requirement.—At least quarterly, a political subdivision shall check the records of the department to determine the status of the drivers' licenses of all employees who drive vehicles as an element of their employment.

(b) Separate offenses.—Failure to check the driver's license of each employee-driver is a separate offense under this section.

Section 2. Section 1905 of Title 75 is amended by adding a subsection to read:

Amend Sec. 2, page 2, line 9, by striking out "2" and inserting 3

Amend Sec. 3, page 5, line 24, by striking out "3" and inserting 4

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

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

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would require political subdivisions to submit an inquiry to PennDOT on a quarterly basis requesting the status of their driving records of all their employees. Recently, Allegheny County did a study and found that 76 of their employees were operating vehicles with suspended licenses, and they never reported that status to the Department of Transportation.

I think it is a good public safety amendment, and I would ask for a "yes" vote.

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

The following roll call was recorded:

YEAS—191

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

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

NAYS-6

Boyes	Lynch	Maitland	Seyfert
Fairchild	Maher		

NOT VOTING-0

EXCUSED-5

Evans	Ramos	Rooney	Veon
Mayernik			

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

On the question recurring,

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

Mr. McCALL offered the following amendment No. A0183:

Amend Title, page 1, line 2, by inserting after "funds" , for duty of driver on approach of emergency vehicle, for fleeing or attempting to elude a police officer and for visual and audible signals on emergency vehicles

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

Section 1. Sections 1905 and 3325 of Title 75 of the Pennsylvania Consolidated Statutes are amended by adding subsections to read:

Amend Sec. 1, page 2, by inserting between lines 8 and 9 § 3325. Duty of driver on approach of emergency vehicle.

(c) Defense.—It is a defense to prosecution under this section if the defendant can show by a preponderance of the evidence that the failure to stop immediately for a police or sheriff vehicle was based on a good faith concern for personal safety. In determining whether the defendant has met this burden, the court may consider the following factors:

- (1) The time and location of the event.
- (2) The type of police or sheriff vehicle used.

(3) The defendant's conduct while being followed by the police or sheriff vehicle.

(4) Whether the defendant stopped at the first available reasonably lighted or populated area.

(5) Any other factor considered relevant by the court.

Amend Bill, page 5, by inserting between lines 23 and 24

Section 3. Sections 3733(c) and 4571(b) of Title 75 are amended to read:

§ 3733. Fleeing or attempting to elude police officer.

(c) Defenses.—

(1) It is a defense to a prosecution under this section that the pursuing police or sheriff vehicle was not clearly identifiable by its markings or, if unmarked, was not occupied by a police officer or sheriff who was in uniform and displaying a badge or other sign of authority.

(2) It is a defense to prosecution under this section if the defendant can show by a preponderance of the evidence that the failure to stop immediately for a police or sheriff vehicle was based upon a good faith concern for personal safety. In determining whether the defendant has met this burden, the court may consider the following factors:

(i) The time and location of the event.

(ii) The type of police or sheriff vehicle used.

(iii) The defendant's conduct while being followed by the police or sheriff vehicle.

(iv) Whether the defendant stopped at the first available reasonably lighted or populated area.

(v) Any other factor considered relevant by the court.

§ 4571. Visual and audible signals on emergency vehicles.

(b) Police[,] or sheriff[, fire and coroner or medical examiner] vehicles.—

(1) Police[,] or sheriff[, coroner, medical examiner or fire police] vehicles may in addition to the requirements of subsection (a) be equipped with one or more revolving or flashing blue lights. The combination of red and blue lights may be used only on police[,] or sheriff[, coroner, medical examiner or fire police] vehicles.

(2) Unmarked police [and] or sheriff vehicles, used as emergency vehicles and equipped with audible warning systems, [may] shall be equipped with [the lights described in this section] a combination of red and blue lights.

(3) Police, sheriff [and] or fire vehicles may be equipped with a mounted rack containing one or more emergency warning lights or side mounted floodlights or alley lights or all such lights, in conformance with department regulations.

Amend Sec. 3, page 5, line 24, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question, the gentleman, Mr. McCall, is recognized.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would authorize only marked and unmarked police and sheriff vehicles to display the combination of red and blue lights. Coroners, medical examiners, fire police vehicles would be required to show or operate with red lights only, as well as the amendment also establishes a defense to prosecution when the driver fails to stop upon the approach of an emergency vehicle. We have found instances where people were afraid to pull

over in rural areas — dark, unlighted areas — and when they did not stop were cited for eluding police when in fact they were trying to drive to a more lighted, secure area. This would establish a defense to prosecution for people that do that.

I would ask for a “yes” vote.

The SPEAKER. The Chair thanks the gentleman.

On the question, Mr. Geist.

Mr. GEIST. Thank you very much, Mr. Speaker.

This is an excellent amendment. It is just the beginning. We will be bringing to the General Assembly a bill that will codify and, I believe, will make the right solution to this problem so that no Pennsylvania motorist will ever, ever have to worry about whatever lights are behind them; they will know for sure it is a police officer.

This is an excellent amendment, and I would urge a “yes” vote.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Kaiser, seek recognition on the amendment?

Mr. KAISER. Yes, Mr. Speaker.

I rise in support of the McCall amendment. Those of you who live in western Pennsylvania have seen on the news that there have been a number of incidences where people have got a car that looks like a police car, have gone out and bought a police uniform, and have tried to stop young ladies on the roadway. I think this goes a long way to stop that, and I ask for your support for the McCall amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, this is a sensible amendment, ensuring the safety of our motorists. I ask for a positive vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

The Chair recognizes the lady, Mrs. Forcier.

Mrs. FORCIER. Thank you, Mr. Speaker.

May I have a moment to interrogate the maker of this amendment?

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

Mrs. FORCIER. Thank you, Mr. Speaker.

As a legislator that represents a rural section of Pennsylvania, I am concerned about this amendment. One of the questions that I have is, is the General Fund going to pay for new lights that are going to affect not only local law enforcement but also the Pennsylvania State Police?

Mr. McCALL. I am sorry. I missed one portion of that question. Did you say, pay for the lights?

The SPEAKER. Will the gentleman yield.

Mrs. FORCIER. Mr. Speaker, I would appreciate—

The SPEAKER. Will the lady yield.

Conferences on the floor, please end. Conferences on the aisles, break up. Staff people not involved with this particular bill, please leave the floor or be seated.

I think Mr. McCall asked you to—

Mr. McCALL. Repeat the question.

The SPEAKER. —repeat your remarks essentially.

Mr. McCALL. Thank you, Mr. Speaker.

Mrs. FORCIER. Mr. Speaker, I would like to know if the General Fund is going to pay for the new lights for the local law enforcement officers and the Pennsylvania State Police.

Mr. McCALL. No; the General Fund would not pay for it. However, the State Police does in fact support this legislation.

Mrs. FORCIER. Could you also tell me if you can bring up this defense already. It says provides for a defense for a failure to stop for a police officer based on a good-faith concern for the person's personal safety. Is that not already in existence?

Mr. McCALL. You cannot use it as a defense today in the courtrooms across the Commonwealth. We are putting into statute terminology that the courts can use to codify this so it can be used as a defense.

Mrs. FORCIER. Okay. Now, Mr. Speaker, the way I understand this amendment, it is up to the driver where and when they are going to stop from now on. They are going to see the lights, and they are going to decide where they want to pull off. It will be a local bank, a local mall, wherever there is good lighting. Is that what the purpose of this amendment is doing?

Mr. McCALL. Yes, it is. It has been brought to our attention that there is much concern by a lot of drivers in this Commonwealth that when they are pursued by a police vehicle and especially with what we have seen and read and heard about over the last couple of years with people acting as police officers when they are not, that we are codifying and allowing them to use as a defense that if they feel their personal safety can be violated, that they have the opportunity to drive to a well-lighted, safe place; that they cannot be arrested for eluding police. And that will be determined, and it is still a little somewhat subjective, but the conduct of the driver has everything to say as to whether or not the evidence is in their favor or against them stopping.

Mrs. FORCIER. Now, Mr. Speaker, that is already in existence, and it is up to the magistrate, the local district magistrate. Is that true?

Mr. McCALL. No. It is currently not in law. It is not codified.

Mrs. FORCIER. Okay. Thank you, Mr. Speaker.

I would like to speak on the amendment.

The SPEAKER. The lady is recognized.

Mrs. FORCIER. As a Representative from a rural section of Pennsylvania, I have real concerns about the use of special lights. Even though it may sound on the surface that we are talking safety and public safety, I feel that the public needs to be educated as far as if a person is impersonating a police officer. I know that happens, but there are ways of looking at a situation in which you can prevent that.

For that reason I would ask my colleagues on both sides of the aisle to vote “no.” Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-193

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

NAYS-4

Clymer	Forcier	Hutchinson	McIlhattan
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NOT VOTING-0

EXCUSED-5

Evans	Ramos	Rooney	Veon
Mayernik			

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

On the question recurring,

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

Mr. McCALL offered the following amendment No. A4503:

Amend Title, page 1, line 2, by inserting after "funds"
, for content of driver's licenses and for
commercial driver's licenses

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

Section 1. Sections 1510, 1610 and 1905 of Title 75 of the
Pennsylvania Consolidated Statutes are amended by adding subsections
to read:

§ 1510. Issuance and content of driver's license.

(h) Sale of photographs prohibited.—Neither the department nor any
person under contract with the department shall sell photographs of
holders of a driver's license or identification card for any commercial
purpose.

§ 1610. Commercial driver's license.

(f) Sale of photographs prohibited.—Neither the department nor any
person under contract with the department shall sell photographs of
holders of a commercial driver's license for any commercial purpose.

On the question,

Will the House agree to the amendment?

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

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, this amendment simply would preclude the
Department of Transportation and any entity under contract with
the Department of Transportation from selling driver's license
photographs. Currently Pennsylvania does not sell those driver's
licenses, but this would preclude them from doing that, and it will
certainly prevent the abuses of people's privacy, and I would ask
for an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-197

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

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Evans	Ramos	Rooney	Veon
Mayernik			

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

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

Mr. McCALL offered the following amendment No. A4504:

Amend Title, page 1, line 2, by inserting after "funds"
, for maximum speed limits and for regulation of
traffic on the Pennsylvania Turnpike

Amend Bill, page 5, by inserting between lines 23 and 24
Section 3. Sections 3362(a)(1.1) and 6110(a) of Title 75 are
amended to read:

§ 3362. Maximum speed limits.
(a) General rule.—Except when a special hazard exists that requires
lower speed for compliance with section 3361 (relating to driving vehicle
at safe speed), the limits specified in this section or established under this
subchapter shall be maximum lawful speeds and no person shall drive a
vehicle at a speed in excess of the following maximum limits:

- ***
- (1.1) 65 miles per hour for all vehicles[:
- (i) on interstate highways outside of urbanized areas of population of 50,000 or more; and
 - (ii)] on [other] freeways where the department has posted a 65-miles-per-hour speed limit [in accordance with the provisions of 23 U.S.C. (relating to highways)].
- ***

§ 6110. Regulation of traffic on Pennsylvania Turnpike.
(a) General rule.—The provisions of this title apply upon any
turnpike or highway under the supervision and control of the
Pennsylvania Turnpike Commission unless specifically modified by rules
and regulations promulgated by the commission which shall become

effective only upon publication in accordance with law. A copy of the rules and regulations, so long as they are effective, shall be posted at all entrances to the turnpike or highway for the inspection of persons using the turnpike or highway. This section does not authorize the establishment of a maximum speed limit greater than 55 miles per hour, except that a 65-miles-per-hour maximum speed limit for all vehicles may be established[:

- (1) on interstate highways outside of urbanized areas of population of 50,000 or more; and
- (2) on other freeways] where the commission has posted a 65-miles-per-hour speed limit [in accordance with the provisions of 23 United States Code (relating to highways)].

Amend Sec. 3, page 5, line 24, by striking out "3" and inserting
4

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

The SPEAKER. On the question of the adoption of this amendment, Mr. McCall is recognized.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, the National Highway System Designation Act of 1995 repealed the national maximum speed limit and all the related enforcement requirements originally included in ISTEA (Intermodal Surface Transportation Efficiency Act). As you recall, ISTEA set a national speed limit at 65, but there was a caveat in that. If there were communities that had a population of 50,000 or more, they had to have a 55-mile-an-hour speed limit. This removes that caveat, puts us in conformity with Federal law, but still allows the Department of Transportation to have discretion or due prudence on establishing a 55- or 65-mile-an-hour speed limit in those zones.

I would ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—197

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

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Evans	Ramos	Rooney	Veon
Mayemik			

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 recognizes the gentleman, Mr. Myers, who offers the following amendment, which the clerk will now read. This amendment was originally titled under Mr. Evans' name.

Mr. MYERS offered the following amendment No. A0386:

Amend Title, page 1, line 2, by inserting after "funds;" providing for stripping abandoned vehicles; further providing for definitions, for vehicles destroyed, dismantled, salvaged or recycled, for suspension of operating privilege and for abandonment and stripping of vehicles; providing for civil liability for abandonment of vehicles, for reports to department concerning possession of abandoned and derelict vehicles, for reports and removal of abandoned vehicles within the boundaries of a city of the first class, for notice to owner and lienholders of abandoned and derelict vehicles, for payment of costs upon reclaiming vehicle, for public sale of unclaimed vehicles with value, for disposal of unclaimed vehicles and for restrictions on public sale of unclaimed vehicles; further providing for salvaging of derelict vehicles, for removal of vehicles and spilled cargo from roadway and for reports by garage keepers of abandoned vehicles; providing for local authority to remove abandoned vehicles in the event of failure of salvors to remove vehicles, for rights of property owners and residents, for abandoned and derelict vehicles on vacant, abandoned or other lots and for repeat abandoned vehicles; adding provisions relating to derelict vehicles;

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

Section 1. The definitions of "abandoned vehicle," and "vehicle identification number" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes are amended and the section is amended by adding definitions to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Abandoned vehicle."

(1) A vehicle (other than a pedalcycle) shall be presumed to be abandoned under any of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence:

(i) The vehicle is physically inoperable and is left unattended on a highway or other public property for more than 48 hours.

(ii) The vehicle has remained illegally on a highway or other public property for a period of more than 48 hours.

(iii) The vehicle is left unattended on or along a highway or other public property for more than 48 hours and does not bear all of the following:

(A) A valid registration plate.

(B) A current certificate of inspection.

(C) An ascertainable vehicle identification number.

(iv) The vehicle has remained on private property without the consent of the owner or person in control of the property for more than 48 hours.

(2) Vehicles and equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.

(3) Vehicles that have been left for repair at any garage or repair shop shall not be considered abandoned as long as the person in charge of the garage or repair shop is preventing the owner of the vehicle or any other duly authorized person from removing it.

"Derelict vehicle." An abandoned vehicle, other than a vehicle which would qualify as an antique or classic vehicle except for its lack of restoration or maintenance, which has any of the following characteristics:

(1) has been stripped and defaced or otherwise so dilapidated that it is just a shell, is burned out, vandalized or deteriorated and has no value other than scrap; or

(2) has a wholesale value of \$750 or less in 2000 or, in subsequent years, an amount annually adjusted for inflation by the Department of Transportation using the Consumer Price Index as published by the Bureau of Labor Statistics of the United States Department of Labor.

"Hidden vehicle identification number" or "hidden VIN." The true vehicle identification number which may have been hidden in one or more places or incorporated into the vehicle by the manufacturer of the vehicle for the purpose of identification in the event the public VIN has been removed.

"Public vehicle identification number" or "public VIN." The vehicle identification number that has been placed by the manufacturer in a prominent place, such as on the dashboard or affixed on a label in a standard place such as the inside edge of a door, in plain view and not in other places where the VIN may be located, or in the absence of a manufacturer-assigned number, which the Department of Transportation assigns to a vehicle for identification purposes.

“Vehicle identification number” or “VIN.” A combination of numerals or letters or both which the manufacturer assigns to a vehicle for identification purposes, or, in the absence of a manufacturer-assigned number, which the department assigns to a vehicle for identification purposes.

Section 2. Section 1117(c) of Title 75 is amended and the section is amended by adding a subsection to read:

§ 1117. Vehicle destroyed, dismantled, salvaged or recycled.

(b.1) Certificate not to be assigned in blank.—No person shall make application for, or assign or physically possess, a certificate of salvage, or direct or allow another person in his employ or control to make application for, or assign or physically possess, a certificate of salvage, unless the name of the transferee is placed on the assignment of certificate of salvage simultaneously with the name of the transferor and duly notarized.

(c) Vehicles with defective or lost title.—Any person on whose property is located a derelict vehicle [which is valueless except for salvage] and which has a faulty, lost or destroyed title may transfer the vehicle to a salvor or to a salvage program operated by a political subdivision for removal to a suitable place of storage or for scrapping, provided the salvor or salvage program complies with the requirements of section 7309 (relating to salvaging of derelict vehicles [valueless except for salvage]), except that the report to the department that the vehicle is [valueless except for salvage] a derelict vehicle shall be verified by the transferor of the vehicle instead of the police department. The transferee shall return the assigned certificate of title to the department immediately with an application for certificate of salvage upon a form furnished and prescribed by the department.

Section 3. Section 1905 of Title 75 is amended by adding a subsection to read:

Amend Sec. 2, page 2, line 9, by striking out “2” and inserting
4

Amend Bill, page 5, line 24, by striking out all of said line and inserting

Section 5. Section 3352(d) of Title 75 is amended and the section is amended by adding a subsection to read:

§ 3352. Removal of vehicle by or at direction of police.

(d) Notice to owner prior to removal.—

(1) Prior to removal of an abandoned vehicle [bearing a registration plate, certificate of inspection or vehicle identification number plate by which the last registered owner of the vehicle can be determined], the police department shall [send a notice by certified mail to the last registered owner of the vehicle] place a notice on the vehicle in a prominent location informing the owner that unless the vehicle is moved to a suitable location within [seven] three days of the date notice is [mailed] placed on the vehicle, the vehicle will be removed under this section and held at a suitable facility where it may be reclaimed by the owner in accordance with the provisions of section 7306 (relating to payment of costs upon reclaiming vehicle). [If the abandoned motor vehicle does not bear an identifiable registration plate, certificate of inspection or vehicle identification number plate, the notice may be secured to the vehicle.

(2) If, within the seven-day period, the owner so requests, the owner shall be given an opportunity to explain to the police officer or department why the owner believes the vehicle should not be removed. If the police officer or department determines that the vehicle shall, nonetheless, be removed, the owner shall be given an additional 48 hours to remove the vehicle, have it removed or demand a hearing, which shall conform to the requirements of 2 Pa.C.S. Ch. 5 Subch. B (relating to practice and procedure of local agencies). The police officer or department shall inform the

owner of the right to a hearing by delivering to the owner a notice warning the owner that, unless the vehicle is removed or a hearing is demanded, the owner shall be subject to the provisions of section 7306. If, as a result of the hearing, it is determined that the vehicle will be removed, the owner shall be given an additional 48 hours to remove the vehicle or have it removed. The hearing shall be before a civilian officer or employee of the municipality in which the vehicle is located.]

(3) The provision for notice set forth in this subsection is [applicable only if the vehicle is abandoned upon a highway and is not in violation of subsection (b) or section 3351(a) or 3353. Notice under this subsection is] in addition to any other notice requirements provided in Chapter 73.

(4) This subsection does not apply to derelict vehicles with no identification as defined in subsection (e).

(e) Special provision for derelict vehicles with no identification.—If the abandoned vehicle is deemed to be a derelict vehicle and bears no registration plate, current certificate of inspection or public vehicle identification number plate by which the last registered owner of the vehicle can be determined, then the police officer may order the immediate removal of the vehicle pursuant to Chapter 73.

Section 6. Section 3712 of Title 75 is amended to read:

§ 3712. Abandonment [and stripping] of vehicles.

(a) Abandonment on highway.—No person shall abandon a vehicle upon any highway.

(b) Abandonment on public or private property.—No person shall abandon a vehicle upon any public or private property, including, but not limited to, any common or shared neighborhood lot, vacant lot or abandoned property, without the express or implied consent of the owner or person in lawful possession or control of the property.

[(c) Stripping abandoned vehicle.—It is unlawful for any person, except the owner or his agent or as otherwise provided in this title, to remove any part of an abandoned vehicle.]

(d) Penalties.—

[(1) Any person violating subsection (a) or (b) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50 plus all costs of disposing of the vehicle under the provisions of Chapter 73 (relating to abandoned vehicles and cargos).

(2) Any person violating subsection (c):

(i) For a first offense, is guilty of a summary offense punishable by a fine of not less than \$100 nor more than \$500.

(ii) For a subsequent offense, is guilty of a misdemeanor of the third degree.]

(1) Any person violating subsection (a) or (b):

(i) For a first offense, is guilty of a summary offense punishable by a fine of \$500 plus all costs of disposing of the vehicle under the provisions of Chapter 73.

(ii) For a second offense, is guilty of a summary offense punishable by a fine of \$1,000 plus all costs of disposing of the vehicle under the provisions of Chapter 73.

(iii) For a third or subsequent offense, is guilty of a misdemeanor of the third degree and shall be ordered to pay all costs of disposing of the vehicle under the provisions of Chapter 73.

(2) In a case involving a violation of this section, the municipality in which the vehicle is located may file the complaint with the appropriate issuing authority.

Section 7. Title 75 is amended by adding sections to read:

§ 3712.1. Civil liability for abandonment of vehicles.

Any person who abandons or strips a vehicle is liable for civil damages from property owners, residents where the vehicle is abandoned, residents or neighborhood organizations within the vicinity of the abandoned vehicle or local authorities. These claims may be filed

pursuant to 42 Pa.C.S. §§ 1123 (relating to jurisdiction and venue) and 1515 (relating to jurisdiction and venue).

§ 3712.2. Stripping abandoned vehicles.

(a) Offense defined.—

(1) Except as provided in paragraph (2), a person commits the offense of stripping an abandoned vehicle if the person intentionally removes any part of an abandoned vehicle.

(2) Paragraph (1) does not apply if the person:

(i) is the owner of the vehicle or the owner's agent;

or

(ii) is authorized to make the removal under this title.

(b) Penalties.—Any person violating subsection (a):

(1) For a first offense, commits a misdemeanor of the third degree.

(2) For a subsequent offense, commits a felony of the third degree.

(c) Complaints.—In a case involving a violation of this section, the municipality in which the vehicle is located may file the complaint with the appropriate issuing authority.

Section 8. Sections 7304, 7305(a) and (b), 7306, 7307, 7308, 7309 and 7310 of Title 75 are amended to read:

§ 7304. Reports to department of possession of abandoned vehicles.

Any salvor taking possession of an abandoned vehicle pursuant to section 7301(c) (relating to authorization of salvors) shall within 48 hours after taking possession report to the department the make, model, vehicle identification number and registration plate number of the abandoned vehicle, and the name and address of the owner or person who abandoned the vehicle, if known, together with any other information or documents which the department may by regulation require. The report shall include a statement whether the vehicle is [valueless except for salvage] a derelict vehicle. Where the report indicates the vehicle is [valueless except for salvage] a derelict vehicle, the salvor shall include a photograph of the vehicle to be prepared in a manner prescribed by the department. A report and photograph by a salvor that a vehicle is [valueless except for salvage] a derelict vehicle shall be verified by the police department which authorized transfer of the vehicle to the salvor, and the report shall include the name, signature and badge number of the police officer and the name of the respective police department

§ 7305. Notice to owner and lienholders of abandoned vehicles.

(a) General rule.—Except as provided in section 7309 (relating to salvaging of derelict vehicles [valueless except for salvage]), the department, upon receipt of notice that an abandoned vehicle has been taken into possession pursuant to this chapter, shall notify by certified mail, return receipt requested, the last known registered owner of the vehicle and all lienholders of record that the vehicle is abandoned.

(b) Contents of notice.—The notice shall:

(1) Describe the make, model, title number, vehicle identification number and registration plate number of the abandoned vehicle, if known.

(1.1) State the location of the police department that processed the vehicle.

(2) State the location where the vehicle is being held.

(3) Inform the owner and any lienholders of their right to reclaim the vehicle [within 30] and its contents within 20 days after the mail date of the notice at the place where the vehicle is being held by the salvor, upon payment of all towing [and], storage charges [and], the fee authorized in section 7306 (relating to payment of costs upon reclaiming vehicle)[.] and penalties under section 3712(d)(1) (relating to abandonment and stripping of vehicles).

(4) State that the failure of the owner or lienholder to reclaim the vehicle and its contents is deemed consent by the owner to the destruction, sale or other disposition of the abandoned vehicle and its contents and of all lienholders to dissolution of their liens.

(5) Inform the owner and any lienholders of their right, within 20 days of the mail date of the notice, to request from the appropriate police department, a copy of the abandoned vehicle information report and of the owner's right to a hearing conforming to the requirements of 2 Pa.C.S. Ch.5 Subch. B (relating to practice and procedure of local agencies). The hearing shall be before a civilian officer or employee of the municipality in which the vehicle was reportedly abandoned. If as a result of the hearing it is determined that the vehicle was not abandoned, the owner or lienholder may retrieve the vehicle within 48 hours without payment of any of the fees under subsection (b)(3).

§ 7306. Payment of costs upon reclaiming vehicle.

In the event the owner or lienholder of an abandoned vehicle reclaims the vehicle, the reclaiming party shall pay the costs for towing and storage, plus a fee of [\$25] \$75 of which [\$10] \$30 shall be transmitted to the department by the salvor and \$30 shall be transmitted by the salvor to the municipality where the vehicle was abandoned.

§ 7307. Authorization for disposal of unclaimed vehicles.

The department shall, after the expiration of [30] 20 days from the date of notice sent by certified mail to the registered owner and all lienholders of record or [30] 20 days after publication of notice, where applicable, and upon receipt of a written statement from the holder of the vehicle that the abandoned vehicle has not been reclaimed by the owner or lienholder within the [30-day] 20-day period, authorize the disposal of the abandoned vehicle in accordance with the provisions of this chapter.

§ 7308. Public sale of unclaimed vehicles with value.

(a) General rule.—If an abandoned vehicle [having value], other than a derelict vehicle, has not been reclaimed as provided in this chapter, the vehicle shall be sold at a public auction.

(b) Title of purchaser.—The salvor shall give the purchaser a sales receipt and shall apply to the department for a title which shall be free and clear of all previous liens and claims of ownership.

(c) Disposition of proceeds.—From the proceeds of the sale of the abandoned vehicle, the salvor shall be reimbursed for the costs of towing, storage, notice and publication costs and expenses of auction. The remainder of the proceeds of a sale shall be held for the owner of the vehicle or record lienholder for 60 days from the date of sale and if not properly claimed shall then be paid to the department and transmitted to the State Treasurer for deposit in the Motor License Fund.

(d) Public sale of derelict vehicles prohibited.—A derelict vehicle may not be auctioned as a vehicle but may be sold for parts or scrap materials or otherwise destroyed pursuant to section 7309 (relating to salvaging of derelict vehicles). A derelict vehicle may not be issued a certificate of title.

§ 7309. Salvaging of derelict vehicles [valueless except for salvage].

(a) Application for certificate of salvage.—If an abandoned vehicle is [valueless except for salvage] deemed a derelict vehicle by a police officer or salvor, the salvor shall note that fact in the report to the department required in section 7304 (relating to reports to department of possession of abandoned and derelict vehicles) and shall apply for issuance of a certificate of salvage as provided for in section 1117 (relating to vehicle destroyed, dismantled, salvaged or recycled).

(b) Notice and issuance of certificate.—If the identity of the last registered owner cannot be determined with reasonable certainty and it is impossible to determine with reasonable certainty the identity and addresses of any lienholder, no notice shall be required. Under such circumstances, the department shall upon receipt of the report by the salvor pursuant to section 7304 issue a certificate of salvage as provided in section 1117.]

(b.1) Issuance of certificate.—

(1) Upon receipt of an application for salvage of a derelict vehicle, the department shall issue a certificate for salvage within ten business days if it is satisfied that the vehicle is a derelict vehicle.

(2) No application shall be rejected if the police officer and the salvor agree that the vehicle is a derelict vehicle.

(3) No application shall be rejected for lack of a vehicle identification number when the public VIN is missing, if a police officer verifies that a good faith effort had been made to find a public VIN, but such verification shall not be construed as releasing the police or local authorities or agents for the local authority from searching for a hidden VIN. In such cases, the police officer or local authority shall notify the department that the derelict vehicle was searched and found to be missing any public or hidden VIN. For the cases where no search for a hidden VIN is made, the department may send its own representatives or private consultants to search for a hidden VIN within ten business days from the receipt of the application.

(c) Reimbursement of expenses of salvor.—Upon receipt within [six months] 30 days of evidence that a salvor has removed [an abandoned] a derelict vehicle upon the request of a police department, the department shall pay to the salvor from the Motor License Fund the sum of [\$15] \$72 in 2000, or in subsequent years, an amount annually adjusted for inflation by the department using the Consumer Price Index as published by the Bureau of Labor Statistics of the United States Department of Labor for the expenses incurred in the removal and towing of the abandoned vehicle. No portion of [\$15] the \$72 payment or any separate consideration shall be reimbursed or paid to any government agency or municipality by the salvor.

(d) Rights of owners and lienholders.—Issuance by the department of a certificate of salvage for a vehicle salvaged under this section shall operate as a divestiture of all right, title and interest in the vehicle of the owner and all lienholders.

(e) Police officers and authorized personnel.—Police officers, authorized personnel, their departments or any government agency or municipality shall not assess or accept payment, consideration of any kind or portions of fees outlined in this chapter from any salvor or person for the processing of abandoned vehicles.

§ 7310. Removal of vehicles and spilled cargo from roadway.

(a) General rule.—Police officers may remove or direct removal of abandoned or wrecked vehicles and spilled cargo from any roadway to the nearest point off the roadway where the vehicle or spilled cargo will not interfere with or obstruct traffic. Immediately following an accident, the wrecked vehicle or spilled cargo shall be removed or directed to be removed from the roadway by a police officer if the owner or operator cannot remove the wrecked vehicle or refuses or fails to have the vehicle removed within a reasonable time.

(b) Storage of cargo.—When, in the opinion of a police officer, it is deemed necessary for the protection of the contents or load of a wrecked vehicle or spilled cargo from the elements, spoilage or theft, the police officer may remove or direct to be removed and have stored at the expense of the owner the contents or load or spilled cargo at the nearest practical place of storage.

(c) Liability for damage or loss.—In carrying out the provisions of this section, no liability shall attach to the police officer or, absent a showing of gross negligence, to any person acting under the direction of the police officer for damage to a vehicle or damage to or loss of any portion of the contents or load or spilled cargo.

(d) Removal from Pennsylvania Turnpike System.—Notwithstanding the other provisions of this section, any vehicle on the Pennsylvania Turnpike System presumed to be abandoned as defined in section 102 (relating to definitions) shall immediately be removed by or at the direction of the Pennsylvania State Police to the contract garage providing service for that area. In all cases, the Pennsylvania State Police shall remove or direct the removal of any such vehicle within 24 hours of the time of the vehicle's presumption of abandonment.

Section 9. Title 75 is amended by adding sections to read:

§ 7313. Local authority to remove abandoned vehicles in event of failure of salvors to remove vehicles.

(a) General rule.—In the event that a salvor fails, refuses or neglects to remove an abandoned vehicle or in the event that a salvor is unable to locate an abandoned vehicle within 48 hours from receiving a removal

request from a police officer, the local governing authority may at its option remove, process and dispose of said vehicle pursuant to this chapter. In such cases, the local governing authority may designate any department or authority with the power to remove, process and dispose of abandoned vehicles.

(b) Construction.—Nothing in this chapter shall be construed to prohibit a municipality from adopting a plan and process for the removal and disposition of abandoned vehicles and derelict vehicles, provided that the removal and disposition is performed by the municipality and not by salvors.

§ 7314. Salvors to remove abandoned and derelict vehicles in good faith.

(a) General rule.—When requested to remove an abandoned or derelict vehicle, no salvor shall relocate and abandon the vehicle. The salvor shall move the vehicle to a facility for the purpose of storage of abandoned and derelict vehicles or another place as directed by the police or approved by the department. The police are empowered to stop at will any salvor who is in the process of relocating a vehicle, except that the purposes of the stop shall be limited to determining the location to which the vehicle is being moved and examining prior ownership information associated with the vehicle.

(b) Penalty.—Any salvor who violates this section shall be subject to the penalties in section 3712 (relating to abandonment of vehicles) in addition to any disciplinary action from the department and shall pay an additional fine of not less than \$1,000 and not more than \$10,000, half of which fine shall be paid to this department and the other half to be paid to the municipality where the vehicle was abandoned.

§ 7315. Reports by private property owners of abandoned vehicles.

Any person on whose private property is located a vehicle which has remained on that property without the consent of that person or any agent of that person in control of the property for more than 48 hours may authorize the removal or processing of the vehicle under this chapter. Prior to removal or processing of the vehicle that person shall file a report, on a multipart form prescribed by the department, with the local police department declaring that an unauthorized vehicle has been left unattended and on private property for at least 48 hours. One part of such report shall be retained by that person and the other part shall be filed with the police department. The police department shall process the vehicle as abandoned under this chapter and attach a copy of the report to the abandoned vehicle information form.

§ 7316. Abandoned and derelict vehicles on vacant, abandoned or other lots.

Police officers shall have the authority and power to order the removal of abandoned and derelict vehicles on lots that are vacant, common or shared neighborhood lots, or where the owner cannot be reasonably ascertained or found. Upon such a request, a salvor or municipality shall remove the abandoned vehicle or derelict vehicle pursuant to the provisions of this chapter.

Section 10. This act shall take effect as follows:

(1) The amendment or addition of 75 Pa.C.S. §§ 102, 3352, 3712.1, 7313, 7314, 7315 and 7316 shall take effect immediately.

(2) This section shall take effect immediately.

(3) The amendment or addition of 75 Pa.C.S. §§ 1905 and 3327 shall take effect in 60 days.

(4) The remainder of this act shall take effect in 30 days.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman on the amendment.

Mr. MYERS. Thank you, Mr. Speaker.

Mr. Speaker, as I look around the House today, I see that all these amendments have passed pretty easily, so I would imagine that this amendment I am going to offer is going to do the same thing.

You know, in the city of Philadelphia, or at least in my district, 2 months ago I got a call from one of my constituents that there were 13 abandoned cars on this one street, and they were set up on crates and had been stripped. Around the corner there are 23 abandoned cars in a four-block radius that have been sitting there for almost a year, and in one of these abandoned cars a young man was found shot twice in the head and the car was set on fire. Every day these abandoned cars are being used by drug pushers to hide their drugs, for prostitutes as hotels and motels, for rats and other rodents.

They are a nuisance to the quality of life in our community, and I am sure that my district is not the only district in this Commonwealth that has a problem with abandoned cars. I know in some of our rural communities, there are abandoned cars on some of these open lots, and we talk about reducing urban sprawl and fighting urban blight. So I know that everyone in this chamber feels the same way that I do, and that is that we have to address the issue of removal of abandoned cars, because they are in fact a health hazard to our community.

Imagine, imagine, on the corner where your house is, there is a car that has been set on fire, turned upside down, all the windows broken out, no tires, no seats, full of trash, and a woman trying to pull you in the car or a man for you to have sex. Now, this is being done in front of our children; it is being done in all of our neighborhoods.

Let me tell you what this amendment does. See, this is a great amendment. You know why? Because it speeds up the process. There is no need for us to live in communities where it takes 6 months to move this debris and trash. Who wants to live in filth and garbage for 6 months because our municipalities do not have the power to expeditiously move these abandoned cars.

You know what else it does? It speeds the process for salvagers who dispose of cars, because salvagers have to wait 60 to 90 days before they can even get rid of them. So if you are a tow truck operator or salvage company and all you can get is \$15 to remove a vehicle that is going to clutter your yard for 90 days, then there is not much of an incentive for you to want to do this.

You know what else it does? It increases penalties for the abandonment of cars, because I feel that anyone who dumps a car in front of my house should pay to have it removed. I should not have to pay; they should have to pay, and they should pay dearly so they will not do it again. And the same thing with the salvage company who picks up the car and moves it from around the corner and dumps it in front of your house; they should have to pay.

Mr. Speaker, I ask that as all of the other amendments have so flagrantly passed in this House, that every amendment that was voted on thus far was all green lights, give me the green.

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, there are not a lot of members here that make this job fun, but Mr. Myers is one of them.

I consider the gentleman a friend, and I wish I could be with him today. I am not going to mention the fact that there is no fiscal note, but I am going to mention, everybody in this chamber is strongly aware of the fact that the abandoned vehicle problem, particularly in the city — and it is all over the other counties; as a matter of fact, one gentleman said it was affordable housing in his county, but I will not bring that up — the abandoned car issue in Philadelphia is very, very severe. We are working with the towers now, we are working with PennDOT, we are working with the

administration, we are working with the locals to try to come up with a resolution before we break here in June to resolve this problem, but this amendment has a number of flaws that will be pointed out over the next couple of minutes.

I would have rather said it to the prime sponsor of the amendment rather than to Mr. Myers, but I would have to ask the members to be a “no.”

The SPEAKER. The gentleman, Mr. Geist.

Mr. GEIST. Thank you very much, Mr. Speaker.

I would agree with Representative Perzel. We have been working on this, and I believe that there is a solution in hand. I only wish that Representative Evans were here right now to debate this issue. I think one of the solutions that would probably work for this right now so that we would not have to put a vote up for this is to withdraw the amendment, because we will be coming back with a solution that will satisfy the city of Philadelphia and the Altoonas and Pittsburghs and where this problem is all over the State.

So if it would be possible and if they would withdraw, we do have a solution coming. This amendment is flawed, and I would rather do that than put a negative vote up.

The SPEAKER. The gentleman, Mr. Myers.

Mr. MYERS. Thank you, Mr. Speaker.

I believe in a man and a woman being a man and a woman of their word. I believe in the integrity of this House. I believe that we stand for character. Therefore, I cannot withdraw an amendment that someone asked me to put up. If it was my amendment, then that would be a different story. But I was asked to offer this amendment, and I would be less than a man if I was to remove this amendment from the table when I promised and gave my word that I would, win, lose, or draw, offer this amendment.

Therefore, I must decline your request, and I ask that my amendment stay on the floor, and I again ask that you all show me the green.

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

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, I certainly respect the gentleman's comments just made a few moments ago and can certainly understand why he feels he cannot withdraw this amendment. However, I will join with the majority leader and with Representative Geist in respectfully asking for a “no” vote at this time. It is an important issue, and I think it is wonderful that the gentleman did raise it today. But this is a type of solution that needs to be worked through in committee. We need to get PennDOT's approval on it, and we need to make sure that things such as a 30-day — A 30-day effective date, which is in there now, is entirely too soon in order to make something like this effective.

So let us continue to work on it. The chairman of the Transportation Committee has given us his word that a solution is at hand, and one day, hopefully very soon, we will have a solution to this very serious problem that the gentleman has raised.

So I respectfully ask for a “no” vote at this time. Thank you.

The SPEAKER. The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the Senate is not in session today. The Senate will not be back for several weeks. There is time for the Senate to consider whatever technical problems are seen to exist in Mr. Myers' amendment.

The problem of abandoned cars is a major problem, I know, in Philadelphia; it is a major problem in Harrisburg; it is a major problem in other parts of the State. I have been to many community meetings in Philadelphia where abandoned cars is not on the agenda at the beginning of the meeting, and by the end of the meeting, all anybody is talking about is abandoned cars. I have been to hearings in Pittsburgh and other places where abandoned cars is not on the agenda and somebody throws in an offhand reference to abandoned cars, and then the next thing you know, there are a lot of other people throwing in offhanded references to abandoned cars.

Cars are getting older and older. People are keeping them for a longer and longer period of time. A car that is originally sold for \$20,000 when it is new might be sold for \$10,000 the first time when it is used, and then it might be resold for \$5,000 and resold for \$1,000 and resold again for \$500, and eventually you reach the point where the cars are being sold for very, very little money, and the cheapest thing to do is just to abandon them.

Mr. Myers is right on the urgency of this problem. I would strongly urge that we pass this amendment and speed up the process of consideration. Nothing can happen immediately. The Senate and PennDOT and all the interested people will have plenty of time to work with the Senators to deal with whatever technical defects may be in this bill.

The SPEAKER. The gentleman, Mr. DeWeese.

Mr. DeWEESE. The gentleman from Philadelphia who is the proponent of the amendment is available for debate, and it is perceived by some of us on this side of the aisle, Mr. Speaker, that the majority leader, the chairman of the Republican Transportation Committee, the gentleman from the 155th District, should mix it up a little bit with our proponent, with our amendment maker. This is our arena. As the gentleman, Mr. Cohen, just asserted, this language would be repositied in the State Senate and there would be time for our Senate colleagues to look at additional nuances or craftsmanship. There would be chances for PennDOT to get engaged. But in this chamber, momentum is a vital element of our discourses, and there is momentum on behalf of the Myers amendment today. There is a problem in Philadelphia that is palpable and strong and persevering, and if a child dies in a car in the next week or two or three or four, we should remember this debate.

Now, it is not enough for the majority leader to say he wishes that Mr. Evans were here to debate. Mr. Myers is here to debate. Let us have a debate. Let us mix it up. Let us talk about this issue. It is not proper to say that because the chairman is not here, he does not want to debate it. I think Mr. Myers is anxious for the exchange, and I think the House would be a beneficiary of some more dialogue on this measure, and I would suggest that that be what we have here this afternoon.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

I just wanted to remind the minority leader that he constantly complains about the fact that we let the Senate fix our bills. This is an opportunity for us to let the committee structure actually work and do what it is supposed to do.

But just for the benefit of the members, last year in the city of Philadelphia, there were 32,000 vehicles removed off the streets of the city of Philadelphia, and I know that they need to do more. But take that amendment you have in front of you, multiply it by

\$72 each, and you will come up with a figure in the twenties of millions of dollars that you are appropriating to the city of Philadelphia from the General Fund of PennDOT to pay for the removal of those vehicles.

Now, we want to work this problem out. I think that it is the responsibility of the local municipality and of the Commonwealth possibly to work together to try to do this. But to just right off the bat say that we are going to give you \$25 million with an automatic escalator every year — and that is in that amendment also, an escalator — every year you are going to get more money to do that, without thinking about the ramifications for everyone else in Pennsylvania, is the wrong way to go. All I am asking for is a little bit of time to work this out. I know it is a serious problem. You all know it is a serious problem. But I do not believe the solution is in front of us right now that will take care of that problem.

We gave, you all gave Representative Horsey in the city of Philadelphia the ability to take the car off anybody that does not have a license, does not have insurance, or does not have an owner's card, and they have chosen not to even implement the law in the city of Philadelphia. So if we do not know what is going to happen in advance before we allow them the opportunity to do it, they will not carry it through. So just give us a chance to have the committee structure do what it is supposed to do. Mr. Speaker. That is all we are asking for.

The SPEAKER. The gentleman from Allegheny County, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

While sensitive to the concerns of abandoned autos, I am also sensitive to a solution proposed for that problem that would actually seem to stir the pot on another problem, that other problem being auto theft. If we read this amendment, you will see that your constituents, if they have a car which is parked on a public street for 48 hours that does not have the current registration, the current inspection sticker, and an ascertainable VIN number (vehicle identification number), then that car is deemed abandoned, and I would suggest that there are thousands and thousands of good people in Pennsylvania who actually care to continue owning their vehicles who may from time to time find a need to park on the street, perhaps by their home, for a period of 48 hours or more when they may in fact have an expired inspection sticker or expired plates. I think it is inappropriate to offer that those vehicles suddenly are now abandoned and could actually inspire organized salvage operations where one tools the streets, finds vehicles that have expired information, tows them away, and then can have an affirmative defense on auto theft as a basis that they are salvors taking an abandoned vehicle.

So on that basis, I would encourage a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the amendment, Mr. Geist. Mr. GEIST. Thank you very much, Mr. Speaker.

There are reasons to be against this. First of all, the Pennsylvania State Police have not checked off on this, the Department of Transportation has not checked off on this, and the recycler parts dealers have not checked off on this also.

We will come up with a solution. This is not the right vehicle, and I would urge a "no" vote.

The SPEAKER. Does the gentleman, Mr. Myers, desire recognition for the second time on the issue? The gentleman is recognized.

Mr. MYERS. Yes, I do, Mr. Speaker.

I think we are pretty much at a point where we need to roll this vote. I just want to say to all the members of this House that vote your conscience; do the right thing; be mindful of the fact that tomorrow in the newspaper it will have a list of people who voted against removing abandoned cars, and if you want to be a part of that number, so be it.

Some of the remarks that were just made, I know we are playing games, you know, with some of the remarks I just heard, and I wish if we wanted to play games, we can go to Atlantic City and do that. We need to take care of business here in the halls of the House, and I ask for an affirmative vote on this amendment. Thank you.

The SPEAKER. The lady, Ms. Bishop.

Ms. BISHOP. Thank you very much. Mr. Speaker.

I would like to take a moment just to put some clarity on abandoned cars in Philadelphia, and I want to say that they are used as rooms, hotel rooms, by prostitutes. In any district, in any neighborhood basically in Philadelphia, in certain sections, you will find that they are used by prostitutes. They are also used by drug dealers to hide their drugs and sell their drugs from them. Not only are they used by drug dealers and prostitutes, they deteriorate neighborhoods where people are trying very hard to keep their neighborhoods clean, to keep them safe, and they are being moved from one street to another street. And while there may have been a huge number of abandoned cars a year ago removed in Philadelphia, there are far more today on the streets. Any given street almost in Philadelphia in my district, I can ride within two blocks and find 8, 10, and 12 abandoned cars.

If the iron is hot, then I believe we ought to strike while the iron is hot, send the bill to the Senate, allow them when they come back to perfect those things which need to be perfected. But there is a trend in Philadelphia to have those abandoned cars moved, and while we spoke a few minutes ago about constituents who have cars who are parked 3 days, they do not want to see them abandoned or considered abandoned and moved, these are not just cars; these are cars that are burned out, these are cars where windows are broken out, these are cars that are jacked up on boxes, crates, anything that can hold it up, and many of them have been stripped and sold in car dealerships or car repair shops or whatever they call those shops where they strip cars and go and sell them hot.

So it is one of the hugest issues in our community in Philadelphia, abandoned cars, and we need to do something about it. We need to send a message to that group of people who are controlling our neighborhoods with abandoned cars and crime.

Thank you, and a green vote would very much be appreciated, and I urge all of those to give us one. Thank you.

The SPEAKER. The Chair thanks the lady.

Does the gentleman, Mr. Thomas, desire recognition?

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, will the chairman of the Transportation Committee stand for interrogation?

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, there has been a lot of discussion around the impact of this amendment on Philadelphia County, but from a reading of the bill and from other discussions I have heard, it appears as though that while there is a presumption that

Philadelphia County would benefit, it is not a problem that is just endemic to Philadelphia County. So is it true that this problem of abandonment is having negative consequences in other parts of the State?

Mr. GEIST. Somewhat, but I believe that the major problem is in the city of Philadelphia, and what you are asking to do is to use State moneys to solve this problem in the concentrated areas that it is in. The city of Philadelphia has a \$200-million surplus. If they wanted to address this tomorrow with the bill that we passed for Representative Horsey, the city of Philadelphia could do this. Mayor Street could do this tomorrow if he wanted to do it.

This amendment right now, we are asking the rest of the State to pay for that concentrated problem. You are asking the people out in Delaware County and Montgomery County to evenly do this within the city. I believe that we could take this amendment, make it better, bring it back into something that is acceptable for all of us, rather than the way that it is written now.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I have concluded my interrogation. I would like to make a couple comments.

The SPEAKER. The gentleman is recognized.

Mr. THOMAS. Number one, while this issue will have a great effect on Philadelphia County, no one should believe that it is endemic to Philadelphia County. I mean, I have heard of a problem of abandonment in Allegheny County, I have heard of a problem of abandonment in Erie County, and I definitely know that in the city of Chester, which is in Delaware County, there is a real problem of abandonment, not just to the existence of abandoned cars but the illegal use and the criminal activity that is associated with this problem of abandonment. I know in my own district it is a problem of extreme proportions, and people from center city to north Philadelphia are crying out for relief.

Also, Mr. Speaker, I think while it might be somewhat unfortunate that the General Assembly has to deal with this issue, but the Motor Vehicle Code is a creation of the General Assembly, and therefore, we are the body that must step up to the plate and deal with this issue.

So, Mr. Speaker, I think that on the question of when, now is the time. We have been talking about this problem for over a year now, and I know that the Horsey amendment, the Horsey bill, attempted to provide some relief. I also know that there has been lax enforcement of the Horsey legislative directive, but through this bill, we can probably speed up the enforcement and really expand all operations designed to clean up our communities.

I am excited about the fact that a convention is coming to Philadelphia County, and I would hate to have lawmakers and other public officials from around the world come to Philadelphia County and have to walk through some of the garbage, debris, and illegal activity which occurs in and around abandonment. There are abandoned cars around the convention center. If you go into south Philadelphia, there is an abandonment problem around the First Union Center, where the convention will be taking place.

Mr. Speaker, the question is not when; the question is now. The question is not where; the question is here. We have the responsibility to provide public policy and provide the incentives necessary to deal with issues like this. So, Mr. Speaker, I respect the fact that more time might be needed to fix this up, but given the magnitude of this problem, we are going to have to come back anyway and build upon what we do today. But it is extremely important that we step up to the plate today and that we provide

some avenue of relief to people from all across Pennsylvania that are confronted with this problem. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. TAYLOR. Thank you, Mr. Speaker.

Mr. Speaker, 5 years ago this House, or maybe more than 5 years, this House passed legislation that allows Philadelphia to seize vehicles when there is no insurance or when the vehicle is not registered, and for 5 years they have talked about in Philadelphia the proper way to do that, and at this point we are still only dealing with a certain section of the city at a certain time that actually that legislation is enforced.

If we set our sights here in the House of Representatives on abandoned cars, which I think we should do, we do not want that kind of problem to occur in Philadelphia. I think the district attorney's office, the Philadelphia Police Department, and the Philadelphia Parking Authority had better be on board on any new proposal that we do, especially if we are going to put forth significant State funds, to see to it that it moves smoothly and moves quickly.

I certainly agree with the other speakers that there is not a more compelling problem to many of our neighborhoods, but I will at least allow the chairman of the Transportation Committee to come forth with a proposal, and if that does not come forth and if this amendment fails today, then I think we should give this a whole different look.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I am a little upset that this debate is revolving entirely around Philadelphia. I think that almost in every place where there are cars in this State, we have this problem. So I want to appeal to people who have other than Philadelphia in their minds, but I want to concentrate myself a little bit on Philadelphia, because I perceive such a schizophrenia going on in this House that I cannot stop myself from commenting on it.

The honorable Representative, Mr. Godshall, who is the chair of the Tourism Committee, the Republicans and the Democrats who have worked on that committee have been working long and hard for a number of years on tourism. They are trying to bring people to all parts of Pennsylvania, and one of their great focuses, one of the things they are really trying to do is to make Philadelphia a place of destination not only for Philadelphians but for people who live all over the State. I mean, those folks who have got up and said, this only benefits Philadelphia, do your constituents never travel? Do they have roots that stick them to the ground in their own homes and they do not ever go out of their own doors? I mean, why work as a caucus on tourism trying to bring people to our world-class city in this State and then vote to make that city unattractive to tourists? Beats me.

The SPEAKER. The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, in the 1990s a statistical milestone was reached. For the first time in American history, in the 1990s there were more families with three cars than families with no cars or families with one car. Indeed, there were more families with three cars in the United States than there were families with no cars and families with one car combined. There are huge numbers of cars all over

Pennsylvania, and cars are held for a very long period of time. In the 1950s the average person who bought a new car kept it for 4 years. Now the average person keeps a car for 8 or 9 years. The more older cars there are, the more abandoned cars there are going to be.

This is a statewide problem. It affects all 67 counties. It is a problem that this amendment gives a solution to. Let us pass the Myers amendment. Let the Senate debate it. Let them evaluate it. Let them amend it. But let us get on with it.

This affects all 67 counties. It is an experiment worth taking. We do not know precisely how it will work. We do not know precisely how any legislation we pass will work. But we know that the problem is urgent, and we know we have the ability to do something about this urgent problem right now on a statewide basis.

I urge support for the Myers amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, once again I will just reiterate, I do not dispute the seriousness of this problem at all, whether it be for the city of Philadelphia or for anywhere else in our State. It is a serious problem in need of a workable solution and not a flawed solution, however. I do not think it does us any good to pass a proposal that has not yet been approved by those who will have to enforce it in the city of Philadelphia, such as the city, the district attorney's office, and the various police departments. Let us work with the Transportation Committee chairman to get a bill that will meet those goals and will work for the city of Philadelphia as well as for the rest of the State.

I respectfully ask for a "no" vote. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-78

Battisto	Dermody	Manderino	Scrimenti
Bebko-Jones	DeWeese	McCall	Staback
Belardi	Donatucci	McGeehan	Steelman
Belfanti	Eachus	Michlovic	Stetler
Bishop	Frankel	Mundy	Sturla
Blaum	George	Myers	Tangretti
Butkovitz	Gigliotti	Oliver	Thomas
Buxton	Gruitza	Pesci	Travaglio
Caltagirone	Haluska	Petrone	Trello
Cappabianca	Hanna	Pistella	Trich
Carn	James	Preston	Van Horne
Casorio	Josephs	Readshaw	Vitali
Cawley	Keller	Rieger	Walko
Cohen, M.	Kenney	Roberts	Washington
Colafella	Kirkland	Robinson	Waters
Costa	LaGrotta	Roebuck	Williams
Coy	Lederer	Ruffing	Wogan
Curry	Lescovitz	Sainato	Wojnaroski
Daley	Levdansky	Santoni	Youngblood
DeLuca	Lucyk		

NAYS-116

Adolph	Fichter	Markosek	Schuler
Allen	Fleagle	Marsico	Semmel
Argall	Flick	Masland	Seyfert

Armstrong	Forcier	McGill	Shaner
Baker	Gannon	McIlhattan	Smith, B.
Bard	Geist	McNaughton	Smith, S. H.
Barley	Gladeck	Melio	Snyder
Barrar	Godshall	Metcalfe	Solobay
Bastian	Gordner	Micozzie	Stairs
Benninghoff	Grucela	Miller, R.	Steil
Birmelin	Habay	Miller, S.	Stern
Boyes	Harhai	Nailor	Stevenson
Browne	Harhart	Nickol	Strittmatter
Bunt	Hasay	O'Brien	Surra
Chadwick	Hennessey	Orie	Taylor, E. Z.
Civera	Herman	Perzel	Taylor, J.
Clark	Hershey	Petrarca	Tigue
Clymer	Hess	Phillips	True
Cohen, L. I.	Hutchinson	Pippy	Tulli
Cornell	Jadlowiec	Platts	Vance
Corrigan	Kaiser	Raymond	Wilt
Dailey	Krebs	Reinard	Wright
Daily	Laughlin	Rohrer	Yewcic
Dempsey	Lawless	Ross	Yudichak
DiGirolamo	Leh	Rublely	Zimmerman
Druce	Lynch	Samuelson	Zug
Egolf	Maher	Sather	
Fairchild	Maitland	Saylor	Ryan,
Fargo	Major	Schroder	Speaker
Feese	Mann		

NOT VOTING—3

Freeman	Horsey	McHhinney
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EXCUSED—5

Evans	Ramos	Rooney	Veon
Mayernik			

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 as amended?

The SPEAKER. It is the understanding of the Chair that the majority leader at this time is recommending that we break for lunch.

REPUBLICAN CAUCUS

The SPEAKER. There is an announcement by the gentleman, Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.
Upon the call of recess, we will have a caucus. The caucus will run approximately one-half hour. We will then take one-half hour for a break and be back for some votes this afternoon. That means that if we break, if we recess quickly, that we will have caucus until 1 o'clock, and we will be back at 1:30 or the call of the Chair. Thank you.

The SPEAKER. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

The SPEAKER. Mr. Cohen.
Mr. COHEN. Thank you, Mr. Speaker.
Mr. Speaker, the Democrats, too, will have an immediate caucus upstairs. I suspect our caucus will take a little longer than the Republican caucus. It probably will take the full hour. Mr. Vitali and Mr. Clymer have worked out details of a campaign finance proposal that is worthy of full consideration by the members of our caucus. I urge full attendance.

LOCAL GOVERNMENT COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Herman.
Mr. HERMAN. Thank you very much, Mr. Speaker.
For the information of the members of the Local Government Committee, which has recessed earlier today, we are going to reconvene the meeting of the Local Government Committee after session in the same room, room 205, the Matthew J. Ryan Office Building. Thank you, Mr. Speaker.
The SPEAKER. The Chair thanks the gentleman.

Any further announcements? Any further business from the floor leaders?

RULES COMMITTEE MEETING

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

RESOLUTION REPORTED FROM COMMITTEE

HR 358, PN 3011 (Amended) By Rep. PERZEL

A Resolution establishing a select committee to study the growing issue of rising pharmaceutical prices and the availability of pharmaceutical drugs for individuals in this Commonwealth.

RULES.

RECESS

The SPEAKER. Is there any further business by either floor leader? Announcements? Corrections to the record?
Hearing none, this House will stand in recess until 1:30, unless extended by the Chair or advanced by the Chair.

RECESS EXTENDED

The time of recess was extended until 2 p.m.

AFTER RECESS

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

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND Tabled**

HB 454, PN 3009 (Amended) By Rep. GANNON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for aggravated assault and for use of tear or noxious gas in labor disputes.

JUDICIARY.

HB 1473, PN 1754 By Rep. SEMMEL

An Act amending the act of February 11, 1998 (P.L.58, No.15), known as the Combustible and Flammable Liquids Act, further providing for regulations.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

HB 1813, PN 2222 By Rep. SEMMEL

An Act repealing the act of May 21, 1943 (P.L.271, No.124), entitled "An act validating certain expenditures heretofore made by county commissioners in order to furnish filing cabinets or other office equipment to rationing boards."

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

HB 2014, PN 3010 (Amended) By Rep. GANNON

An Act providing for reimbursements to municipalities for expenses incurred in assisting State correctional personnel in attempting to ensure the safety of residents of areas surrounding the prison and to recapture escaped prisoners.

JUDICIARY.

HB 2139, PN 2792 By Rep. SEMMEL

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the State Veterans' Commission.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

HB 2202, PN 2876 By Rep. GANNON

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

JUDICIARY.

HB 2214, PN 2903 By Rep. GANNON

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, further providing for definitions.

JUDICIARY.

HB 2242, PN 2951

By Rep. GANNON

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

JUDICIARY.

SB 383, PN 392

By Rep. GANNON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the procuring of children for the purpose of sexual exploitation; and imposing a penalty.

JUDICIARY.

SB 1184, PN 1640

By Rep. SEMMEL

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further defining "qualified resident"; and further providing for eligibility for educational assistance and for amount of educational assistance grants.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

CALENDAR CONTINUED

CONSIDERATION OF HB 2053 CONTINUED

The SPEAKER. The Chair returns to HB 2053, PN 2623, and the amendments being offered to that bill.

On the question recurring,

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

Mr. COY offered the following amendment No. A0403:

Amend Title, page 1, line 3, by striking out "and"

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

; and further providing for depositing waste.

Amend Bill, page 5, line 24, by striking out all of said line and inserting

Section 3. Section 3709(d)(1) of Title 75 is amended to read: § 3709. Depositing waste and other material on highway, property or waters.

(d) Penalty.—Any person violating any of the provisions of subsection (a) or (b) [is guilty of] commits a summary offense and shall, upon conviction, be sentenced to either or both of the following:

(1) To pay a fine of not more than [\$300.];

(i) \$900 for a violation which occurs in an esement purchased under the program established by section 14.1 of the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law;

(ii) \$600 for a violation which occurs in an agricultural security area, as defined in section 3 of the Agricultural Area Security Law; or

(iii) \$300 for a violation which occurs anywhere

else.

Section 4. This act shall take effect in 60 days.

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

AMENDMENT WITHDRAWN TEMPORARILY

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

Mr. COY. Mr. Speaker, if you do not mind, I would like to offer amendment 404 first.

The SPEAKER. Amendment 403 is temporarily withdrawn.

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

Mr. COY offered the following amendment No. A0404:

Amend Title, page 1, line 3, by striking out "and"

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

; and further providing for the penalty for violation of the duty of a driver when approaching a school bus displaying flashing red signal lights.

Amend Bill, page 5, by inserting between lines 23 and 24

Section 3. Section 3345(j) of Title 75 is amended to read:

§ 3345. Meeting or overtaking school bus.

(j) Penalty.—[Any person violating] A person who violates subsection (a) or (f.1) [is guilty of] commits a summary offense and shall, upon conviction, be sentenced to pay a fine of [~~\$100~~] \$500.

Section 4. The amendment of 75 Pa.C.S. § 3345(j) shall apply to offenses committed on or after the effective date of this act.

Amend Sec. 3, page 5, line 24, by striking out "3" and inserting
5

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

The SPEAKER. The Chair recognizes the gentleman.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment raises the mandatory fine for the offense of overtaking a schoolbus displaying flashing red lights from the current fine of \$100 to \$500. The amendment has passed the House in this form before, during this session, and I would encourage members to support the children who ride schoolbuses in Pennsylvania by voting for this amendment, and I am certain that the chairman of the Committee on Transportation is waiting to join in his support of this amendment also.

Thank you, Mr. Speaker.

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

Mr. GEIST. Thank you very much, Mr. Speaker.

I rise to oppose this amendment, mainly because you are taking it to a fixed fine of \$500, and right now magistrates are throwing a lot of these out; they are not even prosecuting them, this 60-day suspension, and what we are going to find is, an awful lot of people who violate it will walk. There is no discretion for the district justice in this, and I would oppose it for that reason.

The SPEAKER. On the question of the adoption of the amendment, Mr. Tangretti.

Mr. TANGRETTI. Thank you, Mr. Speaker.

I rise to support this amendment. We had this discussion or debate a number of years ago — I am not exactly sure when — and at the time I reminded the House that in one of my previous positions, I worked for a schoolbus company, and I can tell you that the drivers of schoolbuses demand protection from these individuals who, for whatever reason, seem to disregard all of the warnings and signs and lights and all that other. This is a very, very hazardous condition. We do not treat it appropriately enough in terms of the penalties involved, and I would support this wholeheartedly. I am not sure and I guess at some point the chairman of the Transportation Committee, Mr. Speaker, will explain to us why magistrates feel the need not to prosecute, but it just seems to me, if we have individuals who have violated the law relative to these lights, we ought to take their license away off the road, and we probably should put them in jail, too. Thank you.

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

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, while I respect the chairman of the committee, I think we need to send a message loudly and clearly, if necessary, to magistrates in Pennsylvania that the General Assembly feels that this offense, this offense of the Motor Vehicle Code, is a serious offense. It is serious to the degree that I do not think there should be much leeway on the part of prosecution. I think, rather, we need to send a message that this is a serious fine, that the precious cargo that is carried on schoolbuses demands the protection of the people of Pennsylvania, and by raising the fine to this level, I think we bring it to the level that we think it is important. We raise it to the level that we think it demands.

Frankly, I think you really ought to, in the words of an ex-member, think about this one before we cast a vote just "yes" or "no." This is an amendment which I think demands our practical attention to an offense of the Motor Vehicle Code which I think is one of the more serious, and the fine should reflect that. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, indeed I wish this did say "up to \$500." However, this is a very serious violation. Therefore, I support it. Therefore, I ask for a positive vote on this amendment.

The SPEAKER. The gentleman, Mr. Geist, for the second time.

Mr. GEIST. Thank you, Mr. Speaker.

I agree with everything that Representative Coy said. I was the author many, many years ago of the schoolbus legislation allowing the drivers to do the reporting. I believe this amendment is flawed in the fact that it is a fixed \$500 fine and it is a fixed 60-day suspension, and therefore, a lot of those people that Mr. Tangretti would like to prosecute and have prosecuted are going to walk. Because of the harshness of the penalty, a lot of magistrates are not following through. This amendment should be up to, it should be at the discretion, and it is not.

Now, this amendment clearly will pass very easily, but I still believe that it is flawed. Thank you.

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

The following roll call was recorded:

YEAS—184

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

NAYS—13

Bastian	Geist	Miller, S.	Stern
Birmelin	Leh	Schroder	Trello
Druce	McIlhinney	Smith, S. H.	Tulli
Fargo			

NOT VOTING—0

EXCUSED—5

Evans	Ramos	Rooney	Veon
Mayernik			

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

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

Mr. COY reoffered the following amendment No. A0403:

Amend Title, page 1, line 3, by striking out "and"
Amend Title, page 1, line 3, by removing the period after "areas" and inserting

; and further providing for depositing waste.

Amend Bill, page 5, line 24, by striking out all of said line and inserting

Section 3. Section 3709(d)(1) of Title 75 is amended to read:
§ 3709. Depositing waste and other material on highway, property or waters.

(d) Penalty.—Any person violating any of the provisions of subsection (a) or (b) [is guilty of] commits a summary offense and shall, upon conviction, be sentenced to either or both of the following:

(1) To pay a fine of not more than [\$300.];

(i) \$900 for a violation which occurs in an easement purchased under the program established by section 14.1 of the act of June 30, 1981 (P.L. 128, No.43), known as the Agricultural Area Security Law;

(ii) \$600 for a violation which occurs in an agricultural security area, as defined in section 3 of the Agricultural Area Security Law; or

(iii) \$300 for a violation which occurs anywhere

else.

Section 4. This act shall take effect in 60 days.

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

The SPEAKER. On the question, Mr. Coy.
Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, amendment 403 provides for mandatory fines for the offense of depositing waste or other material — littering — on highways, property, or waters as follows: The fine would be \$900 if the violation occurs in an easement purchased by the Agricultural Area Security Law, or the Farmland Preservation Program; \$600 for a violation which occurs in an agricultural security area; or \$300 if the violation occurs anyplace else.

Let me explain the premise a little bit, Mr. Speaker.

All of us have voted in the last few years and the Governor recommended to us just last week to put many more millions of dollars into the Farmland Preservation Program in Pennsylvania. Now, when you preserve farmland — and it is a great idea, and we do, and we should preserve more — much of that farmland, which is important land in Pennsylvania, is along highways, and much of it in the rural part of the State, if you talk to farmers, their biggest problem, when it is along highways or roadways, is of litter. Now, when the farmers come up here to their annual day every year and they have that day — and I cannot remember whether they have had it this year or not yet — but when they do, in March, I think, on their list will be the littering problem and the problem that they have when their livestock ingests a can or a bottle that is half filled with soda or some other liquid and the cow or the other animal that ingests that ends up having to be destroyed. Now, that is not a cheap matter for a farmer. It is an important matter.

We talked a lot about and we did a lot about helping with the drought and supplied some payments and much-needed funding to farmers this summer who experienced that loss. Here is one way where we can discourage littering. If you have not done it — I have — if you have not done it and you represent any type of rural area at all, go out with a farmer and walk along one of his fields along

a highway and help him collect litter. You will find a lot, and you will be surprised what you will find—a lot of really nasty stuff. But the matter of fact is that people take littering in Pennsylvania as a very lighthearted event. They toss trash out without even thinking about it, and it is time that we upgrade these offenses so that they can be reflective of the damage that a farmer receives when his animal ingests some of these things that are tossed.

Now, if you support the bottle bill—and I know a lot of us support the bottle bill—you should support this amendment. And if you do not support a bottle bill, then this is your alternative. In fact, a lot of the folks that do not like the bottle bill, do not like mandatory deposit, like the idea of recycling and the litter fine. Well, this, I think, encourages recycling. This encourages no littering, and it puts a necessary fine on littering when it occurs and when it occurs in the areas of the Commonwealth that you and I have designated, help to designate, as prime farmland.

I think the amendment makes sense, and once again, I look forward to the support of the chairman of the Committee on Transportation, and I encourage all of you to be supportive of this amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

May I interrogate the maker of this amendment?

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

Mr. GEIST. Mr. Speaker, could you explain the \$900 fine, as to whether that is a sliding fine or a mandatory fine?

Mr. COY. I believe it to be mandatory.

Mr. GEIST. \$900. Is that correct?

Mr. COY. Yes.

Mr. GEIST. I have a couple questions for you. If I am Mr. Perzel in his district and somebody comes into his district with an old, burned-out car and dumps that car out in his street and litters, that is a \$300 fine in his district, but if he did it in an agriculture area, it would be \$900. Right?

Mr. COY. Yes.

Mr. GEIST. If he were—

Mr. COY. Unless, Mr. Speaker, Mr. Perzel has some agriculture security areas in his district that we do not know about.

Mr. GEIST. If I am in Mr. Corrigan's district at the local mall and I throw a candy wrapper out in the street when I leave, is that fine \$300, \$600, or \$900?

Mr. COY. I was thinking about something else, Mr. Speaker. Would you repeat the question? I want to make sure I give you an accurate answer. Just repeat the question. I am sorry.

Mr. GEIST. If I am in Representative Corrigan's district and I leave his big mall up there and I go out on the highway and I throw a candy wrapper out, if I am arrested for littering, is that \$300, \$600, or \$900?

Mr. COY. Well, once again I think it depends on whether you are in an agriculture security area. The answer to the question, Mr. Speaker—

The SPEAKER. Mr. Coy, move closer to the mike. We are having difficulty hearing you.

Mr. COY. The answer to your question, Mr. Speaker, sort of no matter in which legislative district you pose the question, is that the fine is \$300 if it is not in one of these areas and it is on the sliding scale in other areas.

Mr. GEIST. Mr. Speaker, may I speak on the amendment? That concludes my interrogation.

The SPEAKER. The gentleman is in order.

Mr. GEIST. Thank you, Mr. Speaker.

For those of us who hate litter, this is a wonderful amendment.

It would be nice if that language was changed to be a sliding scale so that we could impose up to \$900 for any littering, whether it is in the city of Altoona or whether it is in an agriculture area or wherever it is. And the way this is written, it is almost like if you do not want to litter in Mr. Coy's agriculture area, you can drive into town and litter and save yourself 600 bucks.

I would really like to see this thing be uniform. I am going to support it, and I would ask everybody else to support it, and I would hope that he would come back with another amendment that is going to blanket this whole State so that we could punish this crime, which is considered sport almost, and start arresting people who litter everywhere, not just where Mr. Crawford is running or not where somebody else is bicycling but let us just go after all the litterers.

And for those of us who belong to organizations who clean the areas in historic districts—and our club does the Horseshoe Curve Road—I can attest to the kind of litter that we pick up twice a year, and I think that the \$900 fine should actually be imposed in every legislative district in this State and not just a select few. I do not think that Mr. Coy's agriculture district is any better than John Perzel's inner-city district and that we should make this fine uniform, but I support this amendment. Thank you.

The SPEAKER. The gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I wonder if I can interrogate the maker of the amendment. Thank you.

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

Mr. CLYMER. Under the amendment, who can report the violation? Is this something that local law-enforcement officers are going to do or is this something that private citizens can do as well? How will this be enforced?

Mr. COY. Mr. Speaker, my amendment does not change the method of enforcement presently in Title 75. It simply increases and varies the fines. So the answer is that if you go to a district justice and swear out a complaint against someone or if you are arrested by a local member of the constabulary or one of Pennsylvania's finest, it sort of does not matter.

Mr. CLYMER. Mr. Speaker, I am not aware of many people—in fact, very few people—who have been cited for littering the highways or farmland. Is it the intention of the maker of the amendment to get more people involved by increasing the dollar amount on the fines? Is that going to make this a more meaningful program as far as cutting down littering, that you will have more people involved, because presently it is my understanding and my thinking that there are very few people who are ever cited for littering the highways.

Mr. COY. Mr. Speaker, littering is a problem in Pennsylvania, and I think by raising the fine level, the General Assembly takes a public position of how strong we think the fine ought to be, but the bottom line, Mr. Speaker, is that for farmers and for people who use the land in an agricultural way, this, the offense of littering, is a much more serious offense because it damages many of the crops and the livestock that are on the land, and that is why in certain areas the amendment provides for a stronger fine.

Mr. CLYMER. Mr. Speaker, I am through with the questioning. I would like to make a few comments.

The SPEAKER. The gentleman is in order.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I certainly wholeheartedly support the efforts of trying to reduce littering in Pennsylvania; all of us do, obviously.

My concern was that as we move to attempt to by maintaining higher fines, by increasing fines, that we get the job done, that this is a meaningful amendment that certainly is going to be able to reduce littering whether it be in small towns or in urban areas or along farmland, that we accomplish the mission to which the amendment has been proposed.

I will support it, but I do believe with my colleague, the chairman of Transportation, that we do find a sliding scale to make it more palatable. Thank you very much.

The SPEAKER. The gentleman, Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, as the chairman of the Monroe County Litter Control and Beautification Committee, I certainly support this amendment, although I do agree that I would like to see the \$900 be uniform throughout the entire Commonwealth. There are some people who drop three and four bags along the highway; some toss out just a wrapper. So I would like to see that \$900 affect everybody.

However, this is such an important item that I support it, and I would ask everyone to vote "yes" on this amendment.

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

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

NAYS—1

Trello

NOT VOTING—0

EXCUSED—5

Evans	Ramos	Rooney	Veon
Mayernik			

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 gentleman, Mr. Petrarca, I have you marked for four amendments. Would you give us— Just one. Would you please give us the number of the one you are intending to offer.

Mr. PETRARCA. Thank you, Mr. Speaker.

Amendment 4539.

The SPEAKER. The clerk will read the amendment.

Mr. PETRARCA offered the following amendment No. A4539:

Amend Title, page 1, line 2, by inserting after "Statutes," providing for petitions for removal of certain suspensions or revocations;

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

Section 1. Section 1532(a)(3) of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:
§ 1532. Suspension of operating privilege.

(a) One-year suspension.—The department shall suspend the operating privilege of any driver for one year upon receiving a certified record of the driver's conviction of or an adjudication of delinquency based on any of the following offenses:

(3) Any violation of the following provisions:

Section 3732 (relating to homicide by vehicle).

Section 3735.1 (relating to aggravated assault by vehicle while driving under the influence).

Section 3742 (relating to accidents involving death or personal injury).

Section 3742.1 (relating to accidents involving death or personal injury while not properly licensed).

[Section 7102(b) (relating to removal or falsification of identification number).

Section 7103(b) (relating to dealing in vehicles with removed or falsified numbers.)]

Section 7111 (relating to dealing in titles and plates for stolen vehicles).

Section 7121 (relating to false application for certificate of title or registration).

Section 7122 (relating to altered, forged or counterfeit documents and plates).

Section 2. Section 1905 of Title 75 is amended by adding a subsection to read:

Amend Sec. 2, page 2, line 9, by striking out "2" and inserting
3

Amend Bill, page 5, line 24, by striking out all of said line and inserting

Section 4. Drivers whose operating privileges were suspended or revoked prior to the effective date of this section may petition the Department of Transportation to remove from the record the suspensions which had previously been imposed for violations of 75 Pa.C.S. §§ 7102(b) and 7103(b). Upon receipt of the petition the department shall examine the driving record of the petitioner and shall remove from the record suspensions or revocations caused by convictions of violations of 75 Pa.C.S. §§ 7102(b) or 7103(b). If there are other offenses on the record, if the driver is entitled to credit, credit shall be given for the other offenses for the periods of times where the driver's operating privileges were suspended or revoked for violations of 75 Pa.C.S. §§7102(b) and 7103(b). If the driver was properly serving the suspension then the driver is entitled to credit. If after recalculating the record the driver is eligible for restoration of privileges, the department shall so inform the driver and permit the driver to be restored so long as the driver meets all the other requirements for restoration.

Section 5. This act shall take effect as follows:

(1) The amendment of 75 Pa.C.S. § 1532(a)(3) shall take effect immediately.

(2) Section 4 of this act relating to petitions for removal of suspensions or revocations and this section shall take effect immediately.

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

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

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

Mr. PETRARCA. Thank you, Mr. Speaker.

In 1998 we removed two offenses from the Vehicle Code. What this amendment would do, it would allow people suspended under those sections to petition the Department of Transportation for their driver's licenses, and I believe it is an agreed-to amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—197

Adolph	Egolf	Major	Schroder
Allen	Fairchild	Manderino	Schuler
Argall	Fargo	Mann	Scrimenti
Armstrong	Feese	Markosek	Semmel
Baker	Fichter	Marsico	Seyfert
Bard	Fleagle	Masland	Shaner
Barley	Flick	McCall	Smith, B.
Barrar	Forcier	McGeehan	Smith, S. H.

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Evans	Ramos	Rooney	Veon
Mayernik			

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 recognizes the lady, Mrs. Forcier, who offers the following amendment, which the clerk will now read. The amendment is withdrawn.

The Chair recognizes the gentleman, Mr. DeLuca. Mr. DeLuca? Go over Mr. DeLuca.

The Chair recognizes the gentleman, Mr. Gordner. He withdraws his amendments.

Mr. Geist, do you have an amendment?

The clerk will read the amendment.

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

Mr. GEIST offered the following amendment No. A4594:

Amend Title, page 1, line 2, by inserting after "funds" and for restrictions on use of limited access highways

Amend Bill, page 2, by inserting between lines 8 and 9 Section 2. Section 3313(d) of Title 75 is amended to read:

§ 3313. Restrictions on use of limited access highways.

(d) Driving in right lane.—[Vehicles shall be driven in the lane nearest the right-hand edge of the roadway, except when overtaking another vehicle, or for a distance of up to two miles in preparation for a left turn, or as directed by official traffic control devices, police officers or appropriately attired persons authorized to divert, control or regulate traffic.]

(1) No driver shall drive continuously in the left lane of a limited access highway so as to impede the flow of other traffic.

(2) Upon all limited access highways having two or more lanes for traffic moving in the same direction, all vehicles shall be driven in the right-hand lane when available for traffic, except:

(i) when overtaking and passing another vehicle proceeding in the same direction;

(ii) when traveling at a speed greater than the traffic flow;

(iii) when moving left to allow traffic to merge; or

(iv) when preparing for a left turn at an intersection, exit or into a private road or driveway when such left turn is legally permitted.

(3) Unless otherwise posted, no vehicle towing a trailer and no vehicle or combination over 10,000 pounds may be driven in the left-hand lane of a limited access highway having three or more lanes for traffic moving in the same direction except when preparing for a left turn at an intersection, exit or into a private road or driveway when such left turn is legally permitted.

(4) This subsection shall not apply to a vehicle using a vehicle lane designated for multioccupant vehicles or car pools.

Amend Sec. 2, page 2, line 9, by striking out "2" and inserting

3

Amend Sec. 3, page 5, line 24, by striking out "3" and inserting

4

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

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

Mr. GEIST. Thank you very much, Mr. Speaker.

When Senator Fumo inserted his keep-left-only language in the Senate, that caused quite a stir in Pennsylvania. This amendment cleans that language up, and I believe that makes it a very good piece of legislation, and I would ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the amendment, Mr. Battisto.

Mr. BATTISTO. I just want to add, Mr. Speaker, this is an intelligent way to clean up the problems we inherited from that amendment from the Senate. So I encourage everybody to vote "yes" on this amendment.

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

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Evans	Ramos	Rooney	Veon
Mayemik			

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

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

Mr. DeLUCA offered the following amendment No. A4516:

Amend Title, page 1, line 2, by inserting after "providing"
for certificates of title and

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

Section 1. Section 1106(a) of Title 75 of the Pennsylvania
Consolidated Statutes is amended to read:

§ 1106. Content and effect of certificate of title.

(a) Vehicle identification and encumbrances.—A certificate of title shall contain such description and other evidence of identification of the vehicle for which it is issued as the department may deem necessary and the odometer reading, together with a statement of any liens or encumbrances including the names and addresses of the holder or holders of the liens or encumbrances. The certificate of title shall also contain the following statement if the vehicle was returned to the manufacturer under the act of March 28, 1984 (P.L.150, No.28), known as the Automobile Lemon Law:

IMPORTANT: THIS VEHICLE WAS RETURNED TO THE MANUFACTURER BECAUSE IT DID NOT CONFORM TO THE MANUFACTURER'S EXPRESS WARRANTY, AND THE NONCONFORMITY WAS NOT CURED WITHIN A REASONABLE TIME AS PROVIDED BY PENNSYLVANIA LAW.

Section 2. Section 1905 of Title 75 is amended by adding a subsection to read:

Amend Sec. 2, page 2, line 9, by striking out "2" and inserting
3

Amend Sec. 3, page 5, line 24, by striking out "3" and inserting
4

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

AMENDMENT WITHDRAWN

The SPEAKER. On the question, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I am going to withdraw 4516, but first before I withdraw it, I want to thank the Department of Transportation for taking advantage of my amendment by trying to do this in regulations. What it does is it addresses a flaw in the Lemon Law, whereby vehicles' titles are not branded when they are sent back. The administration has alerted me that they are going to try to do this by regulations. I want to commend them. I hope that this will be done before we come back in the summer. If not, then I will certainly reintroduce this.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Saylor. Do you have an amendment?

Mr. SAYLOR. Thank you, Mr. Speaker. I have—

The SPEAKER. Will the gentleman yield.

Mr. DeLuca, do you have another amendment to offer? Pardon me. The clerk will read the second DeLuca amendment.

On the question recurring,

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

Mr. DeLUCA offered the following amendment No. A4517:

Amend Title, page 1, line 3, by striking out "and"

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

; and further providing for local authority to erect
traffic-control devices.

Amend Bill, page 5, by inserting between lines 23 and 24

Section 3. Section 6122(a) of Title 75 is amended to read:

§ 6122. Authority to erect traffic-control devices.

(a) General rule.—The department on State-designated highways and local authorities on any highway within their boundaries may erect official traffic-control devices, which shall be installed and maintained in conformance with the manual and regulations published by the department upon all highways as required to carry out the provisions of this title or to regulate, restrict, direct, warn, prohibit or guide traffic.

(1) [Local] Except as provided in paragraph (3), local authorities shall obtain approval of the department prior to erecting an official traffic-control device on a State-designated highway except where department regulations provide otherwise.

(2) [Local] Except as provided in paragraph (3), local authorities shall obtain approval of the department prior to erecting any traffic signal except in a municipality with a traffic engineer qualified in accordance with department regulations.

(3) Notwithstanding any other provision of this section, a local authority may erect a stop sign on a highway within its boundaries without the approval of the department.

Amend Sec. 3, page 5, line 24, by striking out "3" and inserting
4

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

The SPEAKER. The Chair recognizes the gentleman.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment addresses an issue in my district and throughout this Commonwealth pertaining to our local municipalities. Presently in our local municipalities, if a municipality wants to erect a stop sign on a State road, they have to get permission from PennDOT and also go through a costly study, traffic study, to initiate this stop sign. I think since the local municipalities' police departments are in charge of the traffic safety out there, that the local municipalities have the expertise to come up with the quantifying empirical data to put these stop signs in dangerous situations out there.

Let me just read to you from one of the municipalities, from Franklin Park: "I am requesting your support for this proposed legislation which will allow local governments to install stop signs on State highways." And this is— I want you to pay attention to this statement. Local governments and their citizens know what traffic consultants take months and even years to figure out, because of this issue, at great cost. I think this is important for the safety of the public out there that we give this to our local municipalities to be able to correct these situations, these dangerous situations, where somebody is going to get hurt. Too many times we wait until somebody gets killed before we act. This is a preventive measure, and who knows best? The traffic safety departments in the local governments. They know what is good for

their municipalities, so certainly we should give them that extra tool to initiate this type of program.

Therefore, I ask from my colleagues an affirmative vote on this. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady, Ms. Williams.

Ms. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to congratulate Mr. DeLuca on offering this amendment. This issue of stop lights and who is to get PennDOT to approve them has gotten to be very aggravating in my district, and I am delighted to see that he is addressing this issue, and I urge all of your support. Thank you.

The SPEAKER. Mr. Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

I rise to oppose the amendment.

In York County we have a transportation coalition that works with local governments on highways, and over the years, my experience with the local townships and boroughs is they do not look at the bigger plan; they do not look at what is going on in other townships near them. The great thing that the Pennsylvania Department of Transportation does with their engineering studies is looks at the bigger picture. If we in this General Assembly get to the point where we are going to allow local townships to make decisions that affect people on our highways, our State highways, without looking at the bigger picture and the traffic congestion and everything else, we are doing a great disservice to our constituents. Our highway department looks at the safety of our citizens when they make the decisions about stop signs—

The SPEAKER. Will the gentleman yield.

There are entirely too many conversations going on. Please, if you must confer, do it in one of the outside conference rooms.

Mr. SAYLOR. Mr. Speaker, I was saying the fact that our Department of Transportation and their engineers have done an outstanding job over the years in trying to make sure that our constituents are looking at safety first before allowing traffic signs and traffic signals to be placed in areas of the State highways. I think it would be very, very improper for us to take that great management tool and safety tool that we have now to protect our citizens away and let municipalities decide on their own haphazardly where they are going to put traffic signs and signal lights and everything else.

We have a good department. Our engineering department at the department of highway has done a tremendous job to improve the safety of our constituents, and I ask for a negative vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

I respect my colleague on the other side there, but I certainly disagree with his comments. I personally do not believe that our local municipalities and their traffic safety departments and their traffic departments, governed by the same people that we tell to enforce these traffic laws, are doing it haphazardly. I certainly do not agree with that.

I also do not agree with the bigger picture. While we are sacrificing public safety out there, God forbid if somebody gets hurt or killed and we can say we are looking at the bigger picture, Mr. Speaker. But you know what? Somebody already got hurt, but we can all go back and say, well, our Department of Transportation is looking at the bigger picture. I do not buy that. I think we have

qualified police departments out there; we have qualified traffic safety departments making these decisions, not haphazardly but on behalf of the residents that they are sworn to uphold the law with. That is why I disagree with that.

And I ask for an affirmative vote, because I think it is a very important piece of legislation, a very important new tool for our local governments who are asking for it, and it would be beneficial for the safety of the public. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Geist.

Mr. GEIST. Thank you very much, Mr. Speaker.

Would the maker of the amendment stand for a brief interrogation?

The SPEAKER. The gentleman indicates he will. You may begin.

Mr. GEIST. Mr. Speaker, the way this amendment is worded, do you believe that with the language that is there, the local government that the parkway passes through could put a stop sign on the parkway?

Mr. DeLUCA. Do I believe that the local government that the parkway passes through? No, I do not think that. But the way this amendment is drafted, I certainly would not think it would be common sense on the local governments to do that, and it is not the intent to do that, number one, and certainly I would discourage the local governments even thinking of that. I certainly put more confidence in the police departments and also in our local governments to have more common sense in doing something, that we could find all kinds of things on any piece of legislation we pass to do that, Mr. Speaker.

Mr. GEIST. Thank you, Mr. Speaker.

May I be recognized on the amendment?

The SPEAKER. The gentleman, Mr. Geist.

Mr. GEIST. Thank you very much, Mr. Speaker.

The idea is right. I think there is a big flaw in the amendment because it does not prohibit the local government, and if they have a beef with the State, some local government could go out there and erect stop signs on the interstate.

This is not a bad idea. It needs some work done on it. In its present form, I am going to vote against it. Hopefully, we will come back with language that is better, and I think that Mr. Parsells probably could draft a heck of a lot better amendment than this one, and I am sure that we could address this later so that it reflects what he has said on the mike he would like to do versus what is written in the amendment, and I think we could do that. So for now I plan to vote against it. I like the idea. I just think that we need to do some work on the technical part of it. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Trello.

Mr. DeLuca, you have spoken twice on the subject.

Mr. TRELLO. Mr. Speaker, I think this is a great amendment.

I served on borough council for 9 years in the borough of Coraopolis, and every time we had to erect a one-way sign or a stop sign, the current law mandates that we must pass an ordinance and just notify the district engineer what we are going to do. Well, that constitutes an awful lot of money for my local government to do that, because they have to have the attorney draft up the ordinance and then mail it to the district engineer, and that costs \$400 or \$500 of attorney fees, and we all know how high those attorney fees are.

This amendment would allow the responsible elected officials that we have throughout this Commonwealth to create their own

destiny in their community for safety reasons, and there is nothing wrong with this. Never once did the district engineer in my 9 years as a councilman come down to investigate a stop sign or a one-way street. They automatically approve it as long as a resolution is passed.

Not only is this a good amendment in dealing with traffic safety, but this is going to save your local governments an awful lot of money by passing an ordinance to put up a stop sign where a stop sign should be put, and I ask for an affirmative vote on the amendment. Thank you.

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

The following roll call was recorded:

YEAS—94

Barrar	DeWeese	Manderino	Shaner
Bebko-Jones	Donatucci	Mann	Smith, B.
Belardi	Eachus	Markosek	Solobay
Belfanti	Flick	McCall	Staback
Bishop	Frankel	McGeehan	Steelman
Blaum	Freeman	Melio	Stevenson
Boyes	George	Myers	Sturla
Bunt	Gigliotti	Oliver	Surra
Butkovitz	Grucela	Orie	Tangretti
Caltagirone	Hanna	Pesci	Thomas
Cappabianca	Harhai	Petrarca	Travaglio
Carr	Horsey	Petrone	Trello
Casorio	James	Pistella	Trich
Cawley	Josephs	Preston	Tulli
Civera	Kaiser	Readshaw	Van Horne
Cohen, L. I.	Keller	Rieger	Vitali
Cohen, M.	Kirkland	Roberts	Walko
Colafella	LaGrotta	Robinson	Washington
Costa	Laughlin	Roebuck	Waters
Coy	Lederer	Ruffing	Williams
Curry	Lescovitz	Sainato	Wojnaroski
Daley	Levdansky	Samuelson	Youngblood
DeLuca	Lucyk	Scrimenti	Yudichak
Dermody	Maher		

NAYS—102

Allen	Fichter	Marsico	Saylor
Argall	Fleagle	Masland	Schroder
Armstrong	Forcier	McGill	Schuler
Baker	Gannon	McIlhattan	Semmel
Bard	Geist	McIlhinney	Seyfert
Barley	Gtadeck	McNaughton	Smith, S. H.
Bastian	Godshall	Metcalfe	Snyder
Battisto	Gordner	Michlovic	Stairs
Benninghoff	Gruitza	Micozzie	Steil
Birmelin	Habay	Miller, R.	Stern
Browne	Haluska	Miller, S.	Stetler
Buxton	Harhart	Mundy	Strittmatter
Chadwick	Hasay	Nailor	Taylor, E. Z.
Clark	Hennessey	Nickol	Taylor, J.
Clymer	Herman	O'Brien	Tigue
Cornell	Hershey	Perzel	True
Corrigan	Hess	Phillips	Vance
Dailey	Hutchinson	Pippy	Wilt
Dally	Jadlowiec	Platts	Wogan
Dempsey	Kenney	Raymond	Wright
DiGirolamo	Krebs	Reinard	Yewcic
Druce	Lawless	Rohrer	Zimmerman
Egolf	Leh	Ross	Zug
Fairchild	Lynch	Rublely	
Fargo	Maitland	Santoni	Ryan.
Feese	Major	Sather	Speaker

NOT VOTING—1

Adolph

EXCUSED—5

Evans Ramos Rooney Veon
Mayernik

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 as amended?

The SPEAKER. The Chair recognizes the gentleman from Bucks County, Mr. Melio, who offers the following amendment, which the clerk will now read. Amendment 0411. Is that correct?

Mr. MELIO. Yes.
Thank you, Mr. Speaker.

I apologize—
The SPEAKER. Will the gentleman yield.

Mr. MELIO. —for the earlier confusion—

The SPEAKER. Will the gentleman yield.

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

Mr. MELIO reoffered the following amendment No. A0411:

Amend Title, page 1, line 3, by striking out “and”

Amend Title, page 1, line 3, by removing the period after “areas” and inserting

; and further providing for periodic vehicle inspection.

Amend Bill, page 5, line 24, by striking out all of said line and inserting

Section 3. Section 4702 of Title 75 is amended by adding a subsection to read:

§ 4702. Requirement for periodic inspection of vehicles.

(h) Maximum fee.—A vehicle subject to exception under subsection (g) shall be charged a fee not to exceed \$15.

Section 4. This act shall take effect in 60 days.

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

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

Mr. MELIO. Thank you, Mr. Speaker.

Again I say I apologize for the confusion of the earlier amendments. I did not have the correct numbers.

But this is an amendment that would allow— Some time ago we talked about the exception to people like senior citizens primarily who use their cars less than 5,000 miles a year, and this was supposed to allow them to not have to go to get the emission inspection.

I had a situation where in my district an 82-year-old lady called and she was charged \$43 for this exception, and it is someone that was not even supposed to take the test. Well, we talked about it, and the chairman of the committee, who has been very helpful, said that if we make it \$15, it would cover the fee; it would cover any other expenses that may occur to the owners of the shops; that this would be an agreed-to amendment.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Evans	Ramos	Rooney	Veon
Mayemik			

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?

AMENDMENT A0182 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman, Mr. McCall, who moves that the vote by which amendment No. A0182 was passed to HB 2053, PN 2623, on this 15th day of February be reconsidered. This is a reconsideration motion.

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

The following roll call was recorded:

YEAS—197

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

DeWeese	Levdansky	Sainato	Zug
DiGirolamo	Lucyk	Samuelson	
Donatucci	Lynch	Santoni	Ryan,
Druce	Maher	Sather	Speaker
Eachus	Maitland	Saylor	

NAYS—0

NOT VOTING—0

EXCUSED—5

Evans	Ramos	Rooney	Veon
Mayernik			

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

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

The SPEAKER. The clerk will now read amendment A01—
Will the clerk suspend.

Mr. McCall.

Mr. McCALL. Mr. Speaker, I think I have to make a motion to suspend the rules. Is that correct, or did we do that?

The SPEAKER. It is my understanding that you wish to withdraw the amendment that was just reconsidered and offer a new amendment. Is that right?

Mr. McCALL. Correct.

The SPEAKER. That would require a suspension of the rules. The gentleman—

AMENDMENT WITHDRAWN

Mr. McCALL. I would move then that, Mr. Speaker, I withdraw the amendment that the House approved by an earlier vote.

The SPEAKER. All right. Without objection, the amendment A0182 is withdrawn.

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes Mr. McCall.

Mr. McCALL. Mr. Speaker, I move that the House suspend its rules to allow for the immediate consideration of amendment A0451.

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

The following roll call was recorded:

YEAS—194

Adolph	Eachus	Major	Saylor
Allen	Egolf	Manderino	Schroder
Argall	Fairchild	Mann	Schuler
Armstrong	Fargo	Markosek	Scrimenti

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

NAYS—3

Hanna	Krebs	Steil
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NOT VOTING—0

EXCUSED—5

Evans	Ramos	Rooney	Veon
Mayernik			

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

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

Mr. McCALL offered the following amendment No. A0451:

Amend Title, page 1, line 2, by inserting after "funds;" requiring political subdivisions to check status of drivers' licenses of employees who drive municipal vehicles;

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

Section 1. Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 1576. Political subdivisions to check status of employees' drivers' licenses.

At least quarterly, a political subdivision shall check the records of the department to determine the status of the drivers' licenses of all employees who drive vehicles as an element of their employment.

Section 2. Section 1905 of Title 75 is amended by adding a subsection to read:

Amend Sec. 2, page 2, line 9, by striking out "2" and inserting
3

Amend Sec. 3, page 5, line 24, by striking out "3" and inserting
4

On the question,

Will the House agree to the amendment?

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

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, this language is almost identical to amendment 182 that I had withdrawn. Some members expressed concern about the offense section in the language of amendment 182. Amendment 451 strikes that language and just places the requirement on the political subdivision to do the license check. It is a curative amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Geist.

Mr. GEIST. Thank you very much, Mr. Speaker.

In working with Representative McCall, I told him that when Bob Mustin was on the Transportation staff, he never made mistakes like that.

This amendment now has been cleaned up and is acceptable, and I would urge a "yes" vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—196

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

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

NAYS—1

Fairchild

NOT VOTING—0

EXCUSED—5

Evans	Ramos	Rooney	Veon
Mayemik			

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

Mr. Geist.

Mr. GEIST. Thank you very much, Mr. Speaker.

I do not want to belabor the House, but I would like to congratulate Representatives Schroder and Solobay, who have taken this issue, embraced it and worked it, and I believe that they have an excellent piece of legislation, and I hope that it gets fair and quick passage in the Senate. They deserve a real pat on the back. Thank you.

The SPEAKER. The gentleman, Mr. Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

I do not want to belabor the points either. I appreciate the House's indulgence and your patience this afternoon as we went through these amendments.

Back in March of 1998, there was a tragic accident on the Pennsylvania Turnpike in my district which claimed the life of a firefighter from the Lionville Fire Company, injured 10 or

11 others. Since that time I have been working with them on legislation and other concerns involving administrative matters in law enforcement, and this bill is one thing that our emergency service responders, who put their lives on the line every day to be out there on the highways to protect us and rescue those who get in the accidents – this is the type of protection that they need.

I would also like to thank Representative Geist, chairman of the Transportation Committee. And also, I wanted to make sure that I recognized the valuable contributions and input from Representative Tim Solobay. This was truly a collaborative effort between Representative Solobay and myself. He was very much an equal partner in this bill, and I just want to make sure he gets the credit and the thanks that he deserves.

Thank you, Mr. Speaker.

DECISION OF CHAIR RESCINDED

The SPEAKER. The Chair has some bad news.

Without objection, the Chair withdraws its comment that the bill had been agreed upon for the third time as amended.

On the question recurring,

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

Mr. SAYLOR offered the following amendment No. A4603:

Amend Title, page 1, line 2, by inserting after "funds" and for obedience to authorized persons directing traffic

Amend Bill, page 2, by inserting between lines 8 and 9 Section 2. Section 3102 of Title 75 is amended to read:

§ 3102. Obedience to authorized persons directing traffic.

No person shall willfully fail or refuse to comply with any lawful order or direction of any uniformed police officer, sheriff or constable or, in an emergency, a railroad or street railway police officer; or any appropriately attired person, including an agent or employee of the funeral director during a funeral; or an employee who has been trained in traffic control during the course of employment by a licensed and insured private security company, authorized to direct, control or regulate traffic.

Amend Sec. 2, page 2, line 9, by striking out "2" and inserting 3

Amend Sec. 3, page 5, line 24, by striking out "3" and inserting 4

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, Mr. Saylor.

Mr. SAYLOR. Mr. Speaker, it is an agreed-to amendment and just ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—193

Adolph	Fairchild	Manderino	Schroder
Allen	Fargo	Mann	Schuler
Argall	Feese	Markosek	Scrimenti
Armstrong	Fichter	Marsico	Semmel

Baker	Fleagle	Masland	Seyfart
Bard	Flick	McCall	Shaner
Barley	Forcier	McGeehan	Smith, B.
Barrar	Frankel	McGill	Snyder
Bastian	Freeman	McIlhattan	Solobay
Battisto	Gannon	McIlhinney	Staback
Belardi	Geist	McNaughton	Stairs
Belfanti	George	Melio	Steelman
Benninghoff	Gigliotti	Metcalfe	Steil
Bishop	Gladeck	Michlovic	Stern
Blaum	Godshall	Micozzie	Stetler
Boyes	Gordner	Miller, R.	Stevenson
Browne	Grucela	Miller, S.	Strittmatter
Bunt	Gruitza	Mundy	Sturla
Butkovitz	Habay	Myers	Surra
Buxton	Haluska	Nailor	Tangretti
Caltagirone	Hanna	Nickol	Taylor, E. Z.
Cappabianca	Harhai	O'Brien	Taylor, J.
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	Raymond	Washington
Costa	Keller	Readshaw	Waters
Coy	Kenney	Reinard	Williams
Curry	Kirkland	Rieger	Wilt
Dailey	Krebs	Roberts	Wogan
Daley	LaGrotta	Robinson	Wojnaroski
Daily	Laughlin	Roebuck	Wright
DeLuca	Lawless	Rohrer	Yewcic
Dempsey	Lederer	Ross	Youngblood
Dermody	Leh	Rubley	Yudichak
DeWeese	Lescovitz	Ruffing	Zimmerman
DiGirolo	Levdansky	Sainato	Zug
Donatucci	Lucyk	Samuelson	
Druce	Lynch	Santoni	Ryan,
Eachus	Maitland	Sather	Speaker
Egolf	Major	Saylor	

NAYS—3

Birmelin	Maher	Smith, S. H.
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NOT VOTING—1

Bebko-Jones

EXCUSED—5

Evans	Ramos	Rooney	Veon
Mayernik			

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

Mr. Solobay is recognized on final passage.

Mr. SOLOBAY. Thank you, Mr. Speaker.

I would just like to say I would like to thank the chairmen of the Transportation Committee as well as the two colleagues that also worked along on this bill. It has been a great bipartisan effort to correct a serious wrong that has been going on out on the highways as far as our emergency service providers.

A lot of work has been done with this. I think we have got all the t's crossed and i's dotted and would ask for unanimous support from both sides. 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—197

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Evans Ramos Rooney Veon
Mayernik

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.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the gentleman, Mr. DeWeese, who asks that the gentleman, Mr. GRUCELA, be placed on leave for the balance of today's session. Without objection, the leave will be granted. The Chair hears no objection.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1996, PN 2559**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. The Chair recognizes the gentleman, Mr. Reinard. Mr. Reinard, do you still have two amendments to offer to this bill?

Mr. REINARD. Thank you, Mr. Speaker.

No. I only have one. One has been withdrawn.

The SPEAKER. The clerk will read the amendment.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. REINARD offered the following amendment No. A0262:

Amend Sec. 2, page 2, line 26, by inserting after "receiver" only

Amend Sec. 6, page 8, line 30, by inserting after "requirements" , but which shall be filed with the court. If the court takes no action with respect to the contract within 60 days the contract shall be deemed approved

Amend Sec. 6, page 10, line 15, by striking out "every six months" and inserting

every three months

Amend Sec. 7, page 11, line 18, by inserting after "building," to bring the building into code compliance,

Amend Sec. 7, page 12, lines 1 and 2, by striking out "QUALIFIED APPRAISER OF THAT TYPE PROPERTY" and inserting certified real estate appraiser of that type property, who has been certified pursuant to the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act,

Amend Sec. 7, page 12, line 2, by inserting after "THE" where it appears the second time certified real estate

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

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

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is highly technical to legislation of my own that I am amending, and it addresses three basic areas. First off, it talks about a status report being filed every 3 months in lieu of every 6. It also says that the appraisals that are going to be utilized would be State certified and meet all the State credentials. And finally, it goes on to say that the bill the receivership filed before the court would have to be approved within 60 days or else it would be deemed approved.

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

The following roll call was recorded:

YEAS—196

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

Table listing names of members who did not vote: Donatucci, Druce, Eachus, Maher, Maitland, Major, Sather, Saylor, Ryan, Speaker.

NAYS—0

NOT VOTING—0

EXCUSED—6

Table listing names of members who were excused: Evans, Grucela, Mayernik, Ramos, Rooney, Veon.

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. A0238:

Amend Sec. 4, page 5, line 22, by inserting after "court" and publish a notice in a newspaper of general circulation within one week of filing the petition

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

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, amendment 238 advises that the amendment simply requires a petitioner to publish a notice in a newspaper of general circulation within 1 week of filing the petition. As this bill was written, the petitioner is only required to send notice to the last known address of the owner of the property. If in fact the owner has moved his residence, this amendment will increase the possibility that he will be informed of the petition.

I ask that we support this amendment.

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

The following roll call was recorded:

YEAS—195

Table listing names of members who voted 'YEAS' for the amendment, including Adolph, Allen, Argall, Armstrong, Baker, Bard, Barley, Barrar, Bastian, Battisto, Bebko-Jones, Bclardi, Belfanti, Benninghoff, Birmelin, Bishop, Blaum, Fairchild, Fargo, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gannon, Geist, George, Gigliotti, Gladeck, Godshall, Gordner, Gruitza, Manderino, Mann, Markosek, Marsico, Masland, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Michlovic, Micozzie, Miller, R., Miller, S., Schroder, Schuler, Scrimenti, Semmel, Seyfert, Shaner, Smith, B., Smith, S. H., Snyder, Solobay, Staback, Stairs, Steelman, Steil, Stern, Stetler, Stevenson.

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

NAYS-0

NOT VOTING-1

Clymer

EXCUSED-6

Evans	Mayernik	Rooney	Veon
Grucela	Ramos		

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 recognizes the gentleman, Mr. Robinson. His amendment is withdrawn.

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-196

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Evans	Mayernik	Rooney	Veon
Grucela	Ramos		

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

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

BILL PASSED OVER

The SPEAKER. SB 706 is over.

RESOLUTIONS PURSUANT TO RULE 35

RESOLUTION PASSED OVER

The SPEAKER. HR 355 is over.

Mrs. TAYLOR called up **HR 365, PN 2963**, entitled:

A Resolution recognizing March 2000 as "National Women's History Month" and March 8, 2000, as "International Women's Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

DeWeese	Lucyk	Samuelson	Zug
DiGirolamo	Lynch	Santoni	
Donatucci	Maher	Sather	Ryan,
Druce	Maitland	Saylor	Speaker
Eachus	Major		

NAYS—0

NOT VOTING—0

EXCUSED—6

Evans	Mayernik	Rooney	Veon
Gruceia	Ramos		

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the lady, Mrs. Vance.
Mrs. VANCE. Mr. Speaker, I ask that the rules of the House be suspended to permit the immediate consideration of HR 358.

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

The following roll call was recorded:

YEAS—192

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

Daley	Lederer	Rohrer	Yewcic
Dally	Leh	Ross	Youngblood
DeLuca	Lescovitz	Rubley	Yudichak
Dempsey	Levdansky	Ruffing	Zimmerman
Dermody	Lucyk	Sainato	Zug
DeWeese	Lynch	Samuelson	
DiGirolamo	Maher	Santoni	Ryan.
Donatucci	Maitland	Sather	Speaker
Druce	Major		

NAYS-4

Hanna	Krebs	Steelman	Steil
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NOT VOTING-0

EXCUSED-6

Evans	Mayernik	Rooney	Veon
Grucela	Ramos		

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

SUPPLEMENTAL CALENDAR B

RESOLUTION

Mrs. VANCE called up **HR 358, PN 3011**, entitled:

A Resolution establishing a select committee 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?

The SPEAKER. The gentleman, Mr. Melio, desires recognition.
Mr. MELIO. Thank you, Mr. Speaker.
I have an amendment, 450, to this House resolution.

The SPEAKER. Mr. Melio, did you have your amendment redrafted? It is to a different print number, I am advised.

Mr. MELIO. No; I do not know. To my knowledge, it was not redrafted.

The SPEAKER. The clerk will read the amendment.

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

Mr. MELIO offered the following amendment No. **A0421**:

Amend Title, page 1, lines 1 and 2, by striking out "subcommittee of the Committee on Health and Human Services" and inserting committee

Amend First Resolve Clause, page 2, line 9, by striking out "subcommittee" and inserting committee

Amend Second Resolve Committee, page 2, line 13, by striking out "subcommittee" and inserting committee

Amend Fourth Resolve Clause, page 2, line 21, by striking out "subcommittee" and inserting committee

Amend Fourth Resolve Clause, page 2, line 24, by striking out "subcommittee" and inserting committee

Amend Fifth Resolve Clause, page 2, line 25, by striking out "subcommittee" and inserting committee

Amend Sixth Resolve Clause, page 2, line 28, by striking out "subcommittee" and inserting committee

Amend Sixth Resolve Clause, page 2, line 29, by inserting after "recommendations" by September 1, 2000

Amend Seventh Resolve Clause, page 3, line 2, by striking out "subcommittee" and inserting committee

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

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

Mr. MELIO. First of all, Mr. Speaker, I would like to commend Representative Vance for this timely resolution. My phone has been ringing off the wall with people who are concerned about this.

And I note that the honorable lady accepted the first part of my amendment, which would mean that instead of the House Committee on Health and Human Services, it would be a select committee, but my amendment would give a deadline for the resolution of this problem by the 1st day of September 2000.

And I would like to say to the members that not too long ago the HMOs (health maintenance organizations) came out with a big spread, a big play, on how important it was that they come to the HMOs — that they would have the pick of who their people were; the hospital visits would be very inexpensive; they had thousands of doctors in the program that they could pick from — and then they came out with a letter to all of the people who signed up thinking this was the utopia, telling them that there was no longer going to be coverage for the personal brands, the brand names; that the rates were going up for the generic drugs; that if they went to the hospital, if they were there 1 day and did not stay overnight, they were not going to be covered. I had a resident come in and complain. He said, their people are making liars out of us. I go to the doctor; I go to the emergency room, and the doctor tells me that I can go home. I have to say, oh, no, I have a pain, because if I go home, it is not going to be covered, and then if it is covered the next day, half of the time they denounce it and then they are not going to cover a lot of these things. What I would like to do—

The SPEAKER. Mr. Melio—

Mr. MELIO. I am sorry.

The SPEAKER. —on the amendment.

Mr. MELIO. On the amendment.

I would like to have a deadline, because we have a bill already prepared with over almost 60 people cosigning. We can deal with this right away. I cannot see—

The SPEAKER. Will the gentleman, Mr. Melio, yield for a moment.

Mr. MELIO. Okay.

The SPEAKER. The board is reflecting amendment A421. It seems to me that you are talking about amendment 0450.

Mr. MELIO. Yes, Mr. Speaker. 450; I am sorry.

The SPEAKER. Will the gentleman yield.
Would the clerk read 0450.

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

Mr. MELIO offered the following amendment No. A0450:

Amend Sixth Resolve Clause, page 2, line 29, by inserting after
“report”

by the first session day of September 2000

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

The SPEAKER. And the board should be changed.
Mr. Melio.

Mr. MELIO. Thank you, Mr. Speaker.

All I am saying is that in the event— I mean, you know, take 6 months. We are going to go on break. We have all summer to debate this bill. I am ready to move tomorrow. I do not see why it cannot be done by that time, and all I ask my colleagues is to support the amendment to let us get an answer by September 20 or that first session day of September. I am also willing to let that go a little longer if we have to, but I think it should be done by that time, and thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady, Mrs. Vance.
Mrs. VANCE. Thank you, Mr. Speaker.

I rise to oppose the Melio amendment.

This has been a problem a long time in the making with problems with pharmaceuticals. I do not think that we can rush to a solution. I think it takes careful study.

This problem does not involve just the elderly in Pennsylvania but goes across all age spectrums and is a serious problem that needs to be studied carefully. The last thing we need to do is politicize this issue. This is an issue that affects all the people of the Commonwealth and should not be a political problem.

For that reason I ask that you vote “no” on the Melio amendment.

The SPEAKER. The gentleman, Mr. Eachus.

Mr. EACHUS. Mr. Speaker, with all due respect to the lady, we studied this before. As a member of the IMPACCT Commission (Improve Management Performance Commission and Cost Control Task Force) in 1995 to 1996, it took us 11 months— 11 months— to study 13 agencies of State government, and now we are going to take a study and make no end to it? We can accomplish this within the window that my Democratic colleague has adjusted it to— September of 2000.

During the IMPACCT Commission study, we studied PACE (Pharmaceutical Assistance Contract for the Elderly). We studied how PACE, not only PACE, we studied the Medicaid, corrections facilities; we studied the public employee benefit trust fund; we studied the entire expenditures of pharmaceutical drugs within State government, and we accomplished 13 agencies. This is merely a pinpoint of that study, a thimble of information, compared to what we accomplished on the IMPACCT Commission. The savings are there. We know it. Senior citizens are waiting for lifesaving prescription drugs right now. Why should we create a study with no end in sight when we know we can accomplish this study within 6 months?

It makes no sense to members on this side of the aisle, and I hope that members of the delegation on both sides will do this for the senior citizens of this Commonwealth.

The SPEAKER. The gentleman, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

I find it incredible that the gentelady wants to take her time. It seems like the GOP, when it comes to the gas tax, can ram things through in the middle of the night at 100 miles an hour. It seems like the GOP, when it comes to HMO reform, can go pell-mell aggressively pursuing an immediate objective. It seems to me that the Republican Party in the House, when it comes to workers' compensation coming from the State Senate, can within a few hours decide the fate of our Commonwealth's workers' compensation system. It seems to me we have been working on these matters a long, long time, and it certainly seems appropriate for this amendment to be favorably received. All we are asking for is a date certain.

We do things around here sometimes at a vertiginous velocity, and other times we are quite slothful, Mr. Speaker.

My colleague from Bucks County wants to make certain that there is a date certain— a date certain— for the report. It does not seem like a big deal to me. It seems like a good way to run the ship and an efficient way to manage legislation.

I would respectfully ask that the Melio amendment be favorably considered.

The SPEAKER. Mrs. Vance, for the second time.

Mrs. VANCE. Thank you, Mr. Speaker.

Again I would say this is a serious problem. We are interested in knowing how it impacts all people. The last speaker illustrated why it cannot be politicized. This is too important to all of the people in the Commonwealth.

Again I ask for a “no” vote on the Melio amendment.

The SPEAKER. On the question, Mr. DeWeese.

Mr. DeWEESE. With all due respect to the gentelady, I do not want this report to linger on the shelf. I do not want this report to collect cobwebs. I want the legislature to be able to react to the report. We want a date certain. We want a timely report. This is not a big request.

The gentleman, Mr. Melio's amendment is substantive. It gives us as a legislative body a chance to develop legislation upon the completion of the report. This is not any more political than anything else we do in this chamber, and we are inherently political. That is our nature; that is our blessing; and sometimes that is our curse, but we do so many reports. They are bound in leather, gilded in gold, and they languish on some anonymous bookcase in the bowels of this building. We do not want that to happen. Mr. Melio has an amendment that says a date certain for the report. That is not a big request.

So I would like to countervail the gentelady's perspective one more time, at least one more time, and ask that the Melio amendment be favorably received.

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

Mr. LYNCH. Thank you, Mr. Speaker.

I am standing to oppose this amendment, and I want to comment on the minority speaker's actions. I believe they are a little misguided. He is making it sound like the sponsor of this resolution has no intention to bring forth the results of this study at all. I do not recall her going to the minority speaker or anybody else on this House floor to ask this issue to be brought up.

She brought it up on her own because she feels it is an important issue. And we all know the Representative who brought this up. We all know that she is going to work as quickly as she can to get this important issue resolved.

I think this is just a bogus argument made by the minority leader, and I am going to vote in opposition to this. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Perzel.

Mr. PERZEL. I will be brief, Mr. Speaker.

This issue is entirely too important to politicize.

Mr. Speaker, this is about governing. The gentlelady is trying to solve a very important problem in the Commonwealth of Pennsylvania and has asked for some time to resolve that problem.

As far as workers' comp or other things being done in the middle of the night, those issues were hanging around here for years and years and years. The gentlelady has asked to do this as quickly as possible and come back with a forthright report and do the right thing. I am asking the members to stick with her.

The SPEAKER. Mr. Melio is recognized for the second time on the question.

Mr. MELIO. Thank you, Mr. Speaker.

I just want to tell my colleagues on both sides of the aisle that our Legislative Reference Bureau has done volumes of research on this thing. They have given me information from many States, and I just want to tell them that in one particular State, there was a pill they give animals, the same pill they give humans. The pill for the animal was \$2; the bill for the human was \$100. Let us get this show on the road.

The SPEAKER. Those in favor of the Melio amendment—

Mr. DeWEESE. Mr. Speaker? Mr. Speaker, I beg the indulgence of the Chair.

The SPEAKER. I am sorry. Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

Two quick points to buttress the argument that we need a date certain for the report to be handed in. One is that lottery sales are beginning to bottom out — lottery sales are beginning to bottom out.

And the second reason I think we need a date certain is because pharmaceutical prices are skyrocketing, and every day that we proverbially study the measure past a reasonable date certain allows those costs to continue to escalate. So in the interest of money and the interest of our constituents who are paying very, very high prices for drugs, I would think that a date certain on this report would be an appropriate vote for us to make.

Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman from Washington, Mr. Daley.

Mr. DALEY. A point of parliamentary inquiry, Mr. Speaker.

Mr. Speaker, I remember — and maybe the Parliamentarian can recollect this, and I am sure if I had a copy of the Journal, I could piece this together — that when the current Speaker became Speaker and the issue of standing committees as opposed to select committees was debated on the floor of the House, the Speaker adopted or at least made a verbal policy that whenever a select committee was established, that there would be a timeframe for which that committee would be working and report back to the House. Am I wrong in that assumption, Mr. Speaker?

The SPEAKER. I do not have a Journal either. My recollection of my own feelings, which I probably expressed, was that if a standing committee can take care of a subject matter and there is not a very good reason to leave it, that my own personal recommendations, not the rules of the House, were that we should do it that way. I spoke to the lady, Mrs. Vance, along these lines earlier. It was her opinion, and I went along with that opinion, that because of the necessity to do a broad study which would include the talents of, you know, more than the people that are on the committee, you know, I said it was all right, but I could not have stopped it anyway, understand. But she did express the urgency and the need for a broadband of study rather than just a committee.

Mr. DALEY. Mr. Speaker, I understand what you are saying, and I think it was contemporaneous with that particular thought. I think your discussion with the House was that there would be a timeframe required as to select committees. Does that refresh your recollection, Mr. Speaker?

The SPEAKER. Well, I honestly do not recall that. There is a timeframe in this in that it has got to come back by the last day of November, because that is the end of our term, and if the lady and the committee, whoever they may be, want legislation, then it would behoove them to come back in early enough that legislation could pass. But, I mean, there is a realistic timeframe of December 1, if nothing else, because the committee adjourns as of that date.

Mr. DALEY. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I just have one final comment on this process. Right now senior citizens in this Commonwealth are struggling with the price of prescription drugs. We have studied this, as I said before, in the IMPACCT Commission. We have already identified a strategy, a four-point strategy, to take this issue on and save money, not just within the PACE Program but within every single agency of State government that purchases pharmaceutical drugs.

I say to you now that we have to find a quicker end to this task force. As Democratic Leader DeWeese said, we have got studies that are already sitting on shelves in this Capitol Building, and I think it is irresponsible to allow this issue to linger on into November 30 of 2000 while we know that we can complete this work quickly. As I said before, we studied the entirety of State government in 11 months. It was difficult; it was arduous, I will grant you that, but within this concept, we are studying one single program within State government.

I urge the colleagues in this building to vote "yes" on the Melio amendment. Thank you.

The SPEAKER. Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, it seems to me that we have been debating for the last half hour on date certain. That date certain means different things to different people. It would appear to me that that time spent could have well been spent on the substantive material in this resolution. Then if we can get a report from this task force that is not bound by time but rather bound by the substance of its report, it will not remain on the shelves. So I say, let us get on and get this task force working, and I am sure that they will be the ones that will determine the time element.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—94

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

NAYS—102

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

NOT VOTING—0

EXCUSED—6

Evans	Mayernik	Rooney	Veon
Grucela	Ramos		

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 adopt the resolution?

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Evans	Mayernik	Rooney	Veon
Grucela	Ramos		

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

SUPPLEMENTAL CALENDAR C

RESOLUTION PURSUANT TO RULE 35

Mr. HORSEY called up **HR 377, PN 3013**, entitled:

A Resolution commending Reverend Vernal E. Simms, Sr., the other officers and all members of the Black Clergy of Philadelphia and Vicinity for the energy and dedicated commitment it demonstrates daily to the people of Philadelphia and calling upon all persons to recognize Sunday, February 27, 2000, as Black Clergy Day.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Evans
Gruccela

Mayernik
Ramos

Rooney

Veon

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

CALENDAR CONTINUED

CONSIDERATION OF HB 1366 CONTINUED

DECISION OF CHAIR RESCINDED

The SPEAKER. Earlier this morning we took up HB 1366, PN 2980. Without objection, the Chair at this time rescinds its decision that it was agreed to on third reading.

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

Mr. **GEORGE** offered the following amendment No. **A0441**:

Amend Sec. 5, page 5, by inserting between lines 6 and 7
(iv) Establish objectives specifically tailored toward enhancing assistance for small businesses operating in rural areas of this Commonwealth.

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

The SPEAKER. On the question, Mr. George.
Mr. **GEORGE**. Thank you, Mr. Speaker.

Mr. Speaker, this amendment adds to the planning and organizational duties of the Pennsylvania Small Business Development Centers. In addition to the responsibilities outlined in the bill, they will establish objectives specifically tailored toward enhancing assistance for small businesses operating in rural areas of this Commonwealth.

Mr. Speaker, Pennsylvania has the largest rural population in the nation. Except for Philadelphia, every county in Pennsylvania has areas that are classified as rural. Since 42 of 67 counties are predominantly rural, it is important for us to pay special attention to the particular needs of these areas, and I think the main sponsor of the bill should agree to this.

Thank you, Mr. Speaker.

The SPEAKER. On the question, the gentleman, Mr. Raymond.
Mr. **RAYMOND**. Thank you, Mr. Speaker.

Mr. Speaker, I do concur with the gentleman from Clearfield County that this amendment is a good amendment, and I ask the members to approve it. Thank you.

BILL PASSED OVER TEMPORARILY

The SPEAKER. The Chair passes over this bill temporarily.

It is the understanding of the Chair that the rolling system, if you will, on the computers did not pick this particular amendment up, but if you punch in amendment No. 441, the text will appear.

VOTE CORRECTION

The SPEAKER. Mr. Thomas.

Mr. THOMAS. Mr. Speaker, is this an appropriate time to change the record? Make corrections to the record?

The SPEAKER. No, but go ahead.

Mr. THOMAS. I would like to correct the record on HB 891. My button malfunctioned. I would like to be recorded in the negative.

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

CONSIDERATION OF HB 1366 CONTINUED

The SPEAKER. It is the understanding of the Chair that the information is now on the computers.

On the question, the Chair recognizes the gentleman, Mr. George. I am not going to charge you for this speech.

Mr. GEORGE. Yes, Mr. Speaker. As I said, this amendment simply adds to the planning and organizational duties of Pennsylvania's Small Business Development Centers. With 42 of 67 counties being considered rural, this amendment is needed for fairness.

I think the gentleman, Mr. Raymond, will attest that we should accept this. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Raymond, did endorse this.

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

The following roll call was recorded:

YEAS—196

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

Cornell	Keller	Readshaw	Washington
Corrigan	Kenney	Reinard	Waters
Costa	Kirkland	Rieger	Williams
Coy	Krebs	Roberts	Wilt
Curry	LaGrotta	Robinson	Wogan
Dailey	Laughlin	Roebuck	Wojnaroski
Daley	Lawless	Rohrer	Wright
Dally	Lederer	Ross	Yewcic
DeLuca	Leh	Rublely	Youngblood
Dempsey	Lescovitz	Ruffing	Yudichak
Dermody	Levdansky	Sainato	Zimmerman
DeWeese	Lucyk	Samuelson	Zug
DiGirolamo	Lynch	Santoni	
Donatucci	Maher	Sather	Ryan,
Druce	Maitland	Saylor	Speaker
Eachus	Major		

NAYS—0

NOT VOTING—0

EXCUSED—6

Evans	Mayemik	Rooney	Veon
Grucela	Ramos		

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Evans	Mayernik	Rooney	Veon
Grucela	Ramos		

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

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 584, PN 2961**, entitled:

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.

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Vitali, on the question of suspension of the rules.

Mr. VITALI. Thank you, Mr. Speaker.

I would move that the rules be suspended to call up HB 584 with amendment 388 only.

The SPEAKER. The Chair thanks the gentleman.

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

The SPEAKER. On the question, Mr. Perzel.
Mr. PERZEL. Mr. Speaker, I would ask the members to also support the suspension of the rules.

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

The following roll call was recorded:

YEAS—193

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

NAYS—3

Krebs	Platts	Steil
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NOT VOTING—0

EXCUSED—6

Evans	Mayernik	Rooney	Veon
Grucela	Ramos		

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

The SPEAKER. Mr. Vitali, do you have an amendment to this?
Mr. VITALI. That would be amendment 388, Mr. Speaker.
The SPEAKER. The clerk will read amendment 388.

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

Mr. VITALI offered the following amendment No. A0388:

Amend Title, page 1, line 12, by removing the period after "BODIES" and inserting
; providing for public financing for candidates for the office of Governor and Lieutenant Governor; establishing the Pennsylvania Fair Campaign Fund; and providing qualifications for funding, for payments, for use of funds, for authorized expenditures, for limitation on contributions, for return of funds and for penalties.

Amend Bill, page 3, by inserting between lines 18 and 19
Section 3. The act is amended by adding an article to read:

ARTICLE XVI-A

Pennsylvania Gubernatorial Public Financing

Section 1601-A. Short Title.—This article shall be known and may be cited as the Pennsylvania Gubernatorial Public Financing Act.

Section 1602-A. Definitions.—As used in this article following words shall have the following meanings:

(a) The word "commission" shall mean the State Ethics Commission.

(b) The word "contribution" shall mean any payment, gift, subscription, assessment, contract, payment for services, dues, loan, forbearance, advance or deposit of money or any valuable thing to a candidate or political committee made for the purpose of influencing any election in this Commonwealth or for paying debts incurred by or for a candidate or committee before or after any election. The term includes the purchase of tickets for events such as dinners, luncheons, rallies and all other fund-raising events; the granting of discounts or rebates not available to the general public; the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; and any payments provided for the benefit of any candidate, including any payments for the services of any person serving as an agent of a candidate or committee by a person other than the candidate or committee or a person whose expenditures the candidate or committee must report under this act. The word "contribution" includes any receipt or use of anything of value received by a political committee from another political committee and also includes any return on investments by a political committee.

(c) The words "declaration of candidacy" shall mean the point in a person's campaign for political office at which that person becomes in compliance with section 1622 of this act.

(d) The word "expenditure" shall mean any of the following:

(1) The payment, distribution, loan or advancement of money or any valuable thing by a candidate, political committee or other person for the purpose of influencing the outcome of an election.

(2) The payment, distribution, loan, advance or transfer of money or other valuable thing between or among political committees.

(3) The providing of a service or other valuable thing for the purpose of influencing the outcome of a nomination or election of any person to any public office to be voted for in this Commonwealth.

(4) The payment or providing of money or other valuable thing by any person other than a candidate or political committee to compensate any person for services rendered to a candidate or political committee.

(e) The word "fund" shall mean the Pennsylvania Fair Campaign Fund established in section 1605-A of this article.

(f) The words "independent expenditure" shall mean an expenditure by a person made for the purpose of influencing an election without cooperation or consultation with any candidate or any political committee authorized by that candidate and which is not made in concert with or at the request or suggestion of any candidate or political committee or agent thereof.

(g) The words "major political party" shall mean a political party whose candidate for Governor received either the highest or second highest number of votes in the preceding gubernatorial election.

Section 1603-A. Application of Article.—

(a) The provisions of this article shall be applicable to candidates for the offices of Governor and Lieutenant Governor.

(b) For the purposes of this article insofar as it relates to funding of nominated candidates in the general election, a political party's or political body's nominated candidates for Governor and Lieutenant Governor shall be considered as one candidacy, and the provisions specifically applicable to the Governor shall be applicable to the combined candidacy.

Section 1604-A. Administration.—

The provisions of this article shall be administered by the State Ethics Commission. The commission may adopt rules and regulations as may be required to implement the provisions of this article and to carry out its purpose.

Section 1605-A. Pennsylvania Fair Campaign Fund established.—

There is hereby established a special restricted receipts fund in the State Treasury to be known as the Pennsylvania Fair Campaign Fund. Payments shall be made into this fund pursuant to section 1606-A, and disbursements shall be made from the fund only upon the warrant of the commission and a warrant of the State Treasurer. As much of the moneys in the fund as are necessary to make payments to candidates as provided in this article are appropriated from the Pennsylvania Fair Campaign Fund on a continuing basis for the purpose of such payments.

Section 1606-A. Funding the Pennsylvania Fair Campaign.—

(a) Beginning with tax years commencing January 1, 2000, and thereafter, each individual subject to the tax imposed by Article III of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," whose tax liability for the year is five dollars (\$5) or more may designate five dollars (\$5) of his personal income taxes to be paid into the fund. In the case of married taxpayers filing a joint return, each spouse may designate five dollars (\$5) to be paid into the fund if their tax liability is ten dollars (\$10) or more. All of these designated tax revenues shall be paid into the fund. The check-off and instructions shall be prominently displayed on the first page of the return form. The instructions shall readily indicate that these designations neither increase nor decrease an individual's tax liability.

(b) The General Assembly shall appropriate money to the Fair Campaign Fund sufficient to fully fund all requirements of this article including the administrative, investigative and enforcement responsibilities of the State Ethics Commission. Upon notice by the commission, the General Assembly shall appropriate to the commission out of the General Fund such additional sums as may be required to carry out the purposes of this article if the sums first appropriated become inadequate.

Section 1607-A. Certification of Moneys in Fund.—

By June 30 of each year, the State Treasurer shall certify to the commission the current balance available in the fund.

Section 1608-A. Qualification for Funding.—

(a) Any candidate for the offices of Governor and Lieutenant Governor may apply for funding under this article if the candidate meets the contributory thresholds established in subsection (b) and otherwise conforms to the requirements of this article. No candidate shall be obligated to apply for funding under this article and if any candidate elects not to apply, the provisions of this article pertaining to limits on expenditures or the use of his personal funds shall be inapplicable to the person and his candidacy. Any candidate electing to receive funding under this article shall declare his intention to do so and specify the office for which he is a candidate. No candidate for the office

of Governor may elect to receive funding under this article for a general election unless the candidate elected to receive funding under this article for the primary election. Any committee authorized to receive contributions or make expenditures for the candidate who has so declared shall abide by the provisions of section 1616-A. Any candidate who for any reason has his name withdrawn from the ballot, after receipt of funds under this article, shall return to the fund all unspent money received from the fund.

(b) (1) In order to qualify for funding in a general election, a candidate for Governor must receive subsequent to the date of that candidate's primary election but prior to the date of the candidate's general election two hundred thousand dollars (\$200,000) in qualifying contributions.

(2) In order to qualify for funding in a primary election, a candidate must receive prior to the date of the primary election, but subsequent to January 1 of the year in which that candidate runs for office. The following amounts:

Office	Qualifying Contributions Required
(i) Governor	\$100,000
(ii) Lieutenant Governor	50,000

(3) Definition:

(i) The term "qualifying contribution" includes any contribution which has all of the following characteristics:

(A) Made by an individual resident of Pennsylvania.

(B) Made by a written instrument which indicates the contributor's full name and mailing address and is not intended to be returned to the contributor or transferred to another political committee or candidate.

(ii) If a contributor receives goods or services of value in return for his contribution, the qualifying contribution shall be calculated as the original contribution, minus the fair market value of the goods or services received.

(c) Each candidate who elects to apply for funding under this article shall provide evidence that the candidate has raised the qualifying contributions required by this section which evidence shall be verified and certified as correct by the auditors of the State Ethics Commission.

(d) A candidate who has accepted public funding under this article may apply to the commission for a waiver of the funding limits set forth in section 1610-A and/or the spending limits contained in section 1613-A if the amount of independent expenditures for communications advocating the defeat of the candidate or election of his opponent require the candidate applying for the waiver to spend above the limits specified in section 1613-A in order to answer the communications paid for by the independent expenditures. The commission shall issue regulations setting guidelines for granting or denying requests for a waiver submitted under this section.

(e) The commission shall conduct a complete audit of all candidates receiving funds under this article. Such audits shall be conducted the year following the election for which funds were distributed. The Secretary of the Commonwealth shall provide the commission at no cost all reports of contributions and expenditures filed pursuant to Article XVI by candidates for Governor and Lieutenant Governor, their political committees and all other political committees who have contributed to such candidates.

(f) The auditors shall conduct their audit in accord with sound accounting principles and shall make findings of any possible violations of this article. All audited candidates and their committees shall furnish any records to the accountants which the accountants deem necessary for the completion of their work.

(g) The commission shall make public the report of the auditors and shall provide a copy to the Attorney General for the institution of such criminal proceedings as he or she shall deem necessary.

Section 1609-A. Funding Formula.—

(a) Every candidate who qualifies for funding for an election pursuant to section 1608-A shall receive matching payments from the fund in the amount of two dollars (\$2) for each dollar of qualifying contribution.

(b) The two dollars (\$2) for each dollar of qualifying contributions provided by this section shall be provided both for qualifying contributions raised which exceed the threshold amounts specified in section 1608-A and for those qualifying contributions which are attributable to meeting the threshold amounts necessary to qualify for funding under this article.

(c) (1) Only those qualifying contributions made during the period between January 1 of the year in which the candidate runs for office and the primary election shall be eligible for matching payments from the fund for the primary election.

(2) Only those qualifying contributions made during the period between the primary election and the general election of the year in which that candidate runs for office shall be eligible for matching payments from the fund for the general election.

(d) Matching funds shall not be provided for any qualifying contributions unless the reporting requirements required by the commission are satisfied.

Section 1610-A. Limitations on Funding.—

(a) Every candidate who qualifies for and receives funding pursuant to the formula established by this article shall be entitled to receive no more than the maximum amount specified in subsection (b) for the office the candidate is seeking.

(b) (1) The maximum amount of funding available for each candidate for Governor at a general election under this article shall be five million two hundred thousand dollars (\$5,200,000).

(2) The maximum amount of funding available for the primary election for each candidate under this article shall be as follows:

Office	Maximum Pennsylvania Fair Campaign Funding
(i) Governor	\$2,600,000
(ii) Lieutenant Governor	600,000

(c) Notwithstanding any other provisions of this article, no funding shall be provided to the following:

(1) Candidates in the general election who have received the nomination of both major political parties and have no opposition.

(2) Candidates in the primary election who are unopposed for the nomination.

Section 1611-A. Time of payments.—

Beginning ninety (90) days prior to the relevant election, the commission shall make payments authorized by this article at least every two (2) weeks. However, except for the final payment, no payment shall be due or paid if the payment does not equal at least five thousand dollars (\$5,000).

Section 1612-A. Use of funds by candidates.—

(a) Funds distributed to candidates pursuant to this article may be used only for the election for which they are distributed and only for the purposes set forth in this article except that no fund moneys may be used:

(1) To transfer to other candidates or to committees of other candidates or to political committees.

(2) To pay for expenditures incurred after the date of the general election.

(b) Funds distributed to a candidate pursuant to this article shall be placed in a single bank account. Expenditures from this account shall be made only for campaign expenses listed in subsection (a).

Section 1613-A. Expenditures.—

(a) Expenditures made by a candidate for Governor and his authorized committees, for all purposes and from all sources, including, but not limited to, amounts of funds distributed under this article, proceeds of loans, gifts, contributions from any source or personal funds, subsequent to the date of the primary election but prior to the date of the general election, may not exceed eight million dollars (\$8,000,000).

(b) Expenditures made by a candidate and his authorized committees, subsequent to January 1 of the year in which the candidate runs for office but prior to the date of the primary election, may not exceed the following unless otherwise provided:

Office	Total Expenditure Limits
(1) Governor	\$4,000,000
(2) Lieutenant Governor	1,000,000

(c) Notwithstanding any other provision of this article, a candidate who accepts public funding pursuant to the formula established, but whose major political party opponent in a general election elects not to apply for the public funding, shall not be bound by the expenditure limits specified in this section. A candidate who accepts public funding shall be eligible to qualify for those fair campaign funds which would have otherwise been available to the opponent who has chosen not to apply for funding from the fund.

(d) Notwithstanding any other provision of this article, a candidate who accepts public funding pursuant to the formula established, but whose major political party opponents in a primary election elect to not apply for the public funding, shall not be bound by the expenditure limits specified in this section. If there is more than one candidate in a major political party in a primary election, the fair campaign funds which would have otherwise been available to each opponent who has elected to not apply for the public funding shall be divided equally among the candidates who accept public financing.

Section 1614-A. Annual Report.—

The commission shall report annually to the Governor and the General Assembly on the operations of funding as provided by this article. This report shall include, but not be limited to, the revenues and expenditures in the fund, the amounts distributed to candidates, the results of any audits performed on candidates in compliance with this article and any prosecutions brought for violations of this article.

Section 1615-A. Return of Excess Funds.—

(a) All unexpended campaign funds in a candidate's and his authorized committees' possession sixty (60) days after a primary election shall be returned to the State board for deposit in the fund, up to the amount of the funds which were distributed to the candidate under this article for the primary election.

(b) All unexpended campaign funds in a candidate's and his authorized committees' possession sixty (60) days after a general or municipal election shall be returned to the State board for deposit in the fund, up to the amount of the funds which were distributed to the candidate under this article for the general election.

Section 1616-A. Limitations on Certain Contributions.—

(a) Aggregate contributions, including in-kind contributions, from any person or political committee to any candidate for Governor or Lieutenant Governor, his authorized committee or agent shall not exceed two thousand dollars (\$2,000) for each election. Furthermore, for each election, no candidate, his authorized committee or agent shall accept or receive more than two thousand dollars (\$2,000) in aggregate contributions, including in-kind contributions from any person.

(b) A gift, subscription, loan, advance or deposit of money or anything of value to a candidate shall be considered a contribution both by the original source of the contribution and by any intermediary or conduit if the intermediary or conduit:

- (1) exercises any direction over the making of the contribution; or
- (2) solicits the contribution or arranges for the contribution made and directly or indirectly makes the candidate aware of such intermediary or conduit's role in soliciting or arranging the contribution for the candidate.

(c) For purposes of subsection (b), a contribution shall not be considered to be a contribution by an intermediary or conduit to the candidate if:

(1) the intermediary or conduit has been retained by the candidate's committee for the purpose of fundraising and is reimbursed for expenses incurred in soliciting contributions;

(2) in the case of an individual, the candidate has expressly authorized the intermediary or conduit to engage in fundraising, or the individual occupies a significant position within the candidate's campaign organization; or

(3) in the case of a political committee, the intermediary or conduit is the authorized committee of the candidate.

(d) No candidate for Governor or Lieutenant Governor who accepts public funding in accordance with this article may contribute more than twenty-five thousand dollars (\$25,000) per election from personal funds.

(e) The provisions of this section apply to any contribution made for the purpose of influencing any election to the office of Governor or Lieutenant Governor regardless of whether the candidate for that office has applied for or received funding under this article.

(f) For purposes of this section, any contribution made to a candidate for Governor or Lieutenant Governor in a year other than the calendar year in which the election is held with respect to which such contribution is made is considered to be made during the calendar year in which such election is held.

Section 1617-A. Interactive Gubernatorial Primary and General Election Debates; Participation by Candidates.—

(a) In any year in which a primary election is to be held to nominate candidates for the offices of Governor and Lieutenant Governor, there shall be held among the several candidates for each nomination a series of interactive primary debates in which all candidates who have filed nomination petitions in accordance with this act for these offices and have applied or intend to apply to receive money for election campaign expenses from the fund shall participate and in which any other candidate for that nomination may elect to participate, provided that the other candidate notifies the commission of the candidate's intent to participate no later than twenty (20) days before the date of the debate. In any year in which no candidate or only one candidate for a nomination is required or elects to participate, no primary debate shall be required to be held under this subsection.

(b) In any year in which a general election is to be held for the offices of Governor and Lieutenant Governor, there shall be held a series of interactive debates in which all candidates who have received nominations for these offices at the primary or through the filing of nomination papers in accordance with this act and have applied or intend to apply to receive money for election campaign expenses from the fund shall participate and in which any other candidate for election may participate, provided that the other candidate notifies the commission of the candidate's intent to participate no later than twenty (20) days before the date of the debate.

Section 1618-A. Time and Contents; Sponsors.—

(a) There shall be two gubernatorial and two lieutenant gubernatorial primary debates. Each of the debates shall be at least one hour in duration. The first debate shall occur not earlier than the date on which the names of candidates to appear on the primary ballot are certified by the Secretary of the Commonwealth in accordance with section 916 of this act and the second debate shall occur not later than the Tuesday preceding the primary election.

(b) There shall be three gubernatorial and three lieutenant gubernatorial debates. Each of the debates shall be at least one (1) hour. The first debate shall occur not earlier than fifty (50) days before the date of the general election, and the second debate shall occur not later than the Tuesday preceding the election.

(c) Private organizations which are not affiliated with any political party or with any holder of or candidate for public office and which have not endorsed any candidate in the pending primary or general election for the office of Governor shall be eligible to sponsor one or more interactive gubernatorial primary debates or interactive gubernatorial election debates under subsection (a) or (b), respectively.

(d) The commission shall accept applications from eligible private organizations to sponsor one or more of the interactive debates. Applications to sponsor debates under subsection (a) shall be submitted to the commission no later than March 15 of any year in which a primary election is to be held to nominate candidates for the office of Governor and Lieutenant Governor, and applications to sponsor debates under subsection (b) shall be submitted to the commission no later than July 1 of any year in which a general election is to be held to fill the office of Governor.

(e) Where the number of eligible applicants to sponsor primary debates or election debates exceed the number prescribed under

subsection (a) and (b), respectively, the commission shall select the private organizations from among the applicants within thirty (30) days of the last day for submitting those applications, as provided under this subsection. To the maximum extent practicable and feasible, the commission shall select a different private organization to sponsor each of the interactive gubernatorial debates, but shall not be precluded from selecting the same private organization to sponsor more than one debate.

(f) The private organizations selected by the commission shall be responsible for selecting the date, time and location of the debates, subject to the limitations set forth in this section. The rules for conducting each debate shall be solely the responsibility of the private organizations so selected, but shall not be made final without consultation with both the chairman of the State committee of each political party in the case of primary debates, and with a representative designated by each of the participating candidates in the case of general election debates.

Section 1619-A. Failure of Candidate to Participate in Debates; Complaint; Hearing; Determination; Penalties.

(a) The commission shall have the power and duty, upon receipt of a complaint against a candidate for nomination for election or for election for the office of Governor or Lieutenant Governor who is required to participate in primary debates or election debates, respectively, to hold a hearing to determine whether that candidate has failed to participate in debates. If, at the conclusion of a hearing under this section, the commission determines by majority vote that a candidate required to participate under this act has failed to do so, the chairman shall immediately inform the candidate in writing of that determination, identifying in that writing the date and circumstances of the failure. If, after having found that a candidate required to participate in a primary or election debate has failed to do so, the commission further finds that the failure occurred under circumstances which were beyond the control of the candidate and were of such a nature that a reasonable person, taking into account the purposes of this act and the relevant facts of the case, would find the failure justifiable or excusable, then the candidate shall not be subject to any penalty or liability for failing to participate. The candidate charged with failure to participate shall have the burden of showing justification or excuse.

(b) The campaign of any candidate or former candidate who shall have been required to participate in a primary debate or election debate under this article, but who has been found to have failed to do so without reasonable justification or excuse, shall be liable for return of moneys previously received for use by the candidate to pay primary election campaign expenses or general election campaign expenses, respectively. The commission shall determine the total amount of moneys for election campaign expenses in that year by the commission to the candidate under this article, as appropriate, and shall notify the campaign treasurer of the candidate of the liability as of the date of the notice, for the repayment of those moneys plus interest on the unpaid amount of that liability from that date at the rate of one (1) per cent for each month or fractional part of a month during which that amount remains unpaid.

Section 1620-A. Penalties.—

(a) A person who violates the provisions of this article and who, as a result, obtains funds under this article to which he is not entitled commits a misdemeanor of the first degree and shall, upon conviction, be subject to a fine not to exceed the greater of ten thousand dollars (\$10,000), or three (3) times the amount of funds wrongfully obtained or to imprisonment for up to five (5) years, or both.

(b) Use of funds and expenditures.—A person who violates section 1612-A or 1613-A commits a misdemeanor of the first degree and shall, upon conviction, be subject to a fine not to exceed the greater of ten thousand dollars (\$10,000), or three (3) times the amount of funds that were wrongfully used or expended or to imprisonment for up to five (5) years, or both.

(c) Except as provided in subsections (a) and (b), a person who violates any provision of this article commits a misdemeanor of the third degree and shall, upon conviction, be subject to a fine of not more than one thousand dollars (\$1,000), or to imprisonment for up to one (1) year, or both.

(d) All fines and penalties assessed pursuant to this article shall be deposited in the Pennsylvania Fair Campaign Fund.

Section 1621. Appropriation.—

(a) The sum of seven hundred and fifty thousand dollars (\$750,000) is hereby appropriated to the State Ethics Commission for fiscal year 2000-2001 to implement the requirements of this article.

(b) The dollar figures contained in this article shall be adjusted annually at a rate equal to the average percentage change in the All-Urban Consumer Price Index for the Pittsburgh, Philadelphia and Scranton standard metropolitan statistical areas as published by the Bureau of Labor Statistics of the United States Department of Labor, or any successor agency, occurring in the prior calendar year. The base year shall be 1999. The average shall be calculated and certified annually by the commission by adding the percentage increase in each of the three (3) areas and dividing by three (3). The calculation and resulting new dollar figures shall be published in March in the Pennsylvania Bulletin. The checkoff referred to in section 1606-A shall be rounded to the nearest dollar.

Section 1622-A. Severability.—

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

Section 1623-A. Applicability.—

This article shall be applicable to returns of taxpayers of calendar years commencing January 1, 2000, and thereafter. Funding from the Pennsylvania Fair Campaign Fund shall be provided to candidates for Statewide office beginning with the primary election of 2002 and in each gubernatorial primary and election thereafter.

Amend Sec. 3, page 3, line 19, by striking out "3" and inserting

4

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

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

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, in this amendment the House may have its only chance this session to vote on statewide campaign finance reform. Mr. Speaker, what this bill is is a very narrow portion of that issue. What this amendment would do would be to provide public financing for the Pennsylvania gubernatorial and lieutenant gubernatorial races.

Mr. Speaker, this amendment is modeled after the very successful New Jersey program. The New Jersey program is considered as a model nationwide. The New Jersey program has yielded competitive elections and drawn in quality candidates.

Mr. Speaker, specifically what amendment 388 does is it provides for a \$5 income tax checkoff, a totally voluntary system where the individual himself chooses whether or not to fund it. It also provides public financing for certain candidates who meet certain fundraising thresholds.

Again, with regard to gubernatorial candidates, it is an entirely voluntary system. Candidates for Governor who opt out of this system can raise moneys on their own and not participate. Basically, Mr. Speaker, if someone opts in to this system and raises \$200,000, public funds would be provided on the basis of a \$2-to-\$1 match, up to \$7.8 million total in public funding. In order to accept public funding, a candidate must agree to overall spending limits, and those spending limits would be \$12 million total for both your general and primary election for the

gubernatorial race. In addition, as a condition to accepting public financing, a candidate must agree to participate in five debates.

The bill additionally requires contribution limits of \$2,000 per election. This \$2,000 limit applies to both PACs (political action committees) and individuals. Almost all of the provisions of this bill or amendment are modeled after the very successful New Jersey program.

Mr. Speaker, there are several purposes to this bill. The main purpose is this: We want to reduce the influence of money in Harrisburg. We do not want legislation driven by who gave how much money to the Governor. Mr. Speaker, it is next to impossible right now, given the amount of money you have to raise to become Governor, to not get into office without having taken hundreds of thousands of dollars from special interest groups, and the public pays a very real price for that. I am not sure the public is entirely tuned in to the specifics, but I think the effects are felt by them in ways perhaps they are not acutely aware of. For example, the sprawl issue. Many people are offended by the fact that we have sprawl eating up valuable farmlands and have not enacted meaningful sprawl legislation, although the legislation has been on the books for decades. Yet, for example, the homebuilders contributed over \$300,000 to the Governor's race back in 1998. There is a relationship there.

In addition to reducing the influence of money on elections, we also want to give the public a real choice by drawing in candidates, drawing in candidates so quality candidates will be on the ballot. Mr. Speaker, New Jersey's history is one where they have drawn in very qualified candidates with strong backgrounds and had meaningful choices. You compare that, for example, to the 1998 gubernatorial election in Pennsylvania when the public had no real choice. One side really could not attract quality candidates due to the strong money position of the other side. Mr. Speaker, Pennsylvanians deserve a real choice, and they did not get that back in 1998.

Mr. Speaker, right now 14 States have public financing of gubernatorial elections. We have a model of something that works, that is right across the river from us. Mr. Speaker, it is time for this legislature to do something. We have been debating this issue year after year, session after session. We have had public hearing after public hearing. We have had meeting after meeting, workshop after workshop. This is a very narrow bill. It is something with a true proven record of success.

I ask that we start the ball rolling on campaign finance reform and enact this amendment. Thank you, Mr. Speaker.

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

Mr. HANNA. Thank you, Mr. Speaker.

I likewise rise to support this amendment.

The amendment is designed, I believe, to help control contributions for those who participate. It requires debates, which I think is an excellent requirement and will help us, and it strongly will reduce the influence of money on elections. I think most importantly, though, as Representative Vitali pointed out, this is not something that we will be experimenting with. This is something that has been proven to work in New Jersey. So it has already been tested and is something that we all should support.

So I would urge everyone to support this amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I, too, join in supporting the Vitali amendment. Mr. Vitali is too modest. He said this is the only chance we have had in this legislative session to vote on gubernatorial financing. Actually, as the result of various parliamentary maneuvers that have taken place decade after decade, this is the only chance we have had in the last 25 years to vote on this kind of amendment.

In addition to all the other things that Mr. Vitali and Mr. Hanna have said, this amendment is important, because it opens up access to the governorship's office to people who are not well known at the start of the campaign and people who are not wealthy. This opens up the governorship to members of the General Assembly; it opens up the governorship to small-town mayors; it opens up the governorship to small businessmen; it opens up the governorship to university presidents. It opens up the governorship to a much broader range of people than the governorship is open to today, and with a much broader range of possible competitors for the governorship, we are probably going to get a much better group of Governors in the future.

I think this amendment is a very strong effort for meaningful improvement in choice of whom people want for Governor. It is a meaningful improvement in governance as successful Governors will not owe their election to the fact that they have been able to get checks for hundreds of thousands of dollars whereas many candidates for Governor can only raise a total of several hundred thousand dollars.

This amendment will tremendously improve the quality of Pennsylvania government in the years ahead if this amendment is enacted into law. We do not know what the Senate will do, but we know what we have the power to do today. Let us vote the Vitali amendment and see what happens.

The SPEAKER. The gentleman, Mr. Masland.

Mr. MASLAND. Thank you, Mr. Speaker.

I rise to oppose this amendment, and I do so with some hesitation, because I have as a Republican cosponsored a bill offered by the maker of this amendment and a bill offered by Representative Levdansky which goes a little bit further.

There are parts of this amendment that I agree with. There are other parts with which I disagree. But as I said to the gentleman when we first started talking about this issue, let us try to move it forward on the agenda. Let us see if we can do something in the State Government Committee, and the fact is, we have.

The main point that I would like to take issue with the gentleman is his statement that this may be the only time we will ever get a chance to vote on campaign finance reform this session. We have already had two good workshops in the State Government Committee. We actually have one scheduled for tomorrow morning. We have had a hearing on this bill and we have had a hearing on Representative Levdansky's bill. We have covered those areas. Now, some might say, well, if you have had the hearings, if you have had the workshops, then let us go ahead and vote on it. But if I ask for a show of hands of everybody that has attended those workshops and hearings, it would be limited to the members of the State Government Committee. So in essence, I believe that this amendment is premature.

Now, I personally when it comes to the question of public financing would limit that solely to statewide judicial races. I think if we are going to try it, that would be the way to start off and attempt it here in Pennsylvania. But I am not going to introduce an amendment on that today any more than I would support this

amendment today, because the committee has not finished its work. Some will say, well, this committee probably will not ultimately come to a consensus. I would question that. I would ask people to remember back to last session when we dealt with an equally volatile issue of lobbying disclosure reform. At that time the same chairmen of the committee, Republican and Democrat, held workshops, had hearings, discussed that issue, and ultimately we worked through that committee to the point that we could come to a consensus and we did have an opportunity to vote. Now, as it turned out, it was not during the normal process, but I think if we allow the committee to work the same fashion on this subject as we did last session, then we will have an opportunity to vote on a bill that has a chance to move forward.

Frankly, if this bill is even passed here today, I do not think the Senate will even take it up. I think if we focus it on something more narrow, there is a chance there. But for all those reasons, even though there is some good and bad in the bill, let us allow the workshop tomorrow and any more that we may need in the future to separate the good from the bad, the wheat from the chaff, so that we can have something to legitimately present to the floor after full consideration.

Thank you, Mr. Speaker.

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

Mr. PLATTS. Thank you, Mr. Speaker.

I strongly support the adoption of true and comprehensive campaign finance reform legislation. Changes such as greater public disclosure, the elimination of soft money, contribution limits—

The SPEAKER. The gentleman will please yield.

Conferences on the floor, please. There are members engaged in debate.

Mr. Platts.

Mr. PLATTS. Thank you, Mr. Speaker.

As I was saying, I strongly support reform such as contribution limits, the elimination of soft money, public disclosure, reforms that would truly improve the process for the public good. Personally, I have never accepted contributions from special interest groups, and I think we need to do something about the money, the amount of money, being contributed to the political process by such groups, but the amendment before us is not campaign finance reform. In my opinion, it is a new government entitlement program for politicians, candidates, at the taxpayers' expense. And how much? To the tune of millions and millions of dollars each and every year.

There is reference to this being a voluntary checkoff on our income tax return and thus a voluntary expenditure. The truth is, if I check it off, I am not committing any more of my money to this program; I am committing some of each and every Pennsylvanian's who did not necessarily check off this expenditure. And most importantly, even if every single Pennsylvanian votes with their lack of a check and says, no, I do not want to waste any taxpayers' money on political campaigns, so not one Pennsylvanian checks it off, the proposal says that the General Fund has to still fully fund the program for administration, for enforcement, and for disbursements to the candidates. That is not a voluntary system; that is a mandate that we are going to pay for this even if our taxpayers say, we do not want to do it.

We are proposing the expenditures of millions of more dollars for political campaigns at a time when we are not adequately

funding our public schools. In the sense of priorities, I would not elevate giving candidates, myself or any other, public tax dollars when we are not providing for those types of priorities like education, other priorities. We are going to debate prescriptions. We talked earlier today about prescription coverage and the high cost of prescriptions. There is legislation to expand the PACE Program for our senior citizens, priorities such as health care for uninsured Pennsylvanians, better roads. These are all priorities much more deserving of the hard-earned tax dollars of our citizens than political campaigns. Last year we gave away millions of dollars to stadiums. I hope this year we are not going to give away millions of dollars to political candidates.

In conclusion, I reiterate my support for true campaign finance reform. There is a critical need to end the wrongful influence of big bucks in the political process. I think it is having a wrongful influence on the legislative process. However, the amendment before us is not the solution. This proposal will simply create a new government entitlement program at the taxpayers' expense and at the candidates' benefit. It is bad enough that the public has to sit and watch or listen to all the negative campaign ads that we see out there today, but to think that we now want them to actually pay for those ads as well I think is somewhat ludicrous.

I strongly oppose this amendment, and I encourage a "no" vote. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Washington, Mr. Daley. Mr. DALEY. Thank you, Mr. Speaker.

I guess I hear the maker of the amendment talk about how this amendment is going to help to reform the process regarding the participation of interest groups and lobbyists in terms of the gubernatorial process, and I really believe, Mr. Speaker, that this amendment will go far to sanitize the process but not eliminate that particular element from its input. And I hear some of the former speakers, to my chagrin, talk about how the process need not be moved forward today and that the legislature ought to wait for a committee or a special standing committee or various bills that have been introduced in the past to be reviewed and debated and discussed, and guess what? It just does not work that way all the time. We all know that, and that is why we are here and that is why we are in this participatory process where we think we can move the issue forward — we do it here and we do it now — and, Mr. Speaker, that is why the maker of this amendment, I believe, is trying to move this issue, because this issue has not moved, and quite honestly, it is time that we move the political process, especially the gubernatorial race, out of the cave and into the politics of the year 2000.

And, you know, it is kind of disturbing that the League of Women Voters has made this issue one of their major issues to be discussed throughout Pennsylvania, and many of us have listed this, this campaign finance reform, as one of our top priorities, but now we have a tendency to backpedal and move away.

Mr. Speaker, I rise in support of this amendment, and it is time that we as legislators take the bull by the horns and move this issue forward. Thank you.

The SPEAKER. The gentleman, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I, too, rise to support the Vitali amendment, and I greatly appreciate the comments of my colleague's earlier advising us to go slow because of the developments in the committee. But he noted that it is likely that this measure will go to the Senate and die, and I think that is, for all of us who are

familiar with that process, and all of us are, we know that that is likely going to happen. But it does not hurt for us to send a signal of our intentions to the Senate, that we are serious about campaign finance reform, and knowing the vagaries of this body and this process, it is quite possible that we may not get that bill out of the State Government Committee. It is quite possible that that bill will not come before us on the floor. Just as the gentleman, Mr. Vitali, indicated, it is possible that this is our only chance at that vote, and we ought to take that chance. In that eventuality, if that were to occur, we would have this bill in the Senate, and at least we could apply some pressure to the Senate to start with HB 584 and start the process of campaign finance reform in the Commonwealth.

I think it is also important to note that this bill is a first step, and it is a good solid first step. Understandably, we, like the people of the Commonwealth, are somewhat reluctant to apply taxpayer dollars to this purpose, but I think what better office should we apply it to than the Governor's Office? That should be where we start, and that is one of the things that I like about the Vitali amendment and this legislation. So we are taking a small step; we are moving logically into the process, and if that process does not work and we realize that, you know, the finances are just not large enough or the system does not provide the kind of openness that we thought it would provide at the beginning, we learn in that process and we can either revise it or repeal it, whatever. We have not established that whole process throughout the whole legislature; we are just talking about financing of gubernatorial elections, and I think that of any, that is the one we ought to focus on first, and the Vitali amendment does that.

There were comments from one of the speakers about attempting to, you know, not funding this, that we could use those funds for schools. We could, but we are not. The Governor spoke to us the other day about his budget, and we had an opportunity to spend large sums of money in that direction, but we are not. We are spending some. It is a very large budget — \$19 billion — and \$8 or \$12 million here in this portion is not going to break and I would portend that it is not going to make much of a dent at all on public school funding, because the numbers that we have applied to basic educational subsidies make even the \$250 million that the Governor is talking about applying to the basic education subsidy only a 3-percent increase in that line item. So \$12 million is not going to go very far in reducing property taxes for all the people of the Commonwealth.

So I think that is somewhat of a specious argument. Yes, there are a lot of areas where we could be spending money, but I think that assuring the people of the Commonwealth of Pennsylvania that their government is honest and particularly open and accessible, this is about accessibility to public office, to this State's highest public office, and I think that is important for us to remember for the people of the Commonwealth of Pennsylvania to know and understand. Let us give that opportunity.

If the bill goes over to the Senate and fails there, I mean, that is their business and we know how this process works. But let us give it a start with the Vitali amendment, continue the work in the State Government Committee, and if we come out of there with a better prescription, this Vitali amendment and this bill will probably still be sitting in the Senate and we will send that one over, too.

I urge that we adopt the Vitali amendment today and get on with the process of campaign financing in the Commonwealth of Pennsylvania. Thank you, Mr. Speaker.

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

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

Mr. ADOLPH. Thank you, Madam Speaker.

I would like to interrogate the maker of the amendment.

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. ADOLPH. Thank you, Madam Speaker.

What I would like to know is, have you estimated how much money will be raised by this \$5 voluntary checkoff?

Mr. VITALI. The participation rate ranges from, oh, I think in New Jersey it is around 20 percent. My suspicion is that most but not all of the moneys necessary to fund a gubernatorial race will be covered. I can tell you that in New Jersey in the 1997 election, the total bill, the total bill, was about \$16.7 million total. I think the function of the checkoff and the moneys in that checkoff are to make at least one pool of money sacrosanct from the whims of the legislature and the political favor it may come under or fall from. At least one pool of money cannot really be fiddled with if someone is not happy politically with the way it is going. But some of it will be and needs to be funded through the general appropriations, and we will control how much we choose to fund from that amount, either a lot or none at all, and if inadequate funding is there, we will simply have to prorate it. I am not sure if that has answered your question.

Mr. ADOLPH. Based upon our Governor's race 2 years ago, would this \$5 checkoff be enough to cover, based upon the amount of money that was spent in the last Governor's race?

Mr. VITALI. I really have not made those calculations, but I think the real problem with last year's gubernatorial race is simply, the amount of money initially that the incumbent had really scared away all the tier A candidates we had so that no one really jumped into the race.

Mr. ADOLPH. Okay. Thank you.

On the amendment.

The SPEAKER pro tempore. You may proceed.

Mr. ADOLPH. The maker of the amendment made a statement that 20 percent of all Pennsylvania taxpayers voluntarily give their money. That is, 80 percent are not interested in their tax money going to gubernatorial campaigns or whatever other campaigns we are talking about. I do not believe voluntary checkoffs will be enough to cover this dollar amount, because the maker puts that in his amendment, that a line item will be formed if they do not collect enough. When I talk to people back home, they are tired of the long campaigns. They want a shorter campaign season. They want less money being spent. They certainly do not want their tax dollars being spent on campaigns.

I do not have a problem with limits; I have a big problem with tax money being put toward campaigns, and I think the Pennsylvania residents also have a big problem with their hard-earned tax money being used to fund political campaigns, especially the types of campaigns that we have seen run here in this State.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton, Mr. Freeman.

Mr. FREEMAN. Thank you, Madam Speaker.

Madam Speaker, I rise in support of the Vitali amendment.

I appreciate the comments of the gentleman, Mr. Masland, in regard to the workshops that are being conducted in the State Government Committee, and I commend Chairman Clymer for providing that kind of forum. I think it has been helpful in trying to refine concepts. But this is a golden opportunity to deal with a very important issue, an issue which is at the very root of our whole political process, and if anyone doubts the importance of this issue, I ask them to look to the raging campaign for Presidency that is going on throughout our country. For the first time that I can remember in a long time, campaign financing is becoming a key component for the national Presidential race. It has affected our whole process, Madam Speaker. There is no denying that special interest money can influence the political process, and where better to start in reforming that process than with the chief magistrate of our Commonwealth.

Now, my district adjoins the State of New Jersey, and as such, I have the opportunity to follow the gubernatorial campaigns in New Jersey probably a little closer than most of my colleagues. I can tell you that campaign finance reform over there has made a difference. The races are far more competitive than they are here in our own Commonwealth. There is a greater opportunity for debate on the issues and a fairer position for both candidates in trying to get their views heard by the voters of that State. I think Pennsylvania would be well served to adopt a similar format, as envisioned here in the Vitali amendment. We should not pass up the opportunity to improve on our political process.

It comes as no secret to any member of this House that there is a growing cynicism across the land in terms of how elections are conducted, in terms of how they are funded, and in terms of how that process affects the course of our policymaking process here in Harrisburg. This is our chance to make a difference in that regard and to show that we are serious in trying to clean it up and to make our campaign finance laws far more oriented toward representing the needs and interests of the people of this Commonwealth and not a handful of special interests.

I urge a "yes" vote on the Vitali amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mercer County, Mr. Wilt.

Mr. WILT. Thank you, Madam Speaker.

I appreciate the opportunity to speak on the Vitali amendment.

Madam Speaker, I have spent all my life in the political environment, and I can tell you this: The time that I have spent out of politics was in private business. Your ability to market yourself as a candidate or to market a product has everything to do with the support that the public sees in you or in that product and its ability to sell, and that is what a campaign is; it is a marketing program. The fact of the matter is that as you begin a campaign, your ability to raise money is one of the fundamental acid tests when it comes to your qualifications as a candidate. It is what makes the process work, your ability to market yourself to your constituencies: Do they support your ideas and are they willing to help you get that message out? The fact of the matter is that as we raise money for political campaigns, gubernatorial or otherwise, that that money is usually spent in our local economy, which is also good business.

But what I cannot understand with this Vitali amendment and with those who support it is how in the world, in a day and age when we are fighting in good economic times to keep our spending limits low, how in the world we could advocate spending public

tax dollars on an election. It makes absolutely no sense to me. I hear from my constituents all the time. Most that call me do not like the fact that their union dues are spent in the political process. How are they going to feel when we go back to them and say, okay, now your tax dollars are going to be used in that arena also.

I hope that those who are here today that have not made up their mind yet will vote "no" on the Vitali amendment. Thank you very much, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill County, Mr. Argall.

Mr. ARGALL. Thank you, Madam Speaker.

Madam Speaker, like many of my colleagues, I can support portions of this amendment, but I agree that it contains at least one fatal flaw, and that is those millions of dollars in taxpayer funding included in the amendment. I think in my district and all over Pennsylvania, at least because of, in part because of a lot of work by members of this General Assembly, we have seen a lot of progress in the last decade, but we still have so much left to do. We still have so many communities with unsafe water supplies. We have so many communities where raw sewers are killing the streams and mine acid continues to make that water run orange on a daily basis. We have too many communities where we have abandoned buildings and blight ruining our neighborhoods in both small towns and larger cities. We have too many schools in great need of modern improvements. And, you know, I have asked this of my constituents on a number of surveys: Where would they like to see us spend the money? And in each and every case they have told us that they would rather see us meet these needs first rather than spend taxpayer dollars to buy balloons, bumper stickers, and buttons for politicians.

So while I agree with the need to do something with our current campaign system, I do not believe in any way that this amendment is the solution that we are in search of at this time.

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

Mr. LEVDANSKY. Thank you, Madam Speaker.

Madam Speaker, it has been about three decades since Pennsylvania amended its Constitution to permit Governors to seek reelection. Before that, Governors could only serve one term in Pennsylvania. Since that change to our State Constitution, I believe we have had four Governors run for reelection—Governor Shapp, Governor Thornburgh, Governor Casey, and Governor Ridge lately. One thing these Republican and Democratic incumbent Governors all share, one fact that they all share, is that as incumbent Governors, they have a significant advantage over their challengers to raise campaign contributions. Challengers are often left to their own devices and raise what little money they can, but if you look at the history of gubernatorial campaign reelections in Pennsylvania, you will see incumbents vastly outspending challengers, and it does not make any difference what party they are from. In the last election, Ivan Itkin was seriously outspent by Governor Ridge, but before that, Governor Casey seriously outspent his opponent, Barbara Hafer. It is because of the advantages inherent in incumbency that incumbent Governors can raise so much money that they are able to get their message out and drown out the message of their opponent.

I happened to be the sponsor of a piece of legislation that the General Assembly passed several terms back to enact motor-voter registration, to make voter registration easier in the Commonwealth of Pennsylvania, and as I stand here today, in

Pennsylvania we have a record number of people that are registered to vote. But those people are not turning out to vote on election day, and why is that? I submit to you the reason why people do not show up at the polls to vote is because they believe, they believe, they feel, they know that their vote compared to the influence of money on statewide campaigns, their vote means little to nothing. And the other things that they have to deal with on a day-to-day basis, they might as well deal with their day-to-day concerns, because they do not believe that politicians of either party on a statewide basis really care about their concerns. They know that big money calls the tunes too often here in Harrisburg.

Well, Madam Speaker, I submit to you that the way we could change that equation of money talking and voters walking, the way we could change that is to put in place a system of public financing for Governor and Lieutenant Governor in this State. Voters, I think, inherently know that whoever pays the piper calls the tune. The only question is, who is paying and who is getting the public policy? They understand that the big contributors, the moneyed interests, are those people that are really calling the shots here in Harrisburg, and there is only one way to change that. There is only one way to change that. The only way to change that is to fight within the system, is to invest in the system. The taxpayers have got to become an integral part of the campaign finance system in order to crowd out the special moneyed interests that have a gag-hold over the political process right now.

One of the previous speakers said that, well, you know, this is just a piecemeal piece of legislation. To some extent I agree with that. We ought to be doing more than just promoting public financing for Governor and Lieutenant Governor. We ought to be looking at establishing contribution limits for State House and State Senate and other statewide officeholders. We ought to be talking about limiting independent expenditures and soft money. We ought to be talking about public financing for all these offices, and we ought to be talking about an independent election commission.

Madam Speaker, nearly every State in this nation has passed some form of campaign finance reform in the last 20 years. Pennsylvania stands amongst literally a handful of States in the nation that have done nothing relative to trying to curb the influence of money on the legislative and political process. I think it is high time we make a bold step in the right direction, and I think this amendment does that.

I have heard others talk about how they do not want, how the taxpayers do not want to see their tax dollars spent on politics, on campaigns. Madam Speaker, it seems to me that we have public financing in this State, only it is just for incumbent Governors, not for challengers. We have plenty of things at a Governor's disposal and at our own disposal as members of the House and Senate. We have plenty of taxpayer-paid tools at our disposal to help us get our message out, but incumbents do not have access to those same tools. I do not know about you, Madam Speaker, but if my taxpayers had a vote on the \$85 million socked away in the WAM (walking-around money) accounts in Harrisburg, I do not think they would want their tax dollars spent that way either, but I do not hear anybody on that side of the aisle talking about reforming the WAM process. If you want to talk about where taxpayers' moneys are interested in being spent, we ought to talk about that issue, but just do not paint this issue with that particular brush. As a matter of fact, as I said, there is over \$85 million socked away in DCED's (Department of Community and Economic Development's) budget

this year for WAMs. We all understand that; we all understand that. We could take just a fraction of the WAM money that is allocated every year and use that money to pay for gubernatorial campaigns as provided for in the Vitali amendment.

Madam Speaker, this amendment, I think, goes a long way toward restoring the public faith and confidence in the office of Governor in this State, and while I would argue that there are other more comprehensive approaches that we could take as well and while I would hope that the author of this amendment were incorrect in his assertion that this will probably be the only time that we have a chance to vote on meaningful campaign finance reform, I wish that were not the case, but I think that he is probably right in that presumption.

Madam Speaker, I think the modest costs to the taxpayers as outlined in this amendment are worthwhile investments to make in cleaning up the campaign finance system, at least for Governor in this State, and I wholeheartedly endorse its approach and would recommend a positive vote. Thank you.

The SPEAKER. The Chair recognizes the gentleman from York County, Mr. Saylor.

Mr. SAYLOR. Thank you, Madam Speaker.

I rise to oppose this amendment. It is interesting when we talk about giving away taxpayers' money and yet we do not solve any problems. This bill would have cost us 40 million taxpayers' dollars in the 1994 election in the gubernatorial elections there. Forty million dollars of hard-earned taxpayers' money in a campaign that solved what? The bottom line is, this amendment to this bill would not solve one tiny bit of any kind of political corruption or any other kinds of things going on. We found in this bill at a \$40-million price tag the fact that it does not solve the problem of soft money, about poll workers being paid under the table, advertisements from different PACs and different other groups. This does not do anything about the corruption in the political process. It simply is another giveaway to politicians of \$40 million.

And when maybe if you get your money, you know, very easily, you do not think quite as hard about the fact that you are giving somebody else's money away, but \$40 million, my taxpayers in York County would rather have it back as tax cuts; they want it back, you know, put it in child care or education or something like that. And I surely am not going to point to the motor-voter law as a great reform, not when you find 25 percent of the people on motor-voter not only do not even live there, we are finding five families sitting at the same address who have not lived there in 5 years still on the rolls. We are finding men and women who have died, their spouses have died, who are still on the voting lists. That is a great example of reform in this Commonwealth, when we talk about motor-voter being the same as campaign finance reform? My voters back in York County do not need their taxpayers' money spent the same way we did on motor-voter. They want their money back instead of having such a wasteful program again.

I ask for a "no" vote.

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

Mr. COHEN. Thank you, Madam Speaker.

Madam Speaker, Mr. Argall gave a long list of programs that are underfunded in this Commonwealth. And as you go down his list of programs or anybody else's list of programs that are underfunded, you ought to ask the question, how much money did

those advocates give Governor Ridge? How much money do they give other Governors? And the answer almost invariably, you name the unfunded program, there are no campaign contributions behind those interests. There are none. And when you have a situation, Madam Speaker, in which you are not even among the top contributors to a winning gubernatorial campaign, if you give \$100,000 — you are not even among the top if you give \$100,000 — what influence is the average citizen going to have with the Governor, any Governor of either party?

Milton Friedman, the conservative economist who won a Nobel Prize, said there is no such thing as a free lunch. That is a truism. Somehow, Madam Speaker, the costs of campaigns have to be paid for, and if they are going to be paid for disproportionately by people who can give \$100,000 or \$250,000 or \$500,000 or \$1 million, if that is going to be how you fund a gubernatorial campaign, by being the person who knows the most people who can write checks of \$100,000 or more, then all sorts of interests that people have that are legitimate and basic to improving the quality of life in Pennsylvania, all sorts of interests are going to be ignored. And I would suggest you go down Mr. Argall's list and you make up your own list: Where are the needs that Pennsylvania with its \$1.1 billion in the Rainy Day Fund, with hundreds of millions of dollars in surpluses, with hundreds of millions of dollars squirreled away in fund after fund in State government, so that by the time Governor Ridge leaves office, there will be a surplus in all likelihood, adding all the surplus funds together, of well over \$2 billion. Make a list of those things that Pennsylvania government is not spending money on and ask the question how much money those advocates contributed to Governor Ridge, and I think you will find the answer is virtually nothing.

We can have a government that is responsive to the people, but we have to be willing to pay for it. The cost of this amendment is only several million dollars a year. It is a reasonable cost. We ought to pass this amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzerne County, Mr. Hasay.

Mr. HASAY. Thank you, Madam Speaker.

Madam Speaker, although I may agree with some of the parts of the amendment, I think we need to look in the future. Even though we are here with a surplus, I have been here in those years when we did not have a surplus and we were short revenues, and taxes had to be raised. I do not think that my constituents back home or your constituents back at your houses realize. Taxpayer money to be used for politicians and political campaigns is I do not think where they want to have money used at this time, Madam Speaker.

So remember, Madam Speaker, you know, the gravy does not flow forever and sometimes times get worse where you have to raise taxes for new programs such as this, which is a \$40-million program, and you know, the next 4 years it will not be \$40 million and it will not be less but it will be more. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Butler County, Mr. Metcalfe.

Mr. METCALFE. Thank you, Madam Speaker.

It just never seems to surprise us at the never-ending list of ways that we hear promoted to spend taxpayers' money. You know, we hear a lot of rhetoric about this amendment, and this amendment is not going to resolve the problems that I see as a

taxpayer, as a legislator, as a citizen, of what we have going on in politics today, and it is not going to resolve the problems that my constituents see. When we talk about campaign finance reform, it never jumped to the front of my mind or I am sure anybody in my district that what we are talking about is using more taxpayer money to promote campaigns. That is not what people think about when they talk about campaign finance reform outside of these chambers. What they are talking about is ending foreign contributions such as we have seen in the past with Chinese money. What they are talking about is ending soft-money donations, soft-money donations that do not show up on contribution reports. That is what the people are talking about and that is what we need to do, not this here.

I would ask that you oppose this and vote "no."

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware County, Mr. Vitali, for the second time. He waives off.

The Chair now recognizes the minority leader, from Greene County, Mr. DeWeese.

Mr. DeWEESE. The year was 1978, Madam Speaker. It was the golden age of Thornburgh. Thornburgh spent \$3 million to become Governor, or as the gentleman, Mr. Freeman, would say, the chief superintendent of our Commonwealth, the chief magistrate possibly of our Commonwealth. In fast forward, in 1986 Robert Patrick Casey spends \$8 million to become Governor of Pennsylvania, and then notwithstanding the hyperbolic and frenzied arithmetic of the gentleman from York County, Tom Ridge spent \$14 million in 1994 to grab the gubernatorial mantle and to become a resident in the Governor's Mansion. From \$3 million to \$8 million to \$14 million. The system is broken. The system is irretrievably broken. But we have had efforts on this floor and in this building since time immemorial to repair and revivify the sparkle, the zest, the wholesomeness of our political enterprise. The oxygen of democracy is the soapbox, and we have an age of the television, and if we do not do something about campaign finance reform, Madam Speaker, then we will be unsuccessful stewards of our responsibilities. You do not have to pick up a certain national newspaper. Any of our gazettes and journals chronicle on a daily basis the saga of John McCain and Bill Bradley, two of the premiere candidates on either side of the political equation, as they project campaign finance reform.

Now, many of you demagogically and disingenuously, in my view — and there is no scarcity of those commodities on this floor historically — complain about taxpayer money, and the figure of \$40 million was vomited into the debate a few minutes ago. Well, there are limits, Madam Speaker; there are limits as to how much money one will be given if one qualifies. And by the way, if in some of your perfervid idealism you wholesome conservatives do not want to take advantage of any taxpayer money, then you can opt out of the program. It just would level the playing field; it would restore confidence in the system; it would bring more people into public life. We are only talking about a Governor's race, Madam Speaker, and a Lieutenant Governor's race, and we are only talking about people that will check off 5 bucks voluntarily.

In the Garden State across the swiftly coursing Lehigh, they have 20 percent participation, and it is enough; it is enough. Ridge did not need \$14 million to vanquish the Honorable Itkin, who had \$400,000 available. Casey did not need \$8 million to dominate the campaign against the lady Hafer. Those were not fair elections.

The last fair elections were in the 1970s in this State. We have gone a generation without any exciting, gritty, evenhanded gubernatorial races that were evenly funded.

Now, I would like to challenge the gentleman, Mr. Clymer, the honorable chairman, the very honorable chairman of his committee, to get as active as he deems possible and appropriate in the ensuing months and give us more opportunities to debate this issue, because as we have found out from the Presidential race until this afternoon, there is no more vital, central, pulsating concern in the American body politic than arresting the advances of big spending in these elections. Television is the phenomenon that has driven us to where we are today, and only an Assembly, a General Assembly duly elected, inspired by the Vitali amendment, and hopefully with some help from our GOP (Grand Old Party) brethren, will decide that we are not going to keep on going up and up and up from \$3 million in 1978's gubernatorial election to 1986's \$8 million to now in Ridge's experiences both times — it is almost understandable why \$14 million would be spent against the Lieutenant Governor, but he raised \$14 million against someone that only had \$400,000.

And in those smug, smirky visages that I can discern across the way, especially one that is more iridescent than the others, I think deep down somewhere, somewhere in the hidden synapses of an idealistic brain, someplace you realize that it is not fair to run for Governor of 12 million Pennsylvanians with one man or woman having \$14 million and the other one having \$400,000. That is just incredibly disadvantaged. It is ludicrous.

Why are we here if we are not here to correct problems? Why are we here if we are not here to make a more level playing field? Why are we here if we are not to exude more idealism? The Vitali amendment is undilutedly a good idea, and it deserves your support.

On behalf of John McCain and Bill Bradley, I would ask for an affirmative vote.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the majority whip, who moves that the gentleman, Mr. ALLEN, from Schuylkill County be placed on leave for the remainder of the day.

CONSIDERATION OF HB 584 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Centre County, Mr. Benninghoff.

Mr. BENNINGHOFF. Thank you, Madam Speaker.

I also rise with mixed emotions on this, because I admire the gentleman, the maker of this amendment's commitment, and I think it is an admirable quality, as someone continuously fights for something he strongly believes in. It is one of the reasons why many of us came here, and I think it is one of our forefathers' founding principles, and for that, I admire him. And I told him that parts of it I do support, and I think he has got some good ideas here.

But I am most concerned — and I think all of us as a body in representing people in our home districts should be — with the fact that the clause allows us to subsidize any shortfalls with taxpayer dollars. I did not come here to keep spending more money and watching a budget continue to grow, and here is an opportunity to allow that to happen again. And I think if you go back and ask

your taxpayers if they want you to do that, I do not think they do. A very simple \$5 checkoff looks pretty benign, but when the shortfalls come in, you and I are going to be asked to subsidize that, and I think the people back in my district would say no to that. Forty million dollars can go to a lot of better places.

The previous speaker mentioned that he feels that this would instill confidence in our voters. I disagree with that. I think our voters will be very upset if they do a checkoff and find out later that their tax dollars are going to have to subsidize what they thought was a good idea. Too often good ideas do not pan out to always be good actions.

With that in mind, I think our voters will be more discouraged and feel that they have been hoodwinked, so I caution you to be careful when you make that vote, that this so-called confidence building I do not think will pan out that way.

Again, I admire the gentleman's ambition, and it is something we should continue to talk about. But there is no sense of passing any legislation unless it is going to improve the quality of our people's lives, and I therefore have to vote "no," because I do not want to support anything that is going to impose more taxes on my people.

Thank you, and thank you, Madam Speaker.

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

Mr. SNYDER. Thank you, Madam Speaker.

Madam Speaker, you are going to hear a lot about this debate in the papers tomorrow and in the future about how the House debated campaign finance reform. Madam Speaker, that is probably the greatest misnomer discussed, this proposal. This is not campaign finance reform.

First of all, Madam Speaker, as has been noted by several speakers, this does not address the issue of soft money. If anyone needs to read the definition in this amendment of what soft money is, it is called independent expenditures in this legislation, and independent expenditures are essentially, if you do not tell the candidate that you are going to spend millions of dollars on his or her behalf and you do not consult with them on what you are going to be doing, you can spend as much money as you want. Where are the disclosure requirements in here for those millions of dollars, for the people who are being paid at the polls but the candidate supposedly does not know they are going to show up or the TV ads that appear and the candidate does not know where those TV ads came from but they sure are showing negatives about your opponent? Where is that in this legislation, the kind of reform that the taxpayers want? The failure to deal with the soft money is certainly a fundamental flaw in this proposal, and it is really the heart of any necessary campaign reform at the State level.

Also, Madam Speaker, we talk about expenditure limits. This amendment has it both ways. If you listen to the advocates of this proposal, they would make it sound as if we are going to put a limit on campaign financing and campaign spending, but if you look in the legislation, Madam Speaker, look at section 1608-A. It says that a candidate who has accepted public funding under this, but then if his opponent or her opponent decides to spend much more in independent expenditures — that is soft money — the campaign limitation limits are waived. Or if you go to section 1613-A, if you as a candidate accept public funding and your opponent does not accept public funding and then your opponent spends more money than you do, the campaign limits are

waived. So where are the campaign limits in here if that is what is driving this legislation?

We talk about the incumbency, and certainly we all know the advantage of incumbency. We talk about the last gubernatorial election. We forget when Governor Casey was running against someone named Barbara Hafer, and where was the criticism there that Governor Casey was spending so much more money for his race? We all know that there are advantages to incumbency, but by limiting the amount of money that a challenger can spend certainly puts that challenger at a disadvantage. Is that the goal of this, to protect incumbents? I do not think so.

We talk about the fact that the issue of campaign finance reform is a national issue. For those of you who could not sleep last night and were going through the channel surfing, on MSNBC last night on television, in South Carolina there was a spokesman, a campaign consultant, for the Bush campaign doing a focus group live before some cameras, and out of the 20 people there, most of the people were supporting McCain, as he went around initially and said, who are you supporting on a scale of 1 to 10? And they asked them, why are they supporting that particular candidate? They said, because he is trustworthy; they feel that he has some new ideas, that he presents the skills for a leader. They then asked those people, they said, well, what about Mr. McCain's proposal for campaign finance reform? That seems to be his big issue. They said, we are not going to vote for him for that; we do not think it is fair that the taxpayers should be paying for these campaigns. And not one person in that focus group thought that that was a good idea, and yet they are the ones supporting it. So where is the information that says our taxpayers want us to use their tax dollars for this purpose instead of for volunteer fire companies or some of the other issues that were brought up by previous speakers on this House floor?

Furthermore, we talk about the fact that this includes a taxpayer checkoff. Well, the Federal government has a taxpayer checkoff, and that is the only money that is given to the Presidential funds, and that is declining, but the whole purpose of the taxpayer checkoff is to increase participation by people in the process. In this legislation, it has been also pointed out, the taxpayer checkoff is really meaningless. The fact that it may attract 15, 20 percent or even less of the voters is really irrelevant, because if we do not make the money through the taxpayer checkoff, the general appropriation fund is going to have to pay for it anyway. So we are not really encouraging taxpayer participation in the elections through this legislation, because we are guaranteeing that that money is going to be spent whether the taxpayers support it or not.

Finally, Madam Speaker, this legislation, in all sense, is really trying to play all sides. It is trying to deal with those who say we should not limit campaign expenditures, but yet we are going to put something in that makes it sound like we are. It does not address soft money. It does not involve the taxpayers and get them more involved in campaigns.

Madam Speaker, this is simply a way to fund campaigns through tax dollars whether or not there is support for it among our constituents. I would ask for a "no" vote. Thank you.

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

Mr. TIGUE. Thank you, Madam Speaker.

Madam Speaker, all afternoon we have listened to this debate, and we heard numbers thrown around, like it is going to be \$40 million. I think that is totally erroneous. If you calculate at

20 percent 12 million — there are 2 million students; there are a number of senior citizens — the most it is going to cost would be \$10 million, if everybody checked off on the 20 percent we talked about. That is one-tenth, one-thousandth of our budget, one-tenth of a percent — not 1 percent; one-tenth of a percent. But that is beside the point. We have heard all these reasons why this is not a perfect amendment, and I agree with that. I think there are some problems in this amendment that should have been corrected before it was drafted. However, we vote on what is in front of us.

The previous speaker mentioned about a focus group. Actually, there were people who said they do support public financing. It was not that all of them said they do not support public financing. All we have to do is look to the States and even to our Federal government to find out how many people use a checkoff to fund certain elections, whether it is a Presidential or in some States judicial races or gubernatorial races. We do not get a chance very often to vote for campaign finance reform. This is not only a turn in the right direction; it is at least a step in the right direction. It does limit to an extent, to a great extent, contributions from a lot of people, a lot of organizations. There are some problems with that, I agree, but it is better than the current system.

We can all argue about how this will affect the gubernatorial race. What it does, really, the same thing that the Presidential checkoff has caused on the Federal level, on the national level, is it allows people to run for office who do not have a lot of money to start out with, and you do not have to participate, and our constituents know we are not smarter than them. They understand, when they check that, what that means, whether it is \$5 or \$1 on the Federal system that we currently have; they understand that. They want — and they are right — they want campaign finance reform. This is not going to solve all the problems, but it is an initial start, and it starts where it should, with the gubernatorial elections.

And hopefully after today, whether we pass this amendment or not, we will have accelerated the discussion on campaign finance reform. The money spent on elections today is obscene, the amount. It is absolutely obscene. It is a race to raise money and see who can spend the most, and that does not always mean you are going to be elected, but it puts those people who decide late or for whatever reason, it puts them behind, because they may not be an incumbent, et cetera.

I would ask you to support this amendment, and let us get started with campaign finance reform. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Ms. Manderino.

Ms. MANDERINO. Thank you, Madam Speaker.

Madam Speaker, this whole debate can boil down to one really concrete example that we had in recent history: 1997, the State of New Jersey gubernatorial election between Christie Todd Whitman and Jim McGreevey. New Jersey had the kind of financing that this amendment is talking about, and because of that, McGreevey was able to match Whitman dollar for dollar and run a campaign that was not about money; it was a campaign about issues, and it was a campaign about issues that engaged the New Jersey voters and brought that election which prior had been thought to be a runaway by the incumbent into 1 percentage vote away for the challenger. And why was it an issue debate? It was an issue debate because the money inequality was taken away, and that is exactly what this legislation would do, and I think that is exactly what the people of

Pennsylvania want. They want money to be not the great inequality, but they want money in these races to be such that everyone is on an even playing field, and we can really debate the issues that matter to the voters.

So put your vote up there “yes” today about issues in politics. Thank you.

The SPEAKER pro tempore. The Chair recognizes the minority leader, from Greene County, Mr. DeWeese.

Mr. DeWEESE. Thank you, Madam Speaker.

Ms. Manderino summed it up beautifully. The quintessential argument here is, do you want contested elections or do you not? McGreevey and Whitman, New Jersey – that example resonates around the land. McGreevey was as unheard of as can be. I cannot think of a more anonymous political figure in the Garden State, but he had \$4 million and she had \$4 million, and the race came down to 1 percentage point. He was a bright, able candidate. Ridge had \$14 million; Itkin had \$400,000. Itkin is a Ph.D. (doctor of philosophy); Ridge is a talented fellow. But the race was never in question. We need to have campaign finance reform at least at the gubernatorial level, and the Whitman-McGreevey experience in New Jersey is a picture-perfect manifestation of what could happen in our State.

If you vote “no” against the Vitali amendment, essentially you are voting against competition, and all of you free-enterprisers, all of you conservatives, all of you people whose fundamental political undergirding has been built upon Constitution – excuse me; on competition, not Constitution; we found that out a couple weeks ago – but on the idea of competing, and the demagogic comments about public money, come on; give me a break. It is a checkoff; it is a checkoff; it is a voluntary checkoff. Do you not have any faith in the exuberance of our constituency to try to reform this system? Why is John McCain catching fire? He is on fire across the United States, and you are priming up— All of you conservative, mainstream types embraced George W. Bush a long time ago. I hope, I hope you get what McCain has coming, but that is another debate for another day. But McCain’s overarching dream is to bring some semblance of campaign finance reform to the American system.

Bill Clinton and Newt Gingrich made a promise to each other in an arboreal setting in New England several years ago. They were very cozy for a moment – something like some of the rest of us, momentarily cozy – but they made a commitment on campaign finance reform, and it was ruptured almost immediately. Now it has been revived again by McCain and Bradley.

We should revive it here again today so that our future gubernatorial campaigns are competitive, competitive, competitive, competitive. What is wrong with competition? A vote against the Vitali amendment is a vote against competition.

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

Mr. SNYDER. Thank you, Madam Speaker.

I do not think those previous comments can go by without at least somewhat of a response.

The electoral process is probably the ideal of the free marketplace. Well, if I come to Mr. DeWeese and say, Mr. DeWeese, will you give me \$10,000 to run for an office, the first thing he is going to look at me and say is, what is your viability? What are your chances of winning? Do your issues identify with things that are in commonality with what I believe in? It is the same thing we do in the marketplace any day when we

have X number of dollars to spend and buy products or whatever. This is a free market, Madam Speaker; this is a free market that allows people who have the best ideas and the best ability to show their viability, to raise those funds. And yes, the power of the incumbency certainly discourages, perhaps, people from running because of that viability question.

But I think, again, the point that you are missing is, the taxpayers have been given the opportunity to let us know whether or not they feel the taxpayers should be supporting these types of elections. At the Federal level, Madam Speaker, it is 13 percent of the taxpayers that have voted with their money, and it is not even costing them anything. All they have got to do is put a little check there, because it does not cost them any more money. Less than 13 percent of the American public feels that we should be using taxpayers’ money for campaigns, even though it does not even cost them anything.

So I think they know better how to spend our money than perhaps many of the people in this room do, and I certainly ask for a “no” vote on this legislation, until the State Government Committee can complete the process that they have started. They have had two public hearings. Tomorrow is their third workshop. They have included not only the entire committee but people from the third parties, from the ACLU (American Civil Liberties Union), from Common Cause, all people interested in this who are concerned, to develop a truly comprehensive campaign finance reform legislation to go into this session.

Madam Speaker, I believe that the other side has had many opportunities over the past when they had the Governor’s race to address this issue. They were silent, and I think we ought to give our State Government Committee the opportunity to proceed. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from York County, Mr. Platts, for the second time.

Mr. PLATTS. Thank you, Madam Speaker.

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

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. PLATTS. Thank you, Madam Speaker.

Madam Speaker, the previous speaker said that this is, again, a voluntary checkoff. This is something that people can choose to do. My question is, if no one checks it off, does the General Fund still have to fully fund this program, even if no one Pennsylvanian checks it off on their income tax?

Mr. VITALI. No. It is up to us as a General Assembly whether we want to fund it and the amount we want to fund it. Nothing in this amendment which we are passing makes us have to fund this to any level. That is a decision we make.

With regard to the voluntary checkoff, that is an amount that is sacrosanct. That is something that the people have said, this portion must go to that. The rest is up to us.

Mr. PLATTS. Madam Speaker, can you explain then how section 1606-A states, “The General Assembly shall appropriate money to the Fair Campaign Fund sufficient to fully fund...” all costs associated with this? And I am paraphrasing, obviously, the rest, but it says, “...to fully fund...” and I will quote for you, “...to fully fund all requirements of this article including the administrative, investigative and enforcement responsibilities of the State Ethics Commission.” That is a “shall” provision, that the General Assembly shall provide full funding for this program.

Mr. VITALI. It is my understanding that each budget, no one can compel us to fund this more than the amount which we deem to be the appropriate level of funding.

Mr. PLATTS. Madam Speaker, why does the amendment then say that the General Assembly shall fully fund it if that is not what you intend?

Mr. VITALI. That is the way it will work out in practice.

Mr. PLATTS. A related question: That language says that we shall fully fund the administrative costs of the operation of this program by the Ethics Commission. I read that as saying, we do not have any say over what those administrative costs are. It says we shall fund whatever they are. What is your response to that reading of the amendment?

Mr. VITALI. I think that we are all familiar with the budget process, we are all familiar with how line items are funded, and we all know that that is the product of debate between the House and Senate and the conference committee, and that will dictate how this is funded.

Mr. PLATTS. Madam Speaker, that concludes my interrogation. I would like to make another brief comment.

The SPEAKER pro tempore. You may proceed.

Mr. PLATTS. Thank you, Madam Speaker.

I think we need to be guided by the language of this proposal, not what may or may not happen when it is interpreted. The language says, the General Assembly shall fully fund this program, no matter how many people check off on their personal income tax returns. I would read that as saying, if future General Assemblies do not provide funding for this program, they would be in violation of this act, violating a statute.

The maker of the amendment disagrees with that. I think the language speaks for itself, and I again urge a "no" vote. Thank you, Madam Speaker.

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

Mr. STURLA. Thank you, Madam Speaker.

Madam Speaker, I had not planned to speak on this until the gentleman from the Lehigh Valley said he needed to respond to a few comments, and I felt I needed to respond to a few comments he made.

He talked about a free market system and that the current system is a free market system, and if somebody is a good candidate, they can generate some money. What he is really saying is that the current system is for sale. It is for sale to the highest bidder, and in a lot of races, not all races but a lot of races, a candidate's viability is simply determined by who contributes money to him and how much money they contribute, and it creates unfair competition.

Anybody who is for a free and level playing field should be for this amendment, and I would urge you to vote for this campaign finance reform today. Thank you, Madam Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—98

Battisto	Eachus	Mann	Shaner
Bebko-Jones	Frankel	Markosek	Solobay
Belardi	Freeman	McCall	Staback

Belfanti	George	McGeehan	Steelman
Bishop	Gigliotti	Melio	Stetler
Blaum	Gordner	Michlovic	Sturla
Browne	Gruitza	Mundy	Surra
Butkovitz	Haluska	Myers	Tangretti
Buxton	Hanna	Oliver	Thomas
Caltagirone	Harhai	Pesci	Tigue
Cappabianca	Horsey	Petrarca	Travaglio
Carn	James	Petrone	Trello
Casorio	Josephs	Pistella	Trich
Cawley	Kaiser	Preston	True
Cohen, M.	Keller	Readshaw	Van Home
Colafella	Kirkland	Rieger	Vitali
Corrigan	Krebs	Roberts	Walko
Costa	LaGrotta	Robinson	Washington
Coy	Laughlin	Roebuck	Waters
Curry	Lawless	Ruffing	Williams
Daley	Lederer	Sainato	Wojnaroski
DeLuca	Lescovitz	Samuelson	Yewcic
Dermody	Levdansky	Santoni	Youngblood
DeWeese	Lucyk	Scrimenti	Yudichak
Donatucci	Manderino		

NAYS—95

Adolph	Fichter	Masland	Schroder
Argall	Fleagle	McGill	Schuler
Armstrong	Flick	McIlhattan	Semmel
Baker	Forcier	McIlhinney	Seyfert
Bard	Gannon	McNaughton	Smith, B.
Barrar	Geist	Metcalfe	Smith, S. H.
Bastian	Gladeck	Micozzie	Snyder
Benninghoff	Godshall	Miller, R.	Stairs
Birmelin	Habay	Miller, S.	Steil
Boyes	Harhart	Nailor	Stern
Bunt	Hasay	Nickol	Stevenson
Civera	Hennessey	O'Brien	Stritmatter
Clark	Herman	Orie	Taylor, E. Z.
Clymer	Hershey	Perzel	Taylor, J.
Cohen, L. I.	Hess	Phillips	Tulli
Cornell	Hutchinson	Pippy	Vance
Dailey	Jadlowiec	Platts	Wilt
Daly	Kenney	Raymond	Wogan
Dempsey	Leh	Reinard	Wright
DiGirolamo	Lynch	Rohrer	Zimmerman
Druce	Maher	Ross	Zug
Egolf	Maitland	Rubley	
Fairchild	Major	Sather	Ryan,
Fargo	Marsico	Saylor	Speaker
Feese			

NOT VOTING—2

Barley	Chadwick
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EXCUSED—7

Allen	Grucela	Ramos	Veon
Evans	Mayernik	Rooney	

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?

**MOTION TO RECONSIDER
AMENDMENT A0388**

The SPEAKER pro tempore. The Chair is in receipt of a reconsideration motion. It is moved by the gentleman, Mr. Snyder, that the vote by which amendment 0388 was passed to HB 584, PN 2961, on the 15th day of February be reconsidered.

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

Mr. DeWEESE. Madam Speaker? Madam Speaker?

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

Mr. DeWEESE. To debate the motion.

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

The SPEAKER. The gentleman, Mr. DeWeese, is recognized.

Mr. DeWEESE. It would take a very aggressive if not encyclopedic search of our Journals and of our history for me to find a reconsideration motion that I have not supported. It is inherently a pro forma vote. It is one that I have repeated again and again throughout my career, and I think it is appropriate in 99.99 percent of the circumstances.

But tactically, our minority party has been buffeted by prevailing winds again and again and again in recent years, and the construction of the rules is such that we have had a strenuous time competing on this floor. We have had a momentary victory, but it is obvious that we are not just being polite to allow for reconsideration because a mistake was made or an inappropriate vote was cast or some part of the legislative exchange was missing. This is a tactic; this is a tactic that countervails our long-term strategy.

The Vitali amendment, the Vitali amendment was "Cemetery Ridge"; it is the high-water mark for campaign finance reform in this Assembly since the day I walked in here. What we just did is heavily tintured with history, and why we should, with a pro forma reconsideration motion, give away that advantage makes no sense to me.

So it is with substantial reluctance, Mr. Speaker, that I would ask for a "no" vote on the reconsideration motion proffered by the gentleman from Lehigh, Mr. Snyder, because it is obvious that all he wants to do is sunder our momentary success.

For the sake of campaign finance reform, I would ask for a negative vote on the reconsideration motion.

MOTION WITHDRAWN

Mr. SNYDER. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Snyder.

Mr. SNYDER. Mr. Speaker, we had sought the reconsideration because a couple of our members were unable to vote on that, and that is the reason we asked for it, but we will withdraw the reconsideration motion and go to final passage.

The SPEAKER. The Chair thanks the gentleman.

The motion is withdrawn.

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?

Does the gentleman, Mr. Gannon, desire recognition on final passage? Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, this is on the bill in chief, not the amendment.

The SPEAKER. That is correct. This is final passage of HB 584.

Mr. GANNON. Mr. Speaker, this is a very flawed bill for this reason: The bill as introduced removes the occupation from the candidate petition forms, and this is very ill advised to do this.

I had a personal experience I can relate to the House because the occupation was listed on the form. Several campaigns back, I was going through my opponent's petitions, as we all do, to review the signatures and see who was on there, and I was going down the occupation list, and one of the occupations listed was a newspaper reporter. Now, I know those guys do not sign people's petitions, and I called the newspaper reporter on the phone and asked why they had signed the petition or what prompted them to do that. They denied that they had signed the petition, and as it turned out, there were a number of forgeries on that petition. The only reason that I was able to catch that was because the occupation had been listed. Had the occupation not been listed on that petition, I would have never realized that there were a number of forgeries on that petition. Ultimately, the gentleman was prosecuted for forgery. I wish there was some mechanism we could have determined earlier that there were forgeries, but we never did have an opportunity to challenge the petitions.

But for that reason and that reason alone, that it opens it up to such opportunities for additional fraud in the electoral process, I urge a "no" vote on this bill.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Van Horne.

Mr. VAN HORNE. Thank you, Mr. Speaker.

I would like to speak in support of HB 584 to in fact prevent fraud, and the reason is, just to clear up what happens in this legislation, not only is the line for occupation deleted but there is a line added where we can have our names and the signers of the petitions' names printed as well as the signature added, and frankly, this is much more important. It means an awful lot more at curing fraud.

This bill has been supported by most of the Election Bureau officers throughout the Commonwealth of Pennsylvania, including my two home counties of Westmoreland and Allegheny, and having been somewhat of an expert in this petition challenge process, this certainly would go a long way to curing fraud, much more than some of the arguments made prior to this.

I would encourage a "yes" vote on this bill. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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—97

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

NAYS—97

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

NOT VOTING—1

Rieger

EXCUSED—7

Allen	Grucela	Ramos	Veon
Evans	Mayernik	Rooney	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill fell.

The SPEAKER. The Chair is not aware of any further votes. Tomorrow will be a token session for the purpose of moving bills, principally for that purpose.

STATEMENT BY MR. WILT

The SPEAKER. The Chair neglected to recognize the gentleman, Mr. Wilt. Mr. Wilt asked me earlier to be recognized before the members left. Would you show him the courtesy of standing by for a short period of time.

Mr. Wilt.

Mr. WILT. Thank you, Mr. Speaker, and I will be very, very brief.

Many of us have heard from our constituents about the rising costs of gasoline, diesel fuel, and home heating oil. I know that my phone in my district office has been ringing as well as my phone in Harrisburg. I do not know about you, but I have been frustrated about what to do, because we have had little or no answers that we can give people about what we are doing as legislators about the rising costs of particularly diesel fuel and aviation fuel. That is why today Representative Rohrer and I and about 40 other members, those who know about this, will be introducing a piece of legislation that will eliminate the 19-cent-a-gallon State excise tax on diesel fuel and aviation fuel for a period of 6 months, and we are hoping that in this 6-month period, crude prices will settle and this situation will work itself out.

Now, our truckers and aviators have asked for help, and today we are finally going to be able to say that we are doing something for them.

Now, based upon the heavy increase of Federal money coming into the program, we think that we can do this for a period of 6 months and not in any way, shape, or form delay those projects that PennDOT has committed to in the upcoming summer months.

Mr. Speaker, 2 years ago I was asked to support a 4-cent increase in the gasoline tax. I knew it was the right thing to do then; I still feel it was the right thing to do, and I did that. But today the right thing for us to do is for us to put a 6-month moratorium on the State excise tax to allow our aviators and our truckers to continue to have a chance to do business.

The SPEAKER. Will the gentleman yield.

Please.

Mr. Wilt.

Mr. WILT. Thank you, Mr. Speaker.

I will be finished in just a minute.

At the time we did that, Mr. Speaker, we got very lucky. The price of fuel dropped, highway miles increased, and we had a record amount of revenues coming into PennDOT's coffers as a result.

Today I ask my fellow colleagues that we answer the calls from our truckers and our aviators and send some of our largesse back to them. Let us do our part. Let us tighten our belts for 6 months. We will keep our airplanes flying and our truckers rolling through Pennsylvania.

I ask all members to cosponsor this bill, which will be introduced tomorrow morning. Let us go back home in the next

few weeks and tell our people that we are trying to do something to help them.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

COMMITTEE MEETING CANCELED

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

Mr. HERMAN. Thank you very much, Mr. Speaker.

The meeting of the House Local Government Committee which met today and recessed will not meet anymore today or this week, as had previously been announced. The meeting will reconvene at a future date to be determined. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the lady from Berks County, Mrs. Miller, who submits remarks for the record.

Mrs. MILLER submitted the following remarks for the Legislative Journal:

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the names of Aaron Brueck, Daniel Dixon, Caleb Farrell, Kristian Jones, Christopher Kunkel, Anthony Madeira, Greggor Nallo, Jeffrey Payne, John Ravert, David Richards, Gereon Schlear, Jr., Brandon Staudt, Shawn Strunk, Bradley Triest, Joseph Urso, Jason Volpe, and Stuart Williard, who were awarded Scouting's highest honor in 1999, the Eagle Scout; and Amanda Fidler, who was awarded Girl Scouting's highest award in 1999, the Gold Award.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring David Richards, member of Troop 140; Christopher Kunkel, member of Troop 144; Anthony Madeira, member of Troop 154; Gereon Schlear, Jr., and Shawn Strunk, members of Troop 402; Greggor Nallo and Joseph Urso, members of Troop 423; Aaron Brueck, Jason Volpe, and Stuart Williard, members of Troop 430; Kristian Jones and Jeffrey Payne, members of Troop 431; Daniel Dixon, member of Troop 456; Caleb Farrell, member of Troop 457; John Ravert and Brandon Staudt, members of Troop 479; Bradley Triest, member of Troop 489; and Amanda Fidler, member of Troop 20.

Whereas, these fine young men and women have earned the Eagle and Gold Awards in Scouting. This is the highest award the Boy Scouts and Girl Scouts can bestow and as such represents great sacrifice and tremendous effort.

Now therefore, Mr. Speaker and the members of the House of Representatives, it is my privilege to congratulate and place their names in the Legislative Journal.

ANNOUNCEMENT BY DEMOCRATIC LEADER

The SPEAKER. The gentleman, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

For Democratic members, just a housekeeping—

The SPEAKER. Will the gentleman yield for a moment.

Democratic members, please pay attention to the remarks of the gentleman, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

This is regarding sponsorship. I wanted the members to be aware, I think there was an electronic mail that went around, but Representative Gordner reminded me that HB 2262, Representative Boyes' legislation concerning \$15 million to our fire companies, is in search of some additional cosponsors, and Representative Browne's HB 2263, a piece of legislation regarding property tax rebates, is available for cosponsorship. In the rush of business, I wanted to make sure that our members were aware of the volunteer firemen's legislation and the property tax legislation, HBs 2262 and 2263. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman have any further business while he is at the microphone?

Does the Republican leader have any further business?

VOTE CORRECTION

The SPEAKER. The gentleman, Mr. McIlhinney.

Mr. McILHINNEY. Thank you, Mr. Speaker.

I would just like to correct the record.

On amendment 4517 to HB 2053, I wish to be recorded in the affirmative.

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

The gentleman, Mr. Vitali.

Mr. VITALI. We have a reconsideration motion that is about to be filed. I would ask that we just hold things open for a minute until that happens.

The SPEAKER. Will the gentleman yield.

I am not going to hold the House open, but I am telling you now that you have 5 days to file that. The bill went down, so you can revive it anytime over the next 5 legislative days.

Mr. VITALI. It will be filed in a minute.

The SPEAKER. There is no problem with you doing exactly what you want to do. Tomorrow even, we will be here.

Mr. VITALI. Thank you, Mr. Speaker.

The SPEAKER. Any further business?

VOTE CORRECTION

The SPEAKER. Mr. Horsey.

Mr. HORSEY. Mr. Speaker, my button malfunctioned on HB 891. I invariably voted the incorrect way. I wanted to be a "no" vote on that, and it showed up as a "yes." So I would like to know if the Speaker would in fact accommodate me.

The SPEAKER. Your remarks will be placed upon the record.

Mr. HORSEY. Thank you, Mr. Speaker.

The SPEAKER. You are quite welcome.

BILL REMOVED FROM TABLE

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

Mr. PERZEL. Mr. Speaker, I move that HB 2263 be taken from the table.

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

BILL ON SECOND CONSIDERATION

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

HB 2263, PN 2979.

RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The **SPEAKER**. Any further business? Any announcements?
Hearing none, the Chair recognizes the gentleman from Northampton, Mr. Freeman.

Mr. **FREEMAN**. Mr. Speaker, I move that this House do now adjourn until Wednesday, February 16, 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.