

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, NOVEMBER 20, 2000

SESSION OF 2000

184TH OF THE GENERAL ASSEMBLY

No. 54

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

REV. JULIANN PUGH, Chaplain of the House of Representatives and pastor of Camp Hill Presbyterian Church, Camp Hill, Pennsylvania, offered the following prayer:

Let us pray:

God of Life, who bears changes within our souls like the flowing of the tides, we ask Your great and gracious presence with us. We Your children call upon You and ask that You hear us. We, who have known hurt and healing, the agony of losses, and the sheer pleasure of reunion and celebration, ask You to celebrate with us now. Put an end to our infinite perplexities, our perpetual stumblings, our unprincipled society, and our churches and synagogues without community. Help us to feel the steady rhythm of Your presence from within us.

Guide each of us in this room today as we strive to serve. Teach us that no matter what our age, we are in the process of becoming. May we strive to become someone who will give to the world a little more courage, a little more grace, a true caring spirit, and an example to follow.

As we approach Thanksgiving, help us to remember all the things for which we are truly thankful: the love of family, no matter how fractured; the sun that rises over fields sparkling with frost; the ability to smell the turkey as it cooks for what seems like an endless amount of time; the roar of our voices as we yell out in joy when our team scores a touchdown; and the smile on a small child's face when he kisses his mother good-night.

Forgive us for forgetting all the incredible things that surround us and for which we should offer thanks. Remind us of the words spoken by the founders of this country on December 18, 1777, when they proclaimed it as a day of thanksgiving on which the American people "may express the grateful feelings of their hearts and consecrate themselves to the service of their divine benefactor."

We give You thanks, great God, for yet one more day to try again.

Hear this our common prayer. Amen.

#### PLEDGE OF ALLEGIANCE

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

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the Journal of Wednesday, November 15, 2000, will be considered when it is in print. The Chair hears no objection.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 634** By Representatives CARN, ROEBUCK and JOSEPHS

A Resolution endorsing the Global Sullivan Principles of Corporate Social Responsibility and encouraging companies, large and small, domestic and international, to adopt these principles.

Referred to Committee on RULES, November 16, 2000.

**No. 635** By Representatives STEIL, McILHINNEY, DiGIROLAMO, REINARD, WRIGHT and CLYMER

A Resolution urging the County of Mercer, State of New Jersey, to undertake an environmental impact study prior to approval of any expansion of the Trenton-Mercer Airport in Mercer County, New Jersey, and to take action to mitigate air traffic over Bucks County, Pennsylvania.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, November 16, 2000.

### SENATE BILLS FOR CONCURRENCE

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

**SB 1414, PN 2289**

Referred to Committee on TRANSPORTATION, November 16, 2000.

**SB 1486, PN 2284**

Referred to Committee on TRANSPORTATION, November 16, 2000.

### BILLS REMOVED FROM TABLE

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

HB 712;  
 HB 1752;  
 HB 1759;  
 HB 1989;  
 HB 2278;  
 HB 2406; and  
 SB 359.

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 upon the table:

HB 712;  
 HB 1752;  
 HB 1759;  
 HB 1989;  
 HB 2278;  
 HB 2406; and  
 SB 359.

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

#### BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.  
 Mr. PERZEL. Mr. Speaker, I move SB 1265 and SB 1088  
 from the tabled bill calendar.

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

#### BILLS ON SECOND CONSIDERATION

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

SB 1265, PN 2237; and SB 1088, PN 1861.

#### BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.  
 Mr. PERZEL. Mr. Speaker, I move that SB 1265 and  
 SB 1088 be recommitted to the Committee on Appropriations.

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

#### REPORT SUBMITTED

The SPEAKER. The Chair acknowledges receipt of the  
 report submitted by the Veterans Cemetery Site Selection  
 Committee pursuant to HR 30.

(Copy of report is on file with the Chief Clerk.)

#### BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.  
 Mr. PERZEL. Mr. Speaker, I move that SB 1154 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:

SB 1154, PN 2296.

#### BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.  
 Mr. PERZEL. Mr. Speaker, I move that SB 1154 be  
 recommitted to Appropriations.

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

#### GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall  
 of the House today a guest page, Cameron Micka, who is the  
 guest of Representative Chris Ross. Cameron is here today with  
 his parents. They are seated to the left of the Speaker and in the  
 gallery, I understand -- Sandra Burkett and Tom Micka. Would  
 the guests please rise.

#### JANET KLEIN PRESENTED

The SPEAKER. Ms. Bard.  
 Can I have the attention of the House, please. Ms. Bard has a  
 special guest. I would request the members break up the  
 conferences and take their seats.

Ms. Bard, you are recognized.

Ms. BARD. Thank you, Mr. Speaker.

It is a great privilege for me today to help recognize one of  
 Pennsylvania's greatest women, one of our Distinguished  
 Daughters, a woman who has carried the banner of preservation  
 of our unique heritage for over 25 years.

Janet Klein has spent her life defending our  
 Commonwealth's historic buildings and artifacts. She has  
 broadened the consciousness of her fellow citizens to the

precious wealth that our history provides. She continues to lead a determined crusade to ensure that this heritage is not only appreciated now but also is available to our heirs.

Ms. Klein has worked with countless community groups on the local level, establishing efficient and substantive plans for the ongoing process of preservation. Appointed by Governor Ridge in 1997, Ms. Klein now serves as chairman of the Pennsylvania Historical and Museum Commission. On October 11 of this year, Ms. Klein was distinguished and recognized as one of Pennsylvania's Distinguished Daughters.

The Distinguished Daughters of Pennsylvania are a group of women who earn recognition for dedicated work within their community, region, and State. Their accomplishments and achievements are reviewed by past Daughters and are submitted to the Governor for approval. Since 1949, when the first class of Distinguished Daughters was named, less than 400 women have received this prestigious award.

It is truly an honor to have Ms. Klein on the floor of the House today, and I challenge my colleagues to follow in the footsteps of Ms. Klein and work together to preserve and protect Pennsylvania's heritage for years to come. Let her legacy inspire us to do the same.

On behalf of the House of Representatives, I thank you, Ms. Klein, for your service to the communities of Pennsylvania, both of today and of the future.

#### REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentleman, Mr. Fargo, for the purpose of making a caucus announcement. The gentleman will yield.

Can I have the attention of the House?

Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

The Republican members have received a notice about a meeting in the Republican caucus, so I would expect all members to be in the Republican caucus immediately at the call of the Chair here for recess. We will have a caucus meeting immediately after that occasion. So be in the caucus room as quickly as you can be, and thank you.

#### DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Lescovitz.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

Mr. Speaker, the Democrats will caucus at the call of the recess.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Barley— Pardon me. Mr. Fargo, what time would you expect to return to the floor?

Mr. FARGO. Thank you, Mr. Speaker.

I am sorry that I neglected to say that, but we expect to be back at 3 o'clock for continued voting or for voting, of course, at the call of the Chair. It may be later than that, but right now we plan on doing so at 3 o'clock.

#### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Barley, who calls for a meeting of the Appropriations Committee in the Appropriations meeting room at 10 minutes of 3. Is that correct? At 10 minutes of 3, there will be an Appropriations Committee meeting.

#### RECESS

The SPEAKER. Is there any further business before the recess for caucus?

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

#### RECESS EXTENDED

The time of recess was extended until 3:30 p.m.

#### AFTER RECESS

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

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

#### LEAVES OF ABSENCE

The SPEAKER pro tempore. Are there requests for leaves of absence?

The Chair recognizes the majority whip, who requests leave for the gentleman, Mr. PLATTS, from York County, Mr. BUNT from Montgomery County, and Mr. FEESE from Lycoming County for the day; and Mr. LEH from Berks County for the week. Without objection, the leaves of absence are granted.

The Chair recognizes the minority whip, who requests that the gentleman from Washington County, Mr. TRICH, be placed on leave for the day; and the gentleman, Mr. CAPPABIANCA, will be placed on leave for the week. Without objection, leaves are granted.

#### HEALTH AND HUMAN SERVICES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. O'Brien, for the purpose of a committee announcement.

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

I would like to call an immediate meeting of the Health and Human Services Committee at the rear of the House. Thank you.

The SPEAKER pro tempore. Members of the Health and Human Services Committee are holding a meeting at the rear of the House immediately.

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—194**

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

**ADDITIONS—0**

**NOT VOTING—0**

**EXCUSED—6**

Bunt	Feese	Platts	Trich
Cappabianca	Leh		

**LEAVES CANCELED—1**

Feese

**ADDITIONS AND DELETIONS OF SPONSORS**

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

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

**ANNOUNCEMENT BY  
SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. The Chair is pleased to announce the arrival of a grandson to Edward Wojnaroski, Teofil, who was born at 2:55 p.m. at 8 pounds 1 ounce, his second grandson, born at Allegheny General Hospital in Pittsburgh.

**CALENDAR**

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1604, PN 4070**, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for recording plats and deeds, for applicability of ordinance amendments and for validity of ordinance and substantive questions.

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. McIlhinney, that the House concur in the amendments inserted by the Senate.

**MOTION TO SUSPEND RULES**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin County, Mr. McNaughton. For what purpose does the gentleman, Mr. McNaughton, rise?

Mr. McNAUGHTON. I rise to offer an amendment to this bill, Madam Speaker.

The SPEAKER pro tempore. Does the gentleman wish to offer to suspend the rules?

Mr. McNAUGHTON. Yes, Madam Speaker. I would like to suggest that we suspend the rules so I can offer an amendment to this bill.

The SPEAKER pro tempore. Could we please have that amendment number.

Mr. McNAUGHTON. Amendment 4680.

The SPEAKER pro tempore. The gentleman from Dauphin County moves that the rules of the House be suspended in order to offer amendment 4680.

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

The SPEAKER pro tempore. Would the gentleman please briefly explain the amendment since it is not available on the system.

Mr. McNAUGHTON. Yes; I will, and thank you, Madam Speaker.

What this amendment does is simply clarify a provision in the Municipalities Planning Code that provides for a timeframe under which public hearings can be heard and a determination made on a municipality about the timeframe for a public hearing.

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. McIlhinney, rise?

Mr. McILHINNEY. Madam Speaker, I would like to request that the members of the House do not suspend the rules to offer this amendment.

The SPEAKER pro tempore. No— Okay. Only leaders can speak on this. Are you speaking for the leaders?

Those voting to suspend— Sorry. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen. I am sorry; I did not see you.

Mr. COHEN. Thank you.

Madam Speaker, the members do not have a copy of this amendment on the computers, and we need that information in order to vote intelligently.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The bill will go over temporarily.

The Chair was unaware that there was even an amendment until just now, so the bill will go over temporarily.

RESOLUTIONS

Mr. PERZEL called up SR 43, PN 2187, entitled:

A Concurrent Resolution urging the Governor to establish a committee to study allergic reaction associated with natural rubber latex and natural rubber latex products.

On the question, Will the House concur in the resolution of the Senate?

RESOLUTION RECOMMENDED

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

Mr. PERZEL. Madam Speaker, I move that concurrent SR 43 be recommitted to Rules.

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

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Mr. PERZEL called up SR 47, PN 722, entitled:

A Concurrent Resolution requesting Congress submit to the several states an amendment to the Constitution of the United States forbidding judicial taxation.

On the question, Will the House concur in the resolution of the Senate?

The following roll call was recorded:

YEAS—192

Table listing names of members who voted 'YEAS' (192 total). Includes names like Adolph, Allen, Argall, Armstrong, Baker, Bard, Barley, Barrar, Bastian, Battisto, Bebko-Jones, Belardi, Belfanti, Benninghoff, Birmelin, Bishop, Blaum, Boyes, Browne, Butkovitz, Buxton, Caltagirone, 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, Donatucci, Eachus, Egolf, Evans, Fairchild, Fargo, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gannon, Geist, George, Gladeck, Godshall, Gordner, Grucela, Gruitza, Habay, Haluska, Hanna, Harhai, Harhart, Hasay, Hennessey, Herman, Hershey, Hess, Horsey, Hutchinson, Jadlowiec, James, Kaiser, Keller, Kenney, Kirkland, Krebs, LaGrotta, Laughlin, Lawless, Lederer, Lescovitz, Levdansky, Lucyk, Lynch, Maher, Maitland, Major, Manderino, Mann, Markosek, Marsico, Masland, Mayernik, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Michlovic, Micozzie, Miller, R., Miller, S., Mundy, Nailor, Nickol, O'Brien, Oliver, Orié, Perzel, Pesci, Petrarca, Petrone, Phillips, Pippy, Pistella, Preston, Ramos, Raymond, Readshaw, Reinard, Rieger, Roberts, Robinson, Roebuck, Rohrer, Rooney, Ross, Rubley, Ruffing, Sainato, Samuelson, Santoni, Sather, Saylor, Schroder, Schuler, Scrimenti, Semmel, 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, True, Tulli, Vance, Van Horne, Veon, Vitali, Walko, Wansacz, Washington, Waters, Williams, Wilt, Wogan, Wojnaroski, Wright, Yewcic, Youngblood, Yudichak, Zimmerman, Zug, and Ryan, Speaker.

NAYS—0

NOT VOTING—2

Josephs Myers

EXCUSED—6

Bunt Feese Platts Trich Cappabianca Leh

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

Ordered, That the clerk inform the Senate accordingly.

**BILLS REREPORTED FROM COMMITTEE****HB 1946, PN 4165** By Rep. BARLEY

An Act amending the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, further providing for definitions; and providing for drug therapy protocol.

## APPROPRIATIONS.

**HB 2283, PN 3087** By Rep. BARLEY

An Act amending the act of May 29, 1945 (P.L.1108, No.402), referred to as the Limited Access Highway Law, further providing for local service highways; and providing for privately sponsored highway beautification services.

## APPROPRIATIONS.

**HB 2749, PN 4119** By Rep. BARLEY

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Snyder County certain lands situate in Penn Township.

## APPROPRIATIONS.

**HB 2750, PN 3931** By Rep. BARLEY

An Act authorizing the Department of General Services, with the approval of the Governor, to convey a tract of land in the Borough of Selinsgrove, Snyder County, to the Eastern Snyder County Regional Authority in exchange for another tract of land in the Borough of Selinsgrove, Snyder County.

## APPROPRIATIONS.

**HB 2807, PN 4040** By Rep. BARLEY

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further defining "agricultural conservation easement"; defining "parcel"; and further providing for purchase of agricultural conservation easements.

## APPROPRIATIONS.

**HB 2833, PN 4107** By Rep. BARLEY

An Act amending the act of June 26, 1981 (P.L.119, No.39), entitled "An act authorizing and directing the Department of General Services, with the approval of the Department of Environmental Resources and the Governor, to convey to Hartley Township, 1.308 acres of land situate in Hartley Township, Union County, Pennsylvania," further providing for the use restriction and reversionary covenant.

## APPROPRIATIONS.

**HB 2836, PN 4126** By Rep. BARLEY

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Transportation, to convey to the Grand Canyon Airport Authority certain lands situate in Shippen and Delmar Townships, Tioga County.

## APPROPRIATIONS.

**HB 2852, PN 4148**

By Rep. BARLEY

An Act amending the act of June 28, 1967 (P.L.122, No.32), entitled "An act authorizing and empowering city treasurers of cities of the second class A to sell at public sale, lands or real estate upon which the taxes, assessed and levied by the city, are delinquent and unpaid; fixing the interests of all taxing authorities where such lands are purchased by the city; providing for the distribution of moneys received as income from or resale of such lands; and providing for a method of reselling such lands purchased, by the city, or by the city at any sale for the nonpayment of taxes, free and clear of all mortgages, ground rents, interest in or claims against said lands; authorizing an agreement between cities of the second class A purchasing property at treasurer's sales and all other taxing authorities having an interest in such lands with respect to the distribution of rents, income and the proceeds of the resale of such lands," authorizing certain tax claim bureaus to publicly sell property upon which taxes have not been paid and have become delinquent.

## APPROPRIATIONS.

**SB 231, PN 2191**

By Rep. BARLEY

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, providing for the election of Senators in certain circumstances; and further providing for retirement of justices, judges and justices of the peace.

## APPROPRIATIONS.

**SB 516, PN 2233**

By Rep. BARLEY

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for determination of paternity; providing for custody and visitation petitions by fathers; and further providing for protection from abuse orders and for full faith and credit and foreign protection orders.

## APPROPRIATIONS.

**SB 552, PN 2184**

By Rep. BARLEY

An Act amending the act of July 10, 1990 (P.L.404, No.98), entitled Real Estate Appraisers Certification Act, providing for continuing education for broker/appraisers; and making an editorial change.

## APPROPRIATIONS.

**SB 612, PN 2282**

By Rep. BARLEY

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for controlled goose hunting areas, for unlawful taking or possession of game or wildlife, for certain mandatory hunter education requirements, for the use of crossbows as legal hunting devices and for the application, issuance and fees of various licenses including elk hunting licenses and disabled person permits.

## APPROPRIATIONS.

**SB 643, PN 2304 (Amended)**

By Rep. BARLEY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges of the courts of common pleas in certain judicial districts.

## APPROPRIATIONS.

**SB 769, PN 2299**

By Rep. BARLEY

An Act amending the act of May 25, 1945 (P.L.1050, No.394), entitled, Local Tax Collection Law, further defining "tax collector"; providing for continuing education of qualified tax collectors and for interim assessment, duplicate and warrant; further providing for installment payment of taxes and for collection and payment over of taxes; and providing for appointment of delinquent tax collector.

## APPROPRIATIONS.

**SB 805, PN 2297**

By Rep. BARLEY

An Act amending Titles 12 (Commerce and Trade), 13 (Commercial Code), 15 (Corporations and Unincorporated Associations), 30 (Fish), 42 (Judiciary and Judicial Procedure), 66 (Public Utilities) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, extensively revising provisions on secured transactions; revising provisions on letters of credit; making editorial changes; and making repeals.

## APPROPRIATIONS.

**SB 958, PN 1090**

By Rep. BARLEY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for confidential communications with sexual assault counselors.

## APPROPRIATIONS.

**SB 997, PN 2159**

By Rep. BARLEY

An Act requiring purchasers of real estate with buildings thereon to bring the buildings into compliance with municipal codes; providing for nuisance abatement; and imposing penalties.

## APPROPRIATIONS.

**SB 1032, PN 2140**

By Rep. BARLEY

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, relating to residential real estate transfers; providing for disclosures by sellers of residential real estate and for home inspections; and making a repeal.

## APPROPRIATIONS.

**SB 1117, PN 2283**

By Rep. BARLEY

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for waterways patrolmen and employees, for assistant executive directors, for deputy waterways conservation officers and for the use of property; clarifying provisions for repeat offenders; exempting certain military personnel from license requirements; and further providing for issuing agents.

## APPROPRIATIONS.

**SB 1154, PN 2305 (Amended)**

By Rep. BARLEY

An Act amending the act of August 9, 1955 (P.L.323, No.130), entitled, as amended, The County Code, providing for insurance and other employee benefits; further providing for hotel occupancy taxes and for delivery of tax duplicates; and further regulating contractors, grounds and buildings and bridges, viaducts and culverts.

## APPROPRIATIONS.

**SB 1265, PN 2237**

By Rep. BARLEY

An Act amending the act of August 21, 1953 (P.L.1323, No.373), known as The Notary Public Law, further providing for appointment of notaries, for eligibility, for applications to become a notary public, for application for reappointment, for resignation and for change of residence, for oath of office, bond and recording, for registration of notary's signature and fees, for notarial seal, for electronic notarization, for register and copier of records, for power to administer oaths, affirmations, certain writings relating to commerce, depositions, affidavits and certain writings relating to land, for fees of notaries public, for rejection of application and for surrender of seal; providing for revocation of commission for certain personal checks and for regulations; making editorial changes; and making repeals.

## APPROPRIATIONS.

**SB 1280, PN 2276**

By Rep. BARLEY

An Act amending the act of July 22, 1913 (P.L.912, No.437), entitled "An act providing for the payment of the costs incurred in the trial of convicts and prisoners escaping, or attempting to escape, from the several penitentiaries and reformatories of the Commonwealth of Pennsylvania, by the respective counties from whose courts the said escaping convicts or prisoners have been committed; and providing for the maintenance of such convicts under sentence for escape, et cetera," further providing for escape costs and for maintenance of escaping convicts under new sentence.

## APPROPRIATIONS.

**SB 1312, PN 2136**

By Rep. BARLEY

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

## APPROPRIATIONS.

**SB 1316, PN 2298**

By Rep. BARLEY

An Act amending the act of June 23, 1931 (P.L.932, No.317), entitled The Third Class City Code, further providing for residency requirements for vacancy appointments; authorizing the imposition of a municipal public services and safety tax; and making a repeal.

## APPROPRIATIONS.

**SB 1403, PN 2201**

By Rep. BARLEY

An Act providing for interscholastic athletic accountability; and establishing the Pennsylvania Athletic Oversight Council.

## APPROPRIATIONS.

**SB 1412, PN 2306 (Amended)**

By Rep. BARLEY

An Act designating a bridge on State Route 44, over Little Pine Creek in Lycoming County, as the Lieutenant Michael Wolf Bridge; designating a portion of the Mon/Fayette Expressway, State Route 43, as the J. Barry Stout Expressway; designating a portion of the Mon/Fayette Expressway, State Route 43, as the James J. Manderino Memorial Highway; designating the twin bridges at milepost 45 of the Mon/Fayette Expressway as the Joe Montana Bridges; designating State Route 1077 in Donora Borough and Carroll Township, Washington County, as the Stan Musial Byway; designating a portion of State Route 24 in York County as the 24th Infantry Division Association Highway; designating a bridge on the Mon/Fayette

Expressway as the Braddock's Crossing Bridge; designating a portion of the Mon/Fayette Expressway, State Route 43, as the Medal of Honor Highway; designating State Route 65 as the 65th Infantry Division Memorial Highway; designating a certain bridge on State Route 1002 over French Creek in Venango Borough, Crawford County, as the Venango Veterans Memorial Bridge; and designating Exit 10 in Harborcreek Township on Interstate 90 as the Trooper Matthew R. Bond Memorial Interchange.

APPROPRIATIONS.

**SB 1444, PN 1930**

By Rep. BARLEY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for probable cause arrests in domestic violence cases.

APPROPRIATIONS.

**SB 1468, PN 2023**

By Rep. BARLEY

An Act amending the act of June 25, 1999 (P.L.205, No.27) entitled "An act authorizing the Department of General Services, with the approval of the Governor, to convey to East Allen Township, Northampton County, certain land situate in East Allen Township, Northampton County, and to convey to the trustees of the University of Pittsburgh certain land situate in the City of Pittsburgh, Allegheny County; and authorizing and directing the State Armory Board of the Department of Military and Veterans Affairs and the Department of General Services, with the approval of the Governor, to convey to the Historical and Genealogical Society of Indiana County a tract of land situate in the Borough of Indiana, County of Indiana, Pennsylvania," further providing for the purpose of the conveyance.

APPROPRIATIONS.

**SB 1478, PN 2307 (Amended)**

By Rep. BARLEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension of operating privilege, for driving while operating privilege is suspended or revoked, for restrictions on use of highways and bridges and for certain permits; and providing for petitions for removal of certain suspensions or revocations and for stop intersections or junctions and traffic-control devices.

APPROPRIATIONS.

**SB 1502, PN 2220**

By Rep. BARLEY

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Stepping Stone Counseling and Education Services, Inc., certain lands and building situate in the City of York, York County, Pennsylvania.

APPROPRIATIONS.

**SB 1531, PN 2308 (Amended)**

By Rep. BARLEY

An Act amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, Liquor Code, further providing for definitions, for standing at hearings on license applications, for posting of notice of application for a license, for issuance of licenses and for sales by liquor licensees; repealing provisions relating to certain types of licenses; providing for a public venue license and for a performing arts facility license; further providing for stadium or arena permits, for malt and brewed beverages retail licenses, for limiting number of licenses in each municipality, for incorporated units of National Veterans' Organizations, for places of amusement not to be licensed, for renewal of licenses, for licenses not assignable and transfers and for granting of

liquor licenses in certain municipalities, for local option and for unlawful acts relative to licensees; providing for responsible alcohol management; and further providing for penalties.

APPROPRIATIONS.

**SB 1532, PN 2281**

By Rep. BARLEY

An Act amending the act of May 17, 1921 (P.L.682, No.284), entitled The Insurance Company Law of 1921, providing for coverage requirements for insulin and other blood sugar controlling agents; further providing for inclusion of health maintenance organizations in conversion notifications; and changing the expiration date of an article.

APPROPRIATIONS.

**SB 1547, PN 2171**

By Rep. BARLEY

An Act authorizing the release of Project 70 restrictions imposed on a certain tract of land in Mercer County owned by the Pennsylvania Game Commission in exchange for the imposition of Project 70 restrictions on a certain tract of land in Mercer County to be conveyed to the commission.

APPROPRIATIONS.

**BILLS ON SECOND CONSIDERATION**

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

**HB 2836, PN 4126; HB 2852, PN 4148; SB 769, PN 2299; SB 805, PN 2297; SB 997, PN 2159; SB 1316, PN 2298; SB 1468, PN 2023; SB 1478, PN 2307; SB 1502, PN 2220; SB 1531, PN 2308; and SB 1547, PN 2171.**

**SUPPLEMENTAL CALENDAR A**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 612, PN 2282**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for controlled goose hunting areas, for unlawful taking or possession of game or wildlife, for certain mandatory hunter education requirements, for the use of crossbows as legal hunting devices and for the application, issuance and fees of various licenses including elk hunting licenses and disabled person permits.

On the question,

Will the House agree to the bill on third consideration?

Mr. **B. SMITH** offered the following amendment No. **A4492**:

Amend Title, page 1, line 5, by striking out "AND" and inserting a comma

Amend Title, page 1, line 7, by inserting after "LICENSES"

, for deer control permits in cities of the first class

Amend Title, page 1, line 7, by inserting after "AND" for



Amend Bill, page 13, by inserting between lines 12 and 13

Section 5. Section 2902 of Title 34 is amended by adding a subsection to read:

§ 2902. General categories of permits.

\*\*\*

(d) Deer control permits in cities of the first class.—

(1) The director shall issue a permit to control deer within 30 days of receipt of an application by a city of the first class, or by any department, agency, board or commission of a city of the first class. The commission may promulgate regulations to control the activities which may be performed under authority of the permit issued under this subsection.

(2) A permit for controlling deer issued to a city of the first class, or to any department, agency, board or commission of a city of the first class, shall not be limited by or subject to any requirement that includes public hunting or controlled hunting by licensed hunters.

(3) Activity to control deer or other game or wildlife conducted by a city of the first class, or any department, agency, board or commission of a city of the first class, shall not be construed to constitute "hunting" or "take" as defined in section 102 (relating to definitions).

(4) A city of the first class, or any department, agency, board or commission of a city of the first class, that is issued a permit to control deer may conduct deer control activity at any time or times during the term of the permit, regardless of season.

(5) It is unlawful for any person to interfere with or disrupt any activities conducted by a city of the first class, or any department, agency, board or commission of a city of the first class under a permit issued under this section. A violation of this subsection is a summary offense of the second degree. This subsection shall not be construed to prohibit a city of the first class from enforcing local statutes or from seeking damages suffered by such city as a result of such interference or disruption.

Amend Sec. 5, page 13, line 13, by striking out "5" and inserting  
6

Amend Sec. 6, page 14, line 8, by striking out "6" and inserting  
7

Amend Sec. 7, page 14, line 11, by striking out "7" and inserting  
8

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from York County, Mr. Smith.

Mr. B. SMITH. Thank you, Madam Speaker.

This amendment only relates to the city of Philadelphia. Believe it or not, Philadelphia has a problem with the overpopulation of deer, which are destroying habitat and vegetation, and in the city of Philadelphia they had last year over 200 deer-vehicle collisions. This amendment would require the executive director of the Game Commission to issue a deer control permit within 30 days of the receipt of an application. The Game Commission would promulgate regulations.

Madam Speaker, I urge adoption of this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Levdansky.

Mr. LEVDANSKY. Madam Speaker, I would like to interrogate the maker of the amendment.

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. LEVDANSKY. Madam Speaker, I want to make sure I understand your amendment. Under your amendment, the

Game Commission would be required to issue a deer depredation permit in counties of the first class if that county makes an application. Is that correct?

Mr. B. SMITH. In cities of the first class; cities of the first class, Madam Speaker.

Mr. LEVDANSKY. Well, there is only one first-class city in the Commonwealth, and it is in the same location as the county of the first class.

This amendment would not require that the property be open to access to hunting by the public before such a permit would be required to be issued. Is that correct?

Mr. B. SMITH. The permit would be applied by the city of Philadelphia or the appropriate authorities, who would specify exactly who would be permitted or how the hunt would be conducted. It does not require that hunters from outside the city of Philadelphia would participate in the hunt. It does not require that, under this permit, Madam Speaker.

Mr. LEVDANSKY. So, I mean, if the owner of the property — and correct me if I am wrong; in this case it is the city — does the city own Fairmount Park where this problem is happening? Who is the owner of Fairmount Park?

Mr. B. SMITH. I do not know the answer to that question, Madam Speaker.

Mr. LEVDANSKY. Okay. But so— Okay.

What is the position of the Philadelphia Federation of Sportsmen's Clubs on this amendment? Have they taken a position? Have they seen this amendment? Do they know what it is?

Mr. B. SMITH. I did not specifically hear from the Philadelphia Federation of Sportsmen's Clubs. It is my understanding that organized sportsmen's groups have a concern over this amendment because they would not be allowed to participate— They may not, depending upon the permit itself, they may not be part of the controlled hunt.

Mr. LEVDANSKY. Okay.

No other questions, Madam Speaker, but I would like to speak on the amendment.

The SPEAKER pro tempore. You may proceed.

Mr. LEVDANSKY. First off, I am a little bit taken aback, because when this bill moved through committee, the chairman asked that we not offer any amendments to this bill. Because of the importance of this legislation to the Game Commission, we were asked not to offer amendments. So offering one actually strikes me as, it actually surprises me quite a bit.

But that notwithstanding, I do have concerns that if we set a precedent for a city of the first class, we may also set a precedent for counties of the second class or counties of the third class. You know, as a sportsman and one who is concerned about the interests of hunters across the State, what I am concerned is that we are essentially tying the hands of the Game Commission in telling them that they must issue a permit to essentially permit marksmen to come in at night and shoot deer over bait in an area. Now, you know, that runs contrary to our public policy in this State of using hunting as the primary means to control deer populations in this State.

Now, I could understand if public hunting would be permitted and hunting alone does not bring down the deer to the levels that the biologists want to see in that particular geographic region. I could understand then issuing a depredation permit to kill deer under certain circumstances, but this amendment does not require that public hunting be used

principally as the tool to control the deer numbers in Fairmount Park in this particular case. I think this sets a dangerous precedent, and not just in Fairmount Park and in Philadelphia but it sets a dangerous precedent in terms of what we are going to tell other municipalities and other counties what their options are and what ought to be required.

The second thing I do not like is it essentially tells the Game Commission that they have to issue a permit if it is applied for. I do not think that is appropriate either. So I do not want to tie the hands of the Game Commission. I think they are in the proper position to make the decision whether or not a depredation permit ought to be issued.

And I also object to the amendment because I think it really takes away from the historic and traditional importance that we have placed in this Commonwealth on hunting as the primary means of controlling deer populations. This, I think, flies in the face of that long-established public policy, and on that basis and on the basis that I believe that it ties the hands of the Game Commission, I would urge a negative vote. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from York County for the second time.

Mr. B. SMITH. Thank you, Madam Speaker.

I think we have a unique situation in Philadelphia in that this city of the first class, although we might not think about it, has a real deer population problem, and for those of you who are acquainted with the problem, this has been a 2-year running battle as far as the permit with the Pennsylvania Game Commission, the length it took the permit to be approved in the past. This guarantees faster action, and I think that this is the only way to go. It is a very unique situation, and I would appreciate your support.

Thank you, Madam Speaker.

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

The following roll call was recorded:

YEAS—170

Adolph	Evans	Marsico	Schroder
Allen	Fairchild	Masland	Schuler
Argall	Fargo	Mayernik	Semmel
Armstrong	Fichter	McGeehan	Shaner
Baker	Fleagle	McGill	Smith, B.
Bard	Flick	McIlhattan	Smith, S. H.
Barley	Forcier	McIlhinney	Snyder
Barrar	Frankel	McNaughton	Staback
Bastian	Gannon	Metcalfe	Stairs
Battisto	Geist	Micozzie	Steelman
Belardi	Gladeck	Miller, R.	Stern
Belfanti	Gordner	Miller, S.	Stetler
Benninghoff	Gruitza	Mundy	Stevenson
Birmelin	Habay	Myers	Strittmatter
Blaum	Haluska	Nailor	Sturla
Boyes	Harhai	Nickol	Tangretti
Browne	Harhart	Oliver	Taylor, E. Z.
Butkovitz	Hasay	Orie	Taylor, J.
Buxton	Hennessey	Perzel	Thomas
Caltagirone	Herman	Pesci	Tigue
Carn	Hershey	Petrarca	Travaglio
Casorio	Hess	Petrone	Trello
Cawley	Horsey	Phillips	True
Chadwick	Hutchinson	Pippy	Tulli
Civera	Jadlowiec	Pistella	Vance
Clark	James	Preston	Van Horne
Clymer	Josephs	Ramos	Veon
Cohen, M.	Kaiser	Raymond	Vitali
Colafella	Keller	Readshaw	Walko

Cornell	Kirkland	Rieger	Wansacz
Corrigan	Krebs	Roberts	Washington
Costa	LaGrotta	Robinson	Waters
Coy	Laughlin	Roebuck	Williams
Dailey	Lederer	Rohrer	Wilt
Daley	Lescovitz	Rooney	Wojnarowski
Dally	Lucyk	Ross	Wright
DeLuca	Lynch	Rubley	Yewcic
Dempsey	Maher	Ruffing	Youngblood
Dermody	Maitland	Sainato	Zimmerman
DeWeese	Major	Samuelson	Zug
DiGirolamo	Manderino	Santoni	
Donatucci	Mann	Sather	Ryan,
Egolf	Markosek	Saylor	Speaker

NAYS—21

Cohen, L. I.	Grucela	Melio	Solobay
Curry	Hanna	Michlovic	Steil
Eachus	Lawless	O'Brien	Surra
Freeman	Levdansky	Reinard	Wogan
George	McCall	Scrimenti	Yudichak
Godshall			

NOT VOTING—3

Bebko-Jones	Bishop	Kenney
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EXCUSED—6

Bunt	Feese	Platts	Trich
Cappabianca	Leh		

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?

Mrs. COHEN offered the following amendment No. A4539:

Amend Title, page 1, line 2, by inserting after "providing" for revocation or denial of permits, for shooting at or causing injury to persons, for information required on trap identification tags,

Amend Sec. 1, page 1, line 12, by inserting after "2308," 2361(a)(12),

Amend Bill, page 6, by inserting between lines 5 and 6 § 2361. Unlawful acts concerning taking of furbearers.

(a) General prohibitions.—Except as otherwise provided in this title, it is unlawful for any person to:

\*\*\*

(12) Set a trap of any description unless each device is marked with a durable identification tag attached to the trap or trap chain which[, at the option of the trapper,] must legibly set forth [in English the first name, last name and legal home address of the person setting or tending the trap or must bear] a registration number issued by the commission[. All information under this paragraph shall be subject to the provisions of section 325 (relating to limitation on disclosure of certain records).] and the commission's applicable regional toll-free 24-hour telephone number.

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

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. The lady withdraws that amendment. The Chair thanks the lady.

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

Bill as amended was agreed to.

The SPEAKER pro tempore. 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—184

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

NAYS—7

Cawley	Michlovic	Trello	Vitali
Cohen, L. I.	Ruffing	Van Horne	

NOT VOTING—3

Butkovitz James Myers

EXCUSED—6

Bunt Feese Platts Trich  
Cappabianca Leh

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

\* \* \*

The House proceeded to third consideration of **SB 1117, PN 2283**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for waterways patrolmen and employees, for assistant executive directors, for deputy waterways conservation officers and for the use of property; clarifying provisions for repeat offenders; exempting certain military personnel from license requirements; further providing for issuing agents.

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

Mr. **GEORGE** offered the following amendment No. **A4496**:

Amend Title, page 1, line 6, by striking out "and"  
Amend Title, page 1, line 7, by removing the period after "agents" and inserting  
; and requiring a study of the financial feasibility of providing certain free fishing licenses.

Amend Bill, page 5, by inserting between lines 20 and 21  
Section 6. (a) The Pennsylvania Fish and Boat Commission shall assign staff to study the financial feasibility of providing a free resident fishing license to permanently disabled residents of this Commonwealth.

(b) The commission shall issue a report of its findings to the Game and Fisheries Committee of the Senate and the Game and Fisheries Committee of the House of Representatives within one year of the effective date of this act.

Amend Sec. 6, page 5, line 21, by striking out "6" and inserting  
7

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

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

The Chair has—  
Mr. **GEORGE**. Madam Speaker?  
The SPEAKER pro tempore. Yes; you may proceed.  
Mr. **GEORGE**. Thank you, Madam Speaker.

Madam Speaker, all this amendment does is it insists that the commission shall issue a report of its findings to the Game and Fisheries Committee of the Senate and the Game and Fish Committee of the House of Representatives within 1 year of the

effective date of this act. We are simply asking that the Pennsylvania Fish and Boat Commission shall assign a staff to study the financial feasibility of providing a free resident fishing license to permanently disabled residents in the Commonwealth.

I would ask that you would support this.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from York County, Mr. Smith.

Mr. B. SMITH. Thank you, Madam Speaker.

This is an agreed-to amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—191

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

NAYS—0

NOT VOTING—3

Butkovitz	James	Myers
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EXCUSED—6

Bunt	Feese	Platts	Trich
Cappabianca	Leh		

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 pro tempore. 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—192

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

Evans Mann Schroder Ryan,  
Fairchild Markosek Speaker

NAYS—0

NOT VOTING—2

Butkovitz Myers

EXCUSED—6

Bunt Feese Platts Trich  
Cappabianca Leh

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

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BILLS PASSED OVER TEMPORARILY

The SPEAKER pro tempore. SB 231 and SB 643 are over temporarily.

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The House proceeded to third consideration of **SB 958, PN 1090**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for confidential communications with sexual assault counselors.

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

The SPEAKER pro tempore. The gentleman, Mr. George, offers the following amendment, which will be read by the clerk.

Strike that, please.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. We will go over this temporarily.

\*\*\*

The House proceeded to third consideration of **SB 1280, PN 2276**, entitled:

An Act amending the act of July 22, 1913 (P.L.912, No.437), entitled "An act providing for the payment of the costs incurred in the trial of convicts and prisoners escaping, or attempting to escape, from the several penitentiaries and reformatories of the Commonwealth of Pennsylvania, by the respective counties from whose courts the said escaping convicts or prisoners have been committed; and providing for the maintenance of such convicts under sentence for escape, et cetera," further providing for escapee costs and for maintenance of escaping convicts under new sentence.

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

The SPEAKER pro tempore. 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—191

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

NAYS—0

NOT VOTING—3

Butkovitz Lescovitz Myers

EXCUSED-6

Bunt	Feese	Platts	Trich
Cappabianca	Leh		

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

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BILLS PASSED OVER TEMPORARILY

The SPEAKER pro tempore. SB 1444 and SB 1412 are over temporarily.

\*\*\*

The House proceeded to third consideration of **SB 1032, PN 2140**, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, relating to residential real estate transfers; providing for disclosures by sellers of residential real estate and for home inspections; and making a repeal.

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

The SPEAKER pro tempore. The gentleman from Bucks County, Mr. McIlhinney, offers the following amendment, which the clerk will read.

The gentleman withdraws his amendment?

Mr. McILHINNEY. Yes. Madam Speaker, I would like to withdraw that amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. **GEORGE** offered the following amendment No. **A4558**:

Amend Sec. 1 (Sec. 7304), page 7, by inserting between lines 26 and 27

(17) Depositing of sewage sludge or septage on the property in the past seven years or the commercial disposal for profit of sewage sludge or septage on the property in the past 20 years.

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

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. On that question—  
Mr. **GEORGE**. Madam Speaker, it is my intent to pull that amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. This bill will be over temporarily.

\*\*\*

The House proceeded to third consideration of **SB 1444, PN 1930**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for probable cause arrests in domestic violence cases.

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

Mr. **MARKOSEK** offered the following amendment No. **A4376**:

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

; and providing for probable cause arrests in misdemeanor sex offenses.

Amend Bill, page 2, by inserting between lines 7 and 8

Section 2. Title 18 is amended by adding a section to read:

§ 3108. Probable cause arrests in misdemeanor sexual offenses.

A police officer shall have the same right of arrest without a warrant as in a felony whenever he has probable cause to believe the defendant has violated section 3126 (relating to indecent assault), 3127 (relating to indecent exposure) or 5901 (relating to open lewdness) although the offense did not take place in the presence of the police officer. A police officer may not arrest a person pursuant to this section without first directly speaking with the victim or eyewitnesses to the offense.

Amend Sec. 2, page 2, line 8, by striking out "2" and inserting

3

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Markosek.

Mr. **MARKOSEK**. Thank you, Madam Speaker.

Madam Speaker, this amendment was in the form of HB 1596 that passed unanimously in the House just a few days ago. That bill is not moving; however, the language has been inserted into SB 1444 and essentially allows for the probable cause arrest by police officers for crimes that involve lewd behavior and abuse.

I would ask the members to again vote for this particular bill. Thank you.

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

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bunt	Feese	Platts	Trich
Cappabianca	Leh		

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 pro tempore. The gentleman from Butler, Mr. Metcalfe, offers the following amendment, which the clerk will read.

The Chair is informed that all of the amendments offered by Mr. Metcalfe are withdrawn. 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. A4500:

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

; providing for transportation of waste; and imposing penalties.

Amend Bill, page 2, by inserting between lines 7 and 8

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

SUBCHAPTER C  
TRANSPORTATION OF WASTE

Sec.

7371. Definitions.

7372. Transporter program.

7373. Manifest system.

§ 7371. Definitions.

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

"Department." The Department of Environmental Protection of the Commonwealth.

"Gross vehicle weight." The combined weight of a vehicle or combination of vehicles and its load, excluding the driver's weight.

"Municipal Waste Planning, Recycling and Waste Reduction Act." The act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act.

"Secretary." The Secretary of Environmental Protection of the Commonwealth.

"Solid Waste Management Act." The act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act.

"Transporter." The owner of a semitrailer used for the transporting of municipal or residual waste.

§ 7372. Transporter program.

(a) Written authorization required.—It shall be unlawful for a transporter to transport municipal or residual waste to a municipal waste landfill, construction/demolition waste landfill, resource recovery facility or a commercial residual waste facility in this Commonwealth on a combination of vehicles that exceeds 56,000 pounds gross vehicle weight unless the transporter has obtained a written authorization from the department under this section. A combination of vehicles shall include the tractor and semitrailer.

(b) One-time application fee.—The initial application for a written authorization submitted by the transporter shall be accompanied by a one-time application fee of \$1,000.

(c) Vehicle and weight fee.—The initial application and each annual submission to the department shall be accompanied by a fee based on the number of vehicles and gross vehicle weight of the vehicles owned by the transporter that are subject to this section, as follows:

(1) Combination of vehicles licensed for 56,000-64,000 pounds gross vehicle weight - \$1,500 per vehicle.

(2) Combination of vehicles licensed for 64,001-73,280 pounds gross vehicle weight - \$2,500 per vehicle.

(3) Combination of vehicles licensed for more than 73,281 pounds gross vehicle weight - \$5,000 per vehicle.

(d) Semitrailer stickers.—The department shall provide the transporter with two stickers for each semitrailer indicating the transporter's authorization number and authorization expiration date. One sticker shall be displayed prominently on the left front bulkhead,

and the other sticker shall be similarly displayed on the back of the semitrailer used to transport the waste. Each tractor used in combination with the semitrailer shall carry a copy of the written authorization issued by the department to the transporter.

(e) Term of written authorization.—The written authorization shall be valid for a maximum of one year. The fees established in subsection (c) shall be paid to the department by July 1 of each year, at which point the department shall renew the authorization in writing and shall issue updated stickers.

(f) Collateral bond required.—

(1) Prior to the issuance of a written authorization under this section for the transportation of municipal or residual waste, the applicant for the written authorization shall file with the department a collateral bond on a form prescribed and furnished by the department. The department may waive the bonding requirement for municipalities that are transporters upon written request from the municipality.

(2) The bond shall be payable to the Commonwealth and conditioned upon compliance by the transporter with this subchapter, the Solid Waste Management Act, and every rule, regulation and order of the department and the terms and conditions of the written authorization.

(3) The amount of the bond shall be in an amount determined by the secretary and shall be based upon the number of semitrailers a transporter uses under subsection (c), but shall be not less than \$10,000.

(4) The department may require additional bond amounts if the department determines such additional amounts are necessary to guarantee compliance.

(5) The transporter may elect to deposit cash or automatically renewable irrevocable letters of credit which are terminable only upon 90 days' written notice to the operator and the department, or negotiable bonds of the United States Government or the Commonwealth of Pennsylvania, the Pennsylvania Turnpike Commission, the Department of General Services, the State Public School Building Authority, or any municipality within the Commonwealth. No corporate surety bond may be used to satisfy this subsection. The cash amount of such deposit, irrevocable letters of credit or market value of such securities shall be equal at least to the sum of the bond.

(6) The secretary shall, upon receipt of any such deposit of cash or negotiable bonds, immediately place the same with the State Treasurer, whose duty it shall be to receive and hold the same in the name of the Commonwealth, in trust, for the purposes for which the deposit is made. The State Treasurer shall, at all times, be responsible for the custody and safekeeping of such deposits.

(7) (i) The transporter making the deposit shall be entitled from time to time to demand and receive from the State Treasurer, on the written order of the secretary, the whole or any portion of any collateral so deposited, upon depositing with the State Treasury, in lieu thereof, other collateral of the classes specified in this subsection having a market value at least equal to the sum of the bond, and also to demand, receive and recover the interest and income from the negotiable bonds as they become due and payable.

(ii) Where negotiable bonds are deposited, mature or are called, the State Treasurer, at the request of the transporter, shall convert the negotiable bonds into other negotiable bonds of the classes specified in this subsection as may be designated by the transporter.

(8) Where notice of intent to terminate a letter of credit is given, the department shall, after 30 days' written notice to the transporter and in the absence of a replacement of the letter of credit within the 30-day period by the transporter with other acceptable bond guarantees provided under this subsection, draw upon and convert the letter of credit into cash and hold it as a

collateral bond guarantee. Liability under the bond shall be for the duration of the written authorization and for a period of one year after the expiration of the written authorization.

(g) Transporter or agent noncompliance.—In carrying out this subchapter, the department may deny, suspend, modify or revoke any written authorization if it finds that:

(1) The transporter or its agent has failed or continues to fail to comply with any provision of:

(i) this subchapter;

(ii) the Solid Waste Management Act;

(iii) the Municipal Waste Planning, Recycling and Waste Reduction Act;

(iv) the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law;

(v) the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act;

(vi) the act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act;

(vii) any other Federal or State statute relating to environmental protection or to the protection of the public health, safety and welfare;

(viii) any rule or regulation of the Department of Environmental Protection or the Department of Transportation;

(ix) any order of the Department of Environmental Protection or the Department of Transportation; or

(x) any condition of any permit, license or other written authorization issued by the Department of Environmental Protection or the Department of Transportation.

(2) The transporter has shown a lack of ability or intention to comply with:

(i) any provision of this subchapter;

(ii) any of the acts referred to in this subsection;

(iii) any rule or regulation of the Department of Environmental Protection or the Department of Transportation or order of the department; or

(iv) any condition of any permit or license issued by the Department of Environmental Protection or the Department of Transportation as indicated by past or continuing violations.

In the case of a corporate transporter, the department may deny the issuance of a written authorization if the department finds that a principal of the corporation was a principal of another corporation which committed past violations of this subchapter.

(h) Transportation noncompliance.—A written authorization issued under this section shall be revocable or subject to modification or suspension at any time the department determines that the solid waste transportation:

(1) Is being, or has been conducted in violation of this subchapter, the Solid Waste Management Act or the rules or regulations adopted pursuant to this subchapter or the Solid Waste Management Act.

(2) Creates a public nuisance.

(3) Creates a potential hazard to the public health, safety and welfare or the environment.

(4) Was conducted pursuant to an authorization that was not granted in accordance with law.

(i) Correction of noncompliance.—

(1) Any person who or municipality that has engaged in unlawful conduct as defined in this subchapter, the Solid Waste Management Act or the Municipal Waste Planning, Recycling and Waste Reduction Act or whose partner, associate, officer, parent corporation, subsidiary corporation, contractor, subcontractor or agent has engaged in such unlawful conduct shall be denied a written authorization under this section unless



the written authorization application demonstrates to the satisfaction of the department that the unlawful conduct has been corrected.

(2) Independent contractors and agents who operate under the written authorization shall be subject to the provisions of this section and shall be jointly and severally liable, without regard to fault, for violations of this subchapter which occur during the independent contractor's or agent's involvement in the course of operations.

(j) Penalty.—A person who violates subsection (a) or (b) shall be guilty of a misdemeanor of the third degree and, upon conviction for the first offense, shall pay a penalty of not less than \$5,000 nor more than \$10,000. Upon the second or subsequent conviction of subsection (a) or (b), a person shall be guilty of a misdemeanor of the second degree and shall pay a penalty of not less than \$10,000 nor more than \$25,000, and the court may order the operating privilege of the vehicle operator to be suspended for a period of up to one year or both.

(k) Deposit of fees, and penalties.—All written authorization fees, fines and penalties collected under this section shall be paid into the Solid Waste Abatement Fund established under section 701 of the Solid Waste Management Act and shall be used for the purposes enumerated in that act. The fees may also be used to implement the written authorization program and to support efforts to inspect vehicles used to transport municipal and residual waste.

(l) Forfeiture of semitrailers.—A semitrailer used in commission of an offense under this section shall be deemed contraband and may be forfeited to the department. The provisions of law relating to seizure, summary and judicial forfeiture and condemnation of intoxicating liquor shall apply to seizures and forfeitures under this section. Proceeds from the sale of forfeited semitrailers shall be deposited in the Solid Waste Abatement Fund.

§ 7373. Manifest system.

(a) Generator manifest required.—It shall be unlawful for a person or municipality to transport on vehicles that exceed 56,000 pounds gross vehicle weight mixed loads of municipal and residual waste to a municipal waste landfill or resource recovery facility in this Commonwealth without a manifest prepared by the generator, on a form approved by the department. The manifest shall state that the residual waste is suitable for disposal at the facility. The mixed municipal waste and residual waste must be transported to a facility permitted by the department to receive the mixed load.

(b) Deposit of mixed load prohibited.—Any vehicle that exceeds 56,000 pounds gross vehicle weight that transports mixed loads of municipal and residual waste without the required manifest or delivers the mixed load to a facility in violation of the facility's waste acceptance plan shall be prohibited from depositing the mixed load at the facility.

(c) Penalty.—A person or municipality who violates subsection (a) or (b) shall be guilty of a misdemeanor of the third degree and, upon conviction for the first offense, shall pay a penalty of not less than \$5,000 nor more than \$10,000. Upon the second or subsequent conviction of subsection (a) or (b), a person shall be guilty of a misdemeanor of the second degree and shall pay a penalty of not less than \$10,000 nor more than \$25,000, and the court may order the operating privilege of the vehicle operator to be suspended for a period of up to one year or both.

(d) Forfeiture.—A vehicle or conveyance used in commission of an offense under this section shall be deemed contraband and may be forfeited to the department. The provisions of law relating to seizure, summary and judicial forfeiture and condemnation of intoxicating liquor shall apply to seizures and forfeitures under this section. Proceeds from the sale of forfeited vehicles or conveyances shall be deposited in the Solid Waste Abatement Fund.

Amend Sec. 2, page 2, line 8, by striking out "2" and inserting

3

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

AMENDMENT WITHDRAWN

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

Mr. GEORGE. Madam Speaker, a personal inquiry. Which amendment are we running?

The SPEAKER pro tempore. 4500, sir.

Mr. GEORGE. Madam Speaker, I am going to drop amendment 4500, if you will—

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. GEORGE. —and I am going to drop 4501—

The SPEAKER pro tempore. The Chair also thanks the gentleman.

Mr. GEORGE. —but I am going to attempt to run 4502.

The SPEAKER pro tempore. The clerk will read amendment 4502.

On the question recurring,

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

Mr. GEORGE offered the following amendment No. A4502:

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

; and requiring compensation for unused liquefied propane gas.

Amend Bill, page 2, by inserting between lines 7 and 8

Section 2. Title 18 is amended by adding a section to read:

§ 7515. Compensation for unused liquefied propane gas.

(a) Failure to compensate customers.—It shall be unlawful for a liquefied propane gas distributor to fail, within 30 days of cancellation of service, to compensate a customer who:

(1) has leased a tank from the distributor for the storage of liquefied propane gas for home use; and

(2) has canceled service with the distributor for any liquefied propane gas remaining in the tank.

(b) Grading.—Whoever violates this section commits a misdemeanor of the second degree and shall, upon conviction, be sentenced to pay a fine of \$5,000.

Amend Sec. 2, page 2, line 8, by striking out "2" and inserting

3

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

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

Mr. GEORGE. Madam Speaker, I am introducing this amendment because I have had a number of calls from citizens in my district who tell me that for some reason or other they are not in need of propane gas so they got electric or some other means, and for some reason their tanks are lying there half full or half empty, whatever the case may be, and yet the proprietor or the gas conveyor takes the tanks back and gives them no credit whatsoever for what is remaining in that tank. Now, there will be some that would say, Madam Speaker, well, how do we know what is in that tank? Well, we know what is in that tank

because they do not take the tank back and empty it; they simply take the tank back and fill it to capacity, and for the amount they put in, that makes them knowledgeable of how much was in that tank. So really what I would like to see done, since these constituents — and there are just not one or two but there have been a dozen — I would like to see, if we would, that the liquefied propane gas distributor should compensate a customer for the propane that remains in their leased tank once they have canceled the service with them.

I think it is fair, I think it is honorable, and I hope that we would do that. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cumberland County, Mr. Masland, on the amendment.

Mr. MASLAND. Thank you, Madam Speaker.

I rise to oppose the amendment for a couple of reasons.

First of all, I would suggest to the maker that this really is a civil issue; it is a contract issue; it is not something that should be dealt with in criminal law. But secondly and maybe even more importantly, what he has established here is a mandatory penalty of \$5,000 — no ifs, ands, or buts. It says he shall be sentenced to pay a fine of \$5,000, which, in my opinion, is excessive. Under some circumstances there may be a situation where there are only 1 or 2 ounces of propane left in the tank. If that person is found guilty, they have to pay a \$5,000 fine.

I submit that a mandatory penalty like that is not in anyone's interest, and I ask the members to defeat the amendment. Thank you.

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. George, for the second time.

Mr. GEORGE. Madam Speaker, the gentleman makes some effort to be logical; I have to accept part of it.

There has to be a penalty. There would not be any use in passing a bill and finding that the guilt was established by the entrepreneur who knowledgeably took the tank back and did not want to do anything about it, but I will defray and remove the amendment, and I will try to offer it without that extensive penalty so that at least there is a penalty. So I remove the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman. The amendment is withdrawn.

On the question recurring,

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

Mr. CASORIO offered the following amendment No. A4519:

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

and for the definition of "bottle clubs."

Amend Bill, page 2, by inserting between lines 7 and 8

Section 2. The definition of "bottle club" in section 7329(c) of Title 18 is amended to read:

§ 7329. Prohibition of certain types of entertainment on bottle club premises.

\*\*\*

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

"Bottle club." An establishment operated for profit or pecuniary gain, which has a capacity for the assemblage of 20 or more persons and in which alcoholic liquors, alcohol or malt or brewed beverages [are not legally sold but where alcoholic liquors, alcohol or malt or brewed beverages are either provided by the operator or agents or employees of the operator for consumption on the premises or] are brought into [or kept at] the establishment by the patrons or persons assembling there for use and consumption. The term shall not include a licensee under the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, or any organization as set forth in section 6 of the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act.

\*\*\*

Amend Sec. 2, page 2, line 8, by striking out all of said line and inserting

Section 3. This act shall take effect as follows:

- (1) The amendment of the definition of "bottle club" in 18 Pa.C.S. § 7329(c) shall take effect immediately.
(2) 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 pro tempore. On that question, the Chair recognizes the gentleman from Westmoreland, Mr. Casorio.

Mr. CASORIO. Thank you, Madam Speaker.

This amendment sets to give police another tool in their fight against local bottle clubs in residential neighborhoods. This does not in any way, shape, or form stop establishments that allow patrons to bring in a bottle of wine or a six-pack of beer for their dinner. What this does, Madam Speaker, is sets up some parameters and disallows places from charging a large cover charge, say \$20 to get into the establishment, and then serving them free alcohol that is stored on the premise prior overnight.

Again, this just gives police and local residents of communities another tool, and it sets up parameters, keeping those folks that abide by LCB (Liquor Control Board) regulations in good standing.

I would ask, Madam Speaker, for an affirmative vote. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—190

Table with 4 columns of names: Adolph, Allen, Argall, Armstrong, Baker, Bard, Barley, Barrar, Bastian, Battisto, Bebko-Jones, Belardi, Belfanti, Benninghoff, Bishop, Blaym, Boyes, Browne, Fairchild, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gannon, Geist, George, Gladeck, Godshall, Gordner, Grucela, Gruitza, Habay, Haluska, Hanna, Markosek, Marsico, Masland, Mayernik, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Michlovic, Micozzie, Miller, R., Miller, S., Mundy, Myers, Schroder, Schuler, Scrimenti, Semmel, Shaner, Smith, B., Smith, S. H., Snyder, Solobay, Staback, Stairs, Steelman, Steil, Stern, Stetler, Stevenson, Strittmatter, Sturla

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

NAYS-3

Birmelin	Fargo	Wright
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NOT VOTING-1

Petrone

EXCUSED-6

Bunt	Feese	Platts	Trich
Cappabianca	Leh		

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

On the question recurring,

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

**RULES SUSPENDED**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery County, Mr. Godshall. For what purpose does the gentleman, Mr. Godshall, rise?

Mr. GODSHALL. Thank you, Madam Speaker.

I rise to ask for a suspension of the rules to present amendment No. 4652, which was originally the Gannon amendment.

The SPEAKER pro tempore. The gentleman from Montgomery County moves that the rules of the House be suspended in order to offer amendment 4652.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-192

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

NAYS-1

Krebs

NOT VOTING-1

Rohrer

EXCUSED-6

Bunt	Feese	Platts	Trich
Cappabianca	Leh		

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. GODSHALL offered the following amendment No. A4652:

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

and for firearms background check advisory committee.

Amend Sec. 1, page 1, line 6, by striking out "Section 2711(a)" and inserting

Sections 2711(a) and 6126(d) and (e)

Amend Sec. 1, page 1, line 7, by striking out "is" and inserting are

Amend Sec. 1, page 2, by inserting between lines 7 and 8 § 6126. Firearms Background Check Advisory Committee.

\*\*\*

(d) Chairperson.—The [Governor shall appoint the] chairperson of the advisory committee shall be selected by the vote of the majority of the members of the advisory committee. In the event that no majority exists in favor of one member as chairperson, then the Governor shall appoint the chairperson of the advisory committee.

(e) Expiration.—This section shall expire [July 1, 2001, or at the end of two years following the implementation of the instant records check, whichever is sooner] November 30, 2002.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Montgomery County, Mr. Godshall.

Mr. GODSHALL. Thank you, Madam Speaker.

What this amendment does, it changes the way the Firearms Background Advisory Committee is formulated as far as a chairman is concerned. Present law says that the chairman is the Governor's appointee. There are about five members on that committee, one from each caucus and the Governor's appointee. What I am doing here with this amendment is saying that the chairman should be elected by a majority vote. If no clear majority exists in favor of one member, then the Governor would appoint the chairman. Other than that, the members of the committee would select their chairman as they see fit.

Thank you, Madam Speaker.

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

The following roll call was recorded:

YEAS—194

Table listing names of members who voted YEAS, including Adolph, Allen, Argall, Armstrong, Baker, Bard, Barley, Barrar, Bastian, Battisto, Bebko-Jones, Belardi, Belfanti, Benninghoff, Birmelin, Bishop, Blaum, Boyes, Fairchild, Fargo, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gannon, Geist, George, Gladeck, Godshall, Gordner, Grucela, Gruitza, Habay, Haluska, Markosek, Marsico, Masland, Mayernik, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Michlovic, Micozzie, Miller, R., Miller, S., Mundy, Myers, Schroder, Schuler, Scrimenti, Semmel, Shaner, Smith, B., Smith, S. H., Snyder, Solobay, Staback, Stairs, Steelman, Steil, Stern, Stetler, Stevenson, Strittmatter, Sturla.

Table listing names of members who did not vote, including Browne, Butkovitz, Buxton, Caltagirone, Carn, Casorio, Cawley, Chadwick, Civera, Colafella, Cornell, Corrigan, Costa, Coy, Curry, Dailey, Daley, Dally, DeLuca, Dempsey, Dermody, DeWeese, DiGirolamo, Donatucci, Eachus, Egolf, Evans, Hanna, Harhai, Harhart, Hasay, Hennessey, Herman, Hershey, Hess, Horsey, Hutchinson, Jadlowiec, James, Josephs, Kaiser, Keller, Kenney, Kirkland, Krebs, LaGrotta, Laughlin, Lawless, Lederer, Lescovitz, Levdansky, Lucyk, Lynch, Maher, Maitland, Major, Manderino, Mann, Nailor, Nickol, O'Brien, Oliver, Orie, Perzel, Pesci, Petrarca, Petrone, Phillips, Pippy, Pistella, Preston, Ramos, Raymond, Readshaw, Reinard, Rieger, Roberts, Robinson, Roebuck, Rohrer, Rooney, Ross, Rubley, Ruffing, Sainato, Samuelson, Santoni, Sather, Saylor, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Travaglio, Trello, True, Tulli, Vance, Van Horne, Veon, Vitali, Walko, Wansacz, Washington, Waters, Williams, Wilt, Wogan, Wojnaroski, Wright, Yewcic, Youngblood, Yudichak, Zimmerman, Zug, Ryan, Speaker.

NAYS—0

NOT VOTING—0

EXCUSED—6

Table listing names of members who were excused, including Bunt, Cappabianca, Feese, Leh, Platts, Trich.

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

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

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester County, Mr. Schroder, for purpose of suspension.

Mr. SCHRODER. Thank you, Madam Speaker.

Madam Speaker, I move for the suspension of the rules for the immediate consideration of amendment A4578.

The SPEAKER pro tempore. The gentleman from Chester County moves that the rules of the House be suspended in order to offer amendment 4578.

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

The following roll call was recorded:

YEAS—193

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

NAYS—1

Krebs

NOT VOTING—0

EXCUSED—6

Bunt	Feese	Platts	Trich
Cappabianca	Leh		

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. SCHRODER offered the following amendment No. A4578:

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

; and defining the offense of bomb threats.

Amend Bill, page 2, by inserting between lines 7 and 8

Section 2. Title 18 is amended by adding a section to read:

§ 2715. Bomb threats.

(a) Offense defined.—A person who intentionally:

(1) places or sets a bomb;

(2) causes the placement or setting of a bomb;

(3) reports without factual basis of knowledge the existence or potential existence of a bomb; or

(4) threatens by any means the placement or setting of a bomb;

commits an offense under this section. A separate offense shall occur for each placement or setting of a bomb or each threat to place or set a bomb.

(b) Penalty.—An offense under this section shall be graded as follows:

(1) a misdemeanor of the first degree for a first offense;

or

(2) a felony of the third degree for a second or subsequent offense.

(c) Emergency response costs.—In addition to any fines, fees, costs or restitution provided for by law, the court may order a person convicted under this section to reimburse the State, county or municipal corporation for the costs incurred incident to a bomb threat for emergency response resources reasonably necessary to protect life and property.

(d) Definition.—As used in this section, the term "bomb" means an explosive device used for unlawful purposes.

Amend Sec. 2, page 2, line 8, by striking out "2" and inserting

3

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Chester County, Mr. Schroder.

Mr. SCHRODER. Thank you, Madam Speaker.

Madam Speaker, this amendment is identical to the provisions of HB 951, which passed this House earlier in the spring. What this amendment does is it raises the penalties for bomb threats and repeated bomb threats and also allows for restitution from those responsible for the placing of the bomb or the bomb threats.

Madam Speaker, this bill has been sitting over in the Senate and has not moved, and that is why I ask for us to add it on to this bill today. Thank you.

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

The following roll call was recorded:

YEAS—194

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

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Bunt	Feese	Platts	Trich
Cappabianca	Leh		

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

On the question recurring,

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

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Staback, for the purpose of offering a motion to suspend.

Mr. STABACK. Thank you, Madam Speaker.

Madam Speaker, I am requesting the suspension of the rules that I may offer amendment No. A4718 to—

The SPEAKER pro tempore. Would you please repeat that number? We could not hear you.

Mr. STABACK. Amendment No. 4718 to SB 1444.

The SPEAKER pro tempore. The gentleman from Lackawanna moves that the rules of the House be suspended in order to offer amendment 4718.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-193

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

NAYS-1

Krebs

NOT VOTING-0

EXCUSED-6

Bunt	Feese	Platts	Trich
Cappabianca	Leh		

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. STABACK offered the following amendment No. A4718:

Amend Title, page 1, by removing the period after "cases" and inserting

and for sale or transfer of firearms.

Amend Sec. 1, page 1, line 6, by striking out "Section 2711(a)" and inserting

Sections 2711(a) and 6111(j)

Amend Sec. 1, page 1, line 7, by striking out "is" and inserting are

Amend Sec. 1, page 2, by inserting between lines 7 and 8 § 6111. Sale or transfer of firearms.

\* \* (j) Exemption.—The provisions of subsections (a) and (b) shall not apply to sales [of firearms as defined in section 6102] between Federal firearms licensees.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Lackawanna, Mr. Staback.

Mr. STABACK. Thank you, Madam Speaker.

Madam Speaker, amendment 4718 seeks to make a technical change to language in the Uniform Firearms Act that was indeed passed last year. In that bill, legitimate Federal firearms license holders were exempted from having to seek a background check if they were purchasing firearms from another Federal firearms license holder. It was intended that the definition of "firearms" include both the sale of handguns, rifles, and shotguns as well. Unfortunately, it only exempted the sale of handguns and not long guns. The amendment would correct that language and allow Federal license holders to purchase firearms only from other Federal license holders without a background check, inasmuch, Madam Speaker, as Federal firearms license holders already go through a rather rigorous background check to obtain their Federal license stature.

To the best of my knowledge, Madam Speaker, there is no opposition to the amendment, and I would ask for an affirmative vote.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Montgomery County, Mr. Godshall.

Mr. GODSHALL. Thank you, Madam Speaker.

The gentleman is indeed correct. This is a technical amendment to correct what should have been what we tried to correct a number of years ago.

There is really no organized opposition to this at all, and I would ask for a favorable vote. Thank you.

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

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bunt	Feese	Platts	Trich
Cappabianca	Leh		

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 pro tempore. 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—194

Table listing names of members who voted 'YEAS' in four columns: Adolph, Allen, Argall, Armstrong, Baker, Bard, Barley, Barrar, Bastian, Battisto, Bebko-Jones, Belardi, Belfanti, Benninghoff, Birmelin, Bishop, Blaum, Boyes, Browne, Butkovitz, Buxton, Caltagirone, Cam, 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, Donatucci, Eachus, Egolf, Evans, Fairchild, Fargo, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gannon, Geist, George, Gladeck, Godshall, Gordner, Grucela, 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, Lescovitz, Levdansky, Lucyk, Lynch, Maher, Maitland, Major, Manderino, Mann, Markosek, Marsico, Masland, Mayernik, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Michlovic, Micozzie, Miller, R., Miller, S., Mundy, Myers, Nailor, Nickol, O'Brien, Oliver, Orié, Perzel, Pesci, Petrarca, Petrone, Phillips, Pippy, Pistella, Preston, Ramos, Raymond, Readshaw, Reinard, Rieger, Roberts, Robinson, Roebuck, Rohrer, Rooney, Ross, Rubley, Ruffing, Sainato, Samuelson, Santoni, Sather, Saylor, Schroder, Schuler, Scrimenti, Semmel, 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, True, Tulli, Vance, Van Horne, Veon, Vitali, Walko, Wansacz, Washington, Waters, Williams, Wilt, Wogan, Wojnarowski, Wright, Yewcic, Youngblood, Yudichak, Zimmerman, Zug, Ryan, Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Table listing names of members who were 'EXCUSED' in four columns: Bunt, Cappabianca, Feese, Leh, Platts, Trich

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

The SPEAKER pro tempore. As a point of information, on supplemental calendar A, page 3, SB 1412 has been amended in committee. There is a new printer's number so that the gentlemen McIlhattan, Hutchinson, Phillips, Scrimenti, and Sather will have to have their amendments redrafted.

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The House proceeded to third consideration of SB 231, PN 2191, entitled:

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, providing for the election of Senators in certain circumstances; and further providing for retirement of justices, judges and justices of the peace.

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

Ms. STEELMAN offered the following amendment No. A4302:

Amend Bill, page 1, Prior Passage Line, by striking out "J.R. 1998-3" and inserting

IN PART

Amend Title, page 1, line 1, by inserting after "amendment" distinct

Amend Title, page 1, line 2, by inserting after "PROVIDING" for a Legislative and Congressional Reapportionment Bureau for the purpose of reapportioning and redistricting the Commonwealth of Pennsylvania and

Amend Sec. 1, page 1, lines 13 through 16, by striking out all of said lines and inserting

(1) That section 17 of Article II be amended to read:

§ 17. Legislative [Reapportionment Commission] and Congressional Reapportionment Bureau.

(a) In each year following the year of the Federal decennial census, a Legislative [Reapportionment Commission] and Congressional Reapportionment Bureau shall be constituted for the purpose of reapportioning the Commonwealth. The bureau shall consist of a director and employees as are necessary to carry out the responsibilities of reapportionment and redistricting. [The commission shall act by a majority of its entire membership.

(b) The commission shall consist of five members: four of whom shall be the majority and minority leaders of both the Senate and the House of Representatives, or deputies appointed by each of them, and a chairman selected as hereinafter provided. No later than 60 days following the official reporting of the Federal decennial census as required by Federal law, the four members shall be certified by the President pro tempore of the Senate and the Speaker of the House of Representatives to the elections officer of the Commonwealth who under law shall have supervision over elections.

The four members within 45 days after their certification shall select the fifth member, who shall serve as chairman of the commission, and shall immediately certify his name to such elections officer. The chairman shall be a citizen of the Commonwealth other than a local, State or Federal official holding an office to which compensation is attached.

If the four members fail to select the fifth member within the time prescribed, a majority of the entire membership of the Supreme Court within 30 days thereafter shall appoint the chairman as aforesaid and certify his appointment to such elections officer.

Any vacancy in the commission shall be filled within 15 days in the same manner in which such position was originally filled.

(c) No later than 90 days after either the commission has been duly certified or the population data for the Commonwealth as



determined by the Federal decennial census are available, whichever is later in time, the commission shall file a preliminary reapportionment plan with such elections officer.

The commission shall have 30 days after filing the preliminary plan to make corrections in the plan.

Any person aggrieved by the preliminary plan shall have the same 30-day period to file exceptions with the commission in which case the commission shall have 30 days after the date the exceptions were filed to prepare and file with such elections officer a revised reapportionment plan. If no exceptions are filed within 30 days, or if filed and acted upon, the commission's plan shall be final and have the force of law.

(d) Any aggrieved person may file an appeal from the final plan directly to the Supreme Court within 30 days after the filing thereof. If the appellant establishes that the final plan is contrary to law, the Supreme Court shall issue an order remanding the plan to the commission and directing the commission to reapportion the Commonwealth in a manner not inconsistent with such order.

(e) When the Supreme Court has finally decided an appeal or when the last day for filing an appeal has passed with no appeal taken, the reapportionment plan shall have the force of law and the districts therein provided shall be used thereafter in elections to the General Assembly until the next reapportionment as required under this section 17.

(f) The General Assembly shall appropriate sufficient funds for the compensation and expenses of members and staff appointed by the commission, and other necessary expenses. The members of the commission shall be entitled to such compensation for their services as the General Assembly from time to time shall determine, but no part thereof shall be paid until a preliminary plan is filed. If a preliminary plan is filed but the commission fails to file a revised or final plan within the time prescribed, the commission members shall forfeit all right to compensation not paid.

(g) If a preliminary, revised or final reapportionment plan is not filed by the commission within the time prescribed by this section, unless the time be extended by the Supreme Court for cause shown, the Supreme Court shall immediately proceed on its own motion to reapportion the Commonwealth.

(h) Any reapportionment plan filed by the commission, or ordered or prepared by the Supreme Court upon the failure of the commission to act, shall be published by the elections officer once in at least one newspaper of general circulation in each senatorial and representative district. The publication shall contain a map of the Commonwealth showing the complete reapportionment of the General Assembly by districts, and a map showing the reapportionment districts in the area normally served by the newspaper in which the publication is made. The publication shall also state the population of the senatorial and representative districts having the smallest and largest population and the percentage variation of such districts from the average population for senatorial and representative districts.]

(b) (1) The bureau shall acquire appropriate information, review and evaluate available facilities and develop programs and procedures in preparation for drawing congressional and legislative redistricting plans on the basis of each Federal census.

(2) By December 31 of each year ending in zero, the bureau shall obtain from the United States Bureau of the Census information regarding geographic and political units in this Commonwealth for which Federal census population data has been gathered and will be tabulated. The bureau shall use the data obtained to prepare:

(i) Necessary descriptions of geographic and political units for which census data will be reported and which are suitable for use as components of legislative districts.

(ii) Maps of counties, cities and other geographic units within this Commonwealth, which may be used to illustrate the locations of legislative district boundaries proposed in plans drawn in accordance with subsection (d).

(3) As soon as possible after January 1 of each year ending in one, the bureau shall obtain from the United States Bureau of the

Census the population data needed for legislative districting which the Census Bureau is required to provide this Commonwealth under 13 United States Code § 141 (relating to population and other census information) and shall use that data to assign a population figure based upon census data to each geographic or political unit described pursuant to paragraph (2)(i). Upon completing that task, the bureau shall begin the preparation of congressional and legislative districting plans as required by subsection (c).

(c) (1) Not later than April 1 of each year ending in one, the bureau shall deliver to the Secretary of the Senate and the Chief Clerk of the House of Representatives identical bills embodying a plan of legislative and congressional districting prepared in accordance with subsection (d). It is the intent of this section that the General Assembly shall bring the bill to a vote in either the Senate or the House of Representatives expeditiously, but not less than seven days after the report of the commission required by subsection (f) is received and made available to the members of the General Assembly, under a procedure or rule permitting no amendments except those of a purely corrective nature. It is further the intent of this section that, if the bill is approved by the first House in which it is considered, it shall expeditiously be brought to a vote in the second House under a similar procedure or rule.

(2) If the bill embodying the plan submitted by the bureau under paragraph (1) fails to be approved by a constitutional majority in either the Senate or the House of Representatives, the Secretary of the Senate or the Chief Clerk of the House of Representatives, as the case may be, shall at once transmit to the bureau information which the Senate or House of Representatives may direct regarding reasons why the plan was not approved. The bureau shall prepare a bill embodying a second plan of legislative and congressional districting prepared in accordance with subsection (d) taking into account the reasons cited by the Senate or House of Representatives for its failure to approve the plan insofar as it is possible to do so within the requirements of subsection (d). If a second plan is required under this subsection, the bill embodying it shall be delivered to the Secretary of the Senate and the Chief Clerk of the House of Representatives not later than May 1 of the year ending in one or 14 days after the date of the vote by which the Senate or the House of Representatives fails to approve the bill submitted under paragraph (1), whichever date is later. It is the intent of this section that, if it is necessary to submit a bill under this subsection, the bill be brought to a vote not less than seven days after the bill is printed and made available to the members of the General Assembly, in the same manner as prescribed for the bill required under paragraph (1).

(3) If the bill embodying the plan submitted by the bureau under paragraph (2) fails to be approved by a constitutional majority in either the Senate or the House of Representatives, the same procedure as prescribed by paragraph (2) shall be followed. If a third plan is required under this subsection, the bill embodying it shall be delivered to the Secretary of the Senate and the Chief Clerk of the House of Representatives not later than June 1 of the year ending in one or 14 days after the date of the vote by which the Senate or the House of Representatives fails to approve the bill submitted under paragraph (2), whichever date is later. It is the intent of this section that, if it is necessary to submit a bill under this subsection, the bill be brought to a vote within the same time period after its delivery to the Secretary of the Senate and the Chief Clerk of the House of Representatives as is prescribed for the bill submitted under paragraph (2), but shall be subject to amendment in the same manner as other bills.

(4) Notwithstanding paragraphs (1), (2) and (3):

(i) If population data from the Federal census which is sufficient to permit preparation of a congressional districting plan becomes available at an earlier time than the population data needed to permit preparation of a legislative districting plan in accordance with subsection (d), the bureau shall so inform the presiding officers of the Senate and House of Representatives. If the presiding officers so direct, the bureau shall prepare a separate bill establishing congressional districts and submit it separately from the bill establishing legislative districts. It is the intent of this section that the General Assembly shall

proceed to consider the congressional districting bill in substantially the manner prescribed by paragraphs (1), (2) and (3).

(ii) If the population data for legislative districting which the United States Census Bureau is required to provide this Commonwealth under 13 United States Code § 141 (relating to population and other census information) is not available to the Legislative and Congressional Reapportionment Bureau on or before February 1 of the year ending in one, the dates set forth in this section shall be extended by a number of days equal to the number of days after February 1 of the year ending in one that the Federal census population data for legislative districting becomes available.

(d) (1) Legislative and congressional districts shall be established on the basis of population.

(i) Senatorial and representative districts, respectively, shall each have a population as nearly equal as practicable to the ideal population for such districts, determined by dividing the number of districts to be established into the population of this Commonwealth reported in the Federal decennial census. Senatorial districts and representative districts shall not vary in population from the respective ideal district populations except as necessary to comply with one of the other standards enumerated in this section. In no case shall the quotient, obtained by dividing the total of the absolute values of the deviations of all district populations from the applicable ideal district population by the number of districts established, exceed 1% of the applicable ideal district population. No senatorial district shall have a population which exceeds that of any other senatorial district by more than 5%, and no representative district shall have a population which exceeds that of any other representative district by more than 5%.

(ii) Congressional districts shall each have a population as nearly equal as practicable to the ideal district population, derived as prescribed in subparagraph (i). No congressional district shall have a population which varies by more than 1% from the applicable ideal district population.

(iii) If a challenge is filed with the Supreme Court alleging excessive population variance among districts established in a plan adopted by the General Assembly, the General Assembly has the burden of justifying any variance in excess of 1% between the population of a district and the applicable ideal district population.

(2) To the extent consistent with paragraph (1), district boundaries shall coincide with the boundaries of political subdivisions of this Commonwealth. The number of counties and cities divided among more than one district shall be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions shall be divided before the less populous, but this statement does not apply to a legislative district boundary drawn along a county line which passes through a city that lies in more than one county.

(3) Districts shall be composed of convenient contiguous territory. Areas which meet only at the points of adjoining corners are not contiguous.

(4) It is preferable that districts be compact in form, but the standards established by paragraphs (1), (2) and (3) take precedence over compactness where a conflict arises between compactness and these standards. In general, compact districts are those which are square, rectangular or hexagonal in shape to the extent permitted by natural or political boundaries.

(5) No district shall be drawn for the purpose of favoring a political party, incumbent legislator or member of Congress or other person or group. In establishing districts, no use shall be made of any of the following data:

- (i) Addresses of incumbent legislators or members of Congress.
- (ii) Political affiliations of registered voters.
- (iii) Previous election results.

(6) Each bill embodying a plan drawn under this section shall provide that any vacancy in the General Assembly which takes office in the year ending in one, occurring at a time which makes it necessary to fill the vacancy at a special election held pursuant to section 629 of the act of June 3, 1937 (P.L.1333, No.320), known as the

Pennsylvania Election Code, shall be filled from the same district which elected the senator or representative whose seat is vacant.

(7) Each bill embodying a plan drawn under this section shall include provisions for election of senators to the General Assemblies which take office in the years ending in three and five, which shall be in conformity with section 16 of Article II of the Constitution of Pennsylvania.

(e) (1) Not later than February 15 of each year ending in one, a five-member temporary redistricting advisory commission shall be established as provided by this section. The commission's only functions shall be those prescribed by subsection (f).

(i) Each of the four selecting authorities shall certify to the chief election officer his appointment of a person to serve on the commission. The certifications may be made at any time after the four selecting authorities have been selected for the General Assembly to take office in the year ending in one, even though the terms of office of the selecting authorities have not actually begun.

(ii) Within 30 days after the four selecting authorities have certified their respective appointments to the commission, but in no event later than February 15 of the year ending in one, the four commission members so appointed shall select, by a vote of at least three members, and certify to the chief election officer the fifth commission member who shall serve as chairperson.

(iii) A vacancy on the commission shall be filled by the initial selecting authority within 15 days after the vacancy occurs.

(iv) Members of the commission shall receive per diem travel expenses and reimbursement for other necessary expenses incurred in performing their duties under this section.

(2) No person shall be appointed to the commission who:

(i) Is not an eligible elector of this Commonwealth at the time of selection.

(ii) Holds partisan public office or political party office.

(iii) Is a relative of or is employed by a member of the General Assembly or of the United States Congress or is employed directly by the General Assembly or by the United States Congress.

(f) The functions of the commission shall be as follows:

(1) If, in preparation of plans as required by this section, the bureau is confronted with the necessity to make any decision for which no clearly applicable guideline is provided by subsection (d), the bureau may submit a written request for direction to the commission.

(2) Prior to delivering any plan and the bill embodying that plan to the Secretary of the Senate and the Chief Clerk of the House of Representatives in accordance with subsection (c), the bureau shall provide to persons outside the bureau staff only such information regarding the plan as may be required by policies agreed upon by the commission. This paragraph does not apply to population data furnished to the bureau by the United States Bureau of the Census.

(3) Upon each delivery by the bureau to the General Assembly of a bill embodying a plan, pursuant to subsection (c), the commission shall at the earliest feasible time make available to the public the following information:

(i) Copies of the bill delivered by the bureau to the General Assembly.

(ii) Maps illustrating the plan.

(iii) A summary of the standards prescribed by subsection (d) for development of the plan.

(iv) A statement of the population of each district included in the plan and the relative deviation of each district population from the ideal district population.

(4) Upon the delivery by the bureau to the General Assembly of a bill embodying an initial plan, as required by subsection (c)(1), the commission shall:

(i) As expeditiously as reasonably possible, schedule and conduct at least three public hearings, in different geographic regions of this Commonwealth, on the plan embodied in the bill delivered by the bureau to the General Assembly.

(ii) Following the hearings, promptly prepare and submit to the Secretary of the Senate and the Chief Clerk of the

House of Representatives a report summarizing information and testimony received by the commission in the course of the hearings. The commission's report shall include any comments and conclusions which its members deem appropriate on the information and testimony received at the hearings or otherwise presented to the commission.

(g) All positions in the bureau shall be deemed to be included in the list of positions set forth in section 3(d) of the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, and the provisions and benefits of the act shall be applicable to the employees of and positions in the bureau.

(h) The bureau shall expire and its responsibilities shall terminate not later than November 1 of each year ending in one and shall be reconstituted on November 1 in the year of the next Federal decennial census.

Amend Sec. 1 (Sec. 17), page 1, line 17, by striking out "(F)" and inserting

(i)

Amend Sec. 1 (Sec. 17), page 2, lines 4 through 30; page 3, lines 1 and 2, by striking out all of said lines on said pages and inserting

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

"Bureau." The Legislative and Congressional Reapportionment Bureau.

"Chief election officer." The Secretary of the Commonwealth or a designee.

"Commission." The temporary redistricting advisory commission established pursuant to this section.

"Federal census." The decennial census required by Federal law to be conducted by the United States Bureau of the Census in every year ending in zero.

"Four selecting authorities."

(1) The Majority Leader of the Senate.

(2) The Minority Leader of the Senate.

(3) The Majority Leader of the House of Representatives.

(4) The Minority Leader of the House of Representatives.

"Partisan public office."

(1) An elective or appointive office in the executive or legislative branch or in an independent establishment of the Federal Government.

(2) An elective office in the executive or legislative branch of the government of this Commonwealth or an office which is filled by appointment.

(3) An office of a county, city or other political subdivision of this Commonwealth which is filled by an election process involving nomination and election of candidates on a partisan basis.

"Plan." A plan for legislative and congressional reapportionment drawn up pursuant to the requirements of this section.

"Political party office." An elective office in the national or State organization of a political party.

"Relative." An individual who is related to the person in question as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.

Amend Sec. 2, page 3, lines 20 through 30; page 4, lines 1 through 6, by striking out all of said lines on said pages and inserting

Section 2. (a) Upon the first passage by the General Assembly of these proposed constitutional amendments under section 1(1) affecting section 17(a) through (h) and (j) of Article II, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second passage by the General Assembly of these proposed constitutional amendments under section 1(1) affecting section 17(i) of Article II and section 1(2), the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. The Secretary of the Commonwealth shall submit the proposed constitutional amendments under section 1 to the qualified electors of this Commonwealth as separate ballot questions at the first primary, general or municipal election occurring at least three months after the proposed constitutional amendments are passed by the General Assembly.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the lady from Indiana, Ms. Steelman.

Ms. STEELMAN. Thank you, Madam Speaker.

This amendment has been before the House on previous occasions. It would change our reapportionment system to move it into a nonpartisan arena and have reapportionment done on the basis of the constitutional requirements for equivalence of population across districts, respect for municipal boundaries, and a healthy ignorance of voter performance and the home addresses of incumbent legislators. This is a plan that has been adopted by other States as much as 20 years ago, is working well in those States, would remove the partisan atmosphere that surrounds reapportionment now in Pennsylvania, and I believe is a step that we should consider taking at this time so that we can actually put it into effect in 2011.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you.

Madam Speaker, this amendment, as Representative Steelman indicates, is for 2011, and it is difficult to make predictions for something that is going to happen 10 years or 11 years in the future. However, one thing I think looking ahead to 2011 that members would like, whoever is here then, would be not to be placed in the same district with other incumbents if that is at all possible. One thing the Reapportionment Commission has done is it has rather consistently not put two incumbents in the same district unless it was absolutely necessary to do so because of population losses. In the next reapportionment, it probably will be necessary to put three or four legislators in the same district with other legislators, but if you ignore where legislators live, if you are willfully ignorant of where legislators live, we can put many legislators together in the same district and we could force people to retire on a rather whimsical basis of where some bureaucrat chooses to draw the lines. Well, that does not seem to me to be particularly fair, that if some bureaucrat chooses to draw the lines, he can put three or four legislators in the same district whereas other legislators will be free to run for reelection.

Now, the effect of Representative Steelman's amendment will be to create more districts without incumbents, and people who favor districts without incumbents ought to come right out, it would seem to me, and vote for term limits, and term limits will create an across-the-board system in which there are a lot of districts in which there are no incumbents. But to say, no, we are not having term limits; we are just going to have term limits

by bureaucrats who can whimsically decide that they want to put two, three, or four legislators in one district by the way they draw the lines, that seems arbitrary and unfair, and therefore, I would urge the defeat of this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bradford County, Mr. Chadwick.

Mr. CHADWICK. Thank you, Madam Speaker.

Reapportionment is a serious and complex issue. It requires a lot of study. This is an amendment to the State Constitution, and it would not take effect until 2011. I cannot for the life of me understand why we would want to rush through something like this now in a lame-duck session when there is ample time to study this and pass it in two consecutive sessions of the General Assembly after the next reapportionment in 2011.

I really think we face the danger of making a serious mistake if we try to rush through something like this now without giving it the proper study. I urge a negative vote.

The SPEAKER pro tempore. The Chair recognizes the lady from Indiana, Ms. Steelman, for the second time.

Ms. STEELMAN. Thank you, Madam Speaker.

I would like to respond briefly to the comments by my esteemed colleagues.

First, this is not the first time that this amendment has been before the House. It is by no means the first session in which it has been resident in the State Government Committee as an independent constitutional amendment. We have had more than 9 years to study this possibility, and if the House does not understand the amendment at this point, that is not because of lack of effort on my part. We have in fact had a discussion in committee on reapportionment generally that took place about 3 years ago, but we certainly do have the potential to know about what the consequences of this are. We have the potential to know that from looking at the way it has worked in other States, and in those States, contrary to what my respected colleague from Philadelphia suggests, there have not been arbitrary decisions that have forced three or four incumbent members into contests against each other.

This amendment is a way of making reapportionment in Pennsylvania more reflective of the actual distribution of people in Pennsylvania, of making sure that legislators do represent their community, and I trust that at least some of the members of the House will agree that we should move in this direction and that we need to move in it as promptly as we can.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh County, Mr. Snyder.

Mr. SNYDER. Madam Speaker, as we all know from past experience of dealing with constitutional amendments, that the constitutional amendments have to be passed by two successive sessions. And several years ago, Madam Speaker, we passed a constitutional amendment around this same time and the Supreme Court later ruled that we could not meet the advertising requirements during that current session for it to count as a legislative session, as part of the requirement for two successive legislative sessions.

Madam Speaker, therefore, plus the remarks that were made prior by the member on this side that this is an issue that certainly requires much more merit and with study required to do it and the fact that it probably will not even be held as a legitimate constitutional amendment requirement for needing two successive terms, I also would ask for a negative vote. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzerne County, Mr. Blaum.

Mr. BLAUM. Thank you, Madam Speaker.

Madam Speaker, congressional reapportionment is a power and responsibility of the legislature. It is a constitutional power given to the House and the Senate, and it should not be relinquished. I hope that every member pays attention to this. Reapportioning the districts of who is going to represent each and every one of us in the Congress of the United States should be done by those elected directly by the people, those people sitting in the General Assembly. That power and responsibility should not be relinquished, and I ask that this proposed amendment be defeated.

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

The following roll call was recorded:

YEAS—25

Corrigan	Krebs	Pesci	Tigue
Curry	Lescovitz	Petrarca	Trello
Daley	Levdansky	Preston	Veon
DeWeese	Lucyk	Robinson	Vitali
Freeman	Manderino	Steelman	Waters
Hanna	Myers	Sturla	Williams
Josephs			

NAYS—168

Adolph	Egolf	Marsico	Saylor
Allen	Evans	Masland	Schroder
Argall	Fairchild	Mayernik	Schuler
Armstrong	Fargo	McCall	Scrimenti
Baker	Fichter	McGeehan	Semmel
Bard	Fleagle	McGill	Shaner
Barley	Flick	McIlhattan	Smith, B.
Barrar	Forcier	McIlhinney	Smith, E. H.
Bastian	Frankel	McNaughton	Snyder
Battisto	Gannon	Melio	Solobay
Bebko-Jones	Geist	Metcalfe	Staback
Belardi	George	Michlovic	Stairs
Belfanti	Gladeck	Micozzie	Steil
Benninghoff	Godshall	Miller, R.	Stern
Birmelin	Gordner	Miller, S.	Stetler
Bishop	Grucela	Mundy	Stevenson
Blaum	Gruitza	Nailor	Strittmatter
Boyes	Habay	Nickol	Surra
Butowne	Haluska	O'Brien	Tangretti
Bukovitz	Harhai	Oliver	Taylor, E. Z.
Buxton	Harhart	Orie	Taylor, J.
Caltagirone	Hasay	Perzel	Thomas
Carn	Hennessey	Petrone	Travaglio
Casorio	Herman	Phillips	True
Cawley	Hershey	Pippy	Tulli
Chadwick	Hess	Pistella	Vance
Civera	Hutchinson	Ramos	Van Horne
Clark	Jadlowiec	Raymond	Walko
Clymer	James	Readshaw	Wansacz
Cohen, L. I.	Kaiser	Reinard	Washington
Cohen, M.	Keller	Rieger	Wilt
Colafella	Kenney	Roberts	Wogan
Cornell	Kirkland	Roebuck	Wojnaroski
Costa	LaGrotta	Rohrer	Wright
Coy	Laughlin	Rooney	Yewcic
Dailey	Lawless	Ross	Youngblood
Dally	Lederer	Rubley	Yudichak
DeLuca	Lynch	Ruffing	Zimmerman
Dempsey	Maher	Sainato	Zug
Dermody	Maitland	Samuelson	
DiGirolamo	Major	Santoni	

Donatucci Eachus	Mann Markosek	Sather	Ryan, Speaker
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NOT VOTING—1

Horsey

EXCUSED—6

Bunt Cappabianca	Feese Leh	Platts	Trich
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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?  
Bill was agreed to.

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentleman from Columbia County, Mr. Gordner.

Mr. GORDNER. Thank you, Madam Speaker.

I rise in opposition to SB 231.

As stated by the gentleman from Bradford County, we should not lightly amend the Constitution, and this bill has two constitutional amendments to it. The one I have no problem with, and that is the one on page 3, but the one contained on pages 1 and 2, I think deserves scrutiny. If you turn to the Constitution and look in Article II, section 17, you will see that that article deals with the Legislative Reapportionment Commission, and there are several subsections to that: (a) talks about how this commission shall be constituted, (b) talks about the fact that there should be five members on the commission, (c) talks about how a preliminary reapportionment plan should be proposed, (d) talks about how any aggrieved person may file an appeal from the final plan, (e) talks about how the Supreme Court can act upon an appeal, (f) talks about sufficient funds for the compensation of the commission, (g) talks about what happens if the plan is not filed, and (h) talks about how this should be published.

This bill would provide a new section, and this new section says, "ANY DISTRICT WHICH DOES NOT INCLUDE THE RESIDENCE FROM WHICH A MEMBER OF THE SENATE WAS ELECTED WHETHER OR NOT SCHEDULED FOR ELECTION AT THE NEXT GENERAL ELECTION SHALL ELECT A SENATOR AT SUCH ELECTION." That new amendment does not constitute or deal with any of the other provisions in this section of the Constitution. If something like this should go anywhere, it should probably go in section 3 dealing with terms of members or section 5 dealing with qualification of members, but it proposes to amend section 17, which deals strictly with the Legislative Reapportionment Commission, and again, currently all of the subsections of that section deal specifically with the powers and the obligations of the Legislative Reapportionment Commission.

If you read SB 231 at the bottom of page 1, line 17, and then lines 1 through 3 on page 2, you see that it does not fit within the context of section 17 whatsoever, and as a result of that, I think that we should absolutely oppose this bill. For those of you that have looked at the legislative history, you will see that it was passed by a close margin in the Senate, and for those reasons we should vote against SB 231. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Madam Speaker.

Madam Speaker, I strongly agree with the rationale that Mr. Gordner has just set forward, and I would strongly urge that we follow Mr. Gordner's advice and vote "no" on this amendment.

I would also urge that we vote against this proposed constitutional amendment because it allows for mischief in the Senate decision-making process. Senators are elected for 4-year terms. What this bill is allowing is, if a Senator is removed from his district in the course of reapportionment somehow, there is an immediate vacancy in the Senate and that Senator will have his term cut in half to 2 years.

I think we all know there are intense partisan feelings in the Senate, there are some intense personal feelings in the Senate that go beyond partisanship, and allowing, allowing the Legislative Reapportionment Commission to in effect cut a Senator's term in half is unfair and arbitrary, and I think it is against our interests as well as the interests of Senators of both political parties. We are told that it narrowly passed the Senate. I am sure many Senators were concerned about this fact as well.

So vote for Mr. Gordner's rationale, which he expressed more eloquently than I can, and because I am very concerned about cutting terms of elected Senators from 4 years to 2 years on an arbitrary basis of who draws the lines and how, I would urge a "no" vote on this proposed constitutional amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh County, Mr. Snyder.

Mr. SNYDER. Madam Speaker, this is the second time that this amendment has been considered by the General Assembly. It was passed and signed by the Governor in June in 1998, and therefore, passage of this will allow this particular amendment to go to the voters next year, and I ask for a positive vote on final passage. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Franklin County, Mr. Coy.

Mr. COY. Thank you, Madam Speaker.

Madam Speaker, I think when we deal with the subject of congressional reapportionment, we should also be very careful about making changes, especially the one that this provides for, which is an amendment to the Constitution.

I think it is one thing to change some of our laws, and we clearly do that on a regular basis, but when we are changing the Constitution, which is what this bill provides for — a change in the Constitution — I think we need to be very careful. I think we need to be careful that we are setting up a new system in which the congressional reapportionment needs to work without having paid a whole lot of attention to what the end result may be.

Now, when you talk about a new end result in reapportionment, I think you have to measure it against what has happened in the past. I think you have to ask the question—Madam Speaker?

The SPEAKER pro tempore. Could we have order, please. The gentleman does deserve to be heard. Will the House come to order, please.

The gentleman may proceed.

Mr. COY. Thank you, Madam Speaker.

I think the question we have to ask is, have past reapportionments of the congressional delegation from this State failed? Has the process that we have used in the past failed? Have we gotten, received, failed results? I do not think so. I think for the most part, while not a perfect process, it is a process which has allowed this legislature – this legislature – to determine congressional reapportionment. Now we are, by this bill, attempting to fudge with that process a little bit. We are attempting to change that process a little. We are trying to say maybe the way we have always done it is not a good way. I am not sure that is right.

I sort of like the idea of the legislature voting on a bill, passing both the House and the Senate, being approved by the Governor to say that this is the way the congressional districts in Pennsylvania are going to be reapportioned.

And so, Madam Speaker, I think we have to examine these things before we make major changes in the legislative reapportionment, and for that reason I would oppose the bill. Thank you.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

**YEAS—104**

Adolph	Fargo	Masland	Saylor
Allen	Fichter	McGill	Schroder
Argall	Fleagle	McIlhattan	Schuler
Armstrong	Flick	McIlhinney	Semmel
Baker	Forcier	McNaughton	Smith, B.
Bard	Gannon	Metcalfe	Smith, S. H.
Barley	Geist	Micozzie	Snyder
Barrar	Gladeck	Miller, R.	Stairs
Bastian	Godshall	Miller, S.	Steil
Benninghoff	Habay	Mundy	Stern
Birmelin	Harhart	Nailor	Stevenson
Boyes	Hasay	Nickol	Strittmatter
Browne	Hennessey	O'Brien	Taylor, E. Z.
Caltagirone	Herman	Orie	Taylor, J.
Cawley	Hershey	Perzel	True
Chadwick	Hess	Pesci	Tulli
Civcra	Hutchinson	Petrone	Vance
Clark	Jadlowiec	Phillips	Wilt
Clymer	Kenney	Pippy	Wogan
Cohen, L. I.	Lawless	Raymond	Wright
Corrigan	Levdansky	Reinard	Yewcic
Dailey	Lucyk	Rohrer	Zimmerman
Dally	Lynch	Ross	Zug
Dempsey	Maher	Rublely	
DiGirolamo	Maitland	Samuelson	
Egolf	Major	Sather	Ryan, Speaker
Fairchild	Marsico		

**NAYS—88**

Battisto	Frankel	Mayernik	Solobay
Bebko-Jones	Freeman	McCall	Staback
Belardi	George	McGeehan	Steelman
Belfanti	Gordner	Melio	Stetler
Bishop	Grucela	Michlovic	Sturla

Blaum	Gruitza	Myers	Surra
Butkovitz	Hanna	Oliver	Tangretti
Buxton	Harhai	Petrarca	Thomas
Carn	Horsey	Pistella	Tigue
Casorio	James	Preston	Travaglio
Cohen, M.	Josephs	Ramos	Trello
Colafella	Kaiser	Readshaw	Van Home
Costa	Keller	Rieger	Veon
Coy	Kirkland	Roberts	Vitali
Curry	Krebs	Robinson	Walko
Daley	LaGrotta	Roebuck	Wansacz
DeLuca	Laughlin	Rooney	Washington
Dermody	Lederer	Ruffing	Waters
DeWeese	Lescovitz	Sainato	Williams
Donatucci	Manderino	Santoni	Wojnaroski
Eachus	Mann	Scrimenti	Youngblood
Evans	Markosek	Shaner	Yudichak

**NOT VOTING—2**

Cornell Haluska

**EXCUSED—6**

Bunt Feese Platts Trich  
Cappabianca Leh

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

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

**CALENDAR CONTINUED**

**CONSIDERATION OF HB 1604 CONTINUED**

The SPEAKER pro tempore. Returning to the regular House calendar, HB 1604, PN 4070. This one had been over previously, and we were on the motion to suspend.

The Chair recognizes the gentleman, Mr. McNaughton.

The gentleman, Mr. McNaughton, has moved that the rules of the House be suspended in order to offer amendment 4680.

**BILL PASSED OVER**

The SPEAKER pro tempore. The bill will be over for today.

**VOTE CORRECTION**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks County, Mr. Corrigan, for correction of the record.

Mr. CORRIGAN. Thank you, Madam Speaker.

On SB 231 I was recorded in the affirmative and would like to be recorded in the negative. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman. Your remarks will be cast upon the record.

**RESOLUTION**

Mr. PERZEL called up **SR 130, PN 2217**, entitled:

A Concurrent Resolution directing the Joint State Government Commission to create a stroke prevention task force and advisory committee to promote professional and public education and awareness and to improve the quality of care for stroke victims.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

**YEAS—189**

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

**NAYS—0**

**NOT VOTING—5**

Clark	Maher	Williams	Wojnaroski
Kaiser			

**EXCUSED—6**

Bunt	Feese	Platts	Trich
Cappabianca	Leh		

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

Ordered, That the clerk inform the Senate accordingly.

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

**CONDOLENCE RESOLUTION**

The SPEAKER. The House will please come to order.

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

The clerk will read the resolution.

The following resolution was read:

**COMMONWEALTH OF PENNSYLVANIA  
THE HOUSE OF REPRESENTATIVES**

**RESOLUTION**

WHEREAS, The Honorable James J. Ustynoski, a former member of the House of Representatives of Pennsylvania who served the 116th Legislative District of Luzerne County, passed away November 3, 2000, at the age of sixty-eight; and

WHEREAS, First elected to the House of Representatives in 1970, Mr. Ustynoski was reelected in 1972 and 1974. During his terms he was Vice Chairman of the Mines and Energy Management, House Education and Conservation Committees. He was also a member of the Health and Welfare Committee; worked on a task force to study problems stemming from black lung disease; and chaired a committee to revise State coal mining laws. Mr. Ustynoski remained active politically with the Republican Party in Harrisburg and Washington, DC, serving as National Vice Chairman of the Coalition for Minorities of the Bush for President Committee in 1988. He also served on the Board of the Hazleton-St. Joseph Medical Center, the United Way of Greater Hazleton, the Hazleton Chapter of the American Red Cross and Health in Greater Hazleton with the University of Pennsylvania. He was also a member of St. Michael's Ukrainian Catholic Church. Additionally, he was a graduate of The Pennsylvania State University, class of 1955, and a United States Army veteran of the Korean War. Mr. Ustynoski was an area real estate developer for forty years and formulated the site selection and sales for the Wyoming Valley Mall and the Woodlands Inn & Resort; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with great sadness the passing of the Honorable James J. Ustynoski, beloved family member and esteemed governmental leader; extend heartfelt condolences to his wife, Edwina Roland Ustynoski; son, James M.; daughters, Christina Sheehy, Marie Tranguch, Venisa and Gina; and two grandchildren; and be it further

RESOLVED, That a copy of this resolution, sponsored by Representatives Todd A. Eachus and George C. Hasay, be transmitted to Mrs. Edwina Roland Ustynoski.

Matthew Ryan  
Speaker of the House

ATTEST:  
Ted Mazia  
Chief Clerk of the House

On the question,  
Will the House adopt the resolution?

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

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable James J. Ustynoski.)

The SPEAKER. The resolution has been unanimously adopted.

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

### FAREWELL ADDRESS BY MR. FARGO

The SPEAKER. The House will please come to order.

The Chair has invited the gentleman, Mr. Fargo, to temporarily preside. However, he thought he would prefer to address the members of the House — from the rostrum. He is going to preside whether he likes it or not.

Mr. FARGO. Thank you, Mr. Speaker.

I would really have enjoyed taking over and maybe trying to see what happens up here at the podium, but I remember just a week or so ago when Matt Ryan was telling us how difficult it is up here, that this is really a tough job. Then I decided at that point I am not going to take a chance on it.

Instead, I just want to say to you all just a few things. I do not know. I go back 20 years ago, and we in Mercer County were having a special election in the middle of the year. I had just sold my interest in my accounting firm and just was not too sure what my next move was going to be and decided, between my wife and me in a conversation, that maybe I would try running for the House of Representatives. Actually, I believe that her decision was more in fact that she felt that this was a part-time job and would not take very much of my time away from home. She certainly has found out that that was incorrect.

But I do remember a kind of an interesting election that we had there. It ended up being nine people that ran for this position in District 8. I was expecting it only to be one whenever I first put my name in the hat, but at the caucus meeting held in the Coolspring Township building, they had 91 committee people there, and so we needed 46 votes to win the candidacy for the Republican Party. On the first ballot I got 27 votes and another person that you all know well, Bob Robbins, got 27 votes. The rest of them were divided among the other seven members. After four votes I was able to get 46 votes and he got 41. So I went on and had a rather difficult election but won that election. And it was only 2 months later that we came into the redistricting in 1981, and they took me out of the district, put me into another county to a big extent, except for where I live, and Bob Robbins then was free to run again, and as you know the story, he ended up sitting beside me for 6 years in the legislature before he went on to the Senate. Kind of an interesting thing as far as the county was concerned.

Actually, I have very, very few regrets in all the years that I have been here. Probably if I tried to consider the regrets that I do have, it is more that I have not got to know every one of you people personally. I have not taken the advantage of meeting especially the people on the Democrat side of the aisle and spending time with them and finding out about them. I think this was brought forward to me last weekend, two weekends ago, when we were in Pittsburgh, and I really had the opportunity to meet Jim Shaner and his wife and Sue Laughlin and have some time with them, and it made me realize that had I had this same opportunity, I would feel the very same way about everyone on both sides of the aisle. It has been really a pleasure of mine to work very closely with the members on my side of the aisle.

That has to do with the personal feeling. As far as legislation is concerned, back whenever I first made the attempt at coming into leadership, there was a major decision made. I had to decide whether I wanted to work in the leadership capacity working for the party or whether I wanted to continue in the legislative part of the thing and being a committee member and working my way on through as far as committee chairmanship is concerned, and it really, really is a major difference. I chose the leadership, and I do not regret it at all.

But as I look at some of the things that have not been accomplished that I would have loved to have worked with and I sincerely think that they will be taken care of in the future — and I do not really believe that I would have had a major effect on them, but they were dear to my heart — one of them, of course, is tort reform. I would love to see something done in Pennsylvania in that area.

I have always worked towards and showed a major concern for our loss of private property ownership and rights, and I think we have been derelict in not being a little bit more concerned about some of the legislation that we pass that takes the rights away from people that own their property, and I believe that to be one of the solid things about the United States, is right of personal property. It worries me considerably.

The third area has to do with taxes, and that has to do with business taxes, and I would love to see us get back to the point that we were 20 years ago as far as the business taxes are concerned and also business regulations. So I say to you those are areas that I would like to see worked on.

But really, and in closing, I want to say that this has been a great, great experience on my part. It has been a personal experience for me. It is an opportunity to serve people in my own district and in the State of Pennsylvania, and you know, you all do that and you all do it well. It is just too bad that the media and other people really tear us apart at times without looking into the situation and seeing just how much work and how many good things we do. They certainly turn to us when they need something done, but whenever there is a problem somewhere, it seems to me like they take advantage of the situation and try to make us look worse instead of better.

I personally know that you people are professional, that you have taken care of the people in your district, and you have taken care of the people across Pennsylvania, and it has been an honor on my part to be part of all that. Thank you.

The SPEAKER. I have presented Mr. Fargo with a ceremonial gavel so that he may have some souvenir of the day.

When retiring members are addressing the House, as a matter of courtesy, it would be appreciated if the members take their



seats. If conversations have to go on, and I understand that does happen, it would be appreciated if they took place outside of the hall, and I would ask the Sergeants at Arms to enforce that recommendation that I made.

#### FAREWELL ADDRESS BY MRS. TRUE

The SPEAKER. Mrs. True.

Mrs. TRUE. Thank you, Mr. Speaker.

Wow, quite a view that you have up here.

I have not been here as long as some of the members have, but I certainly have been here long enough to appreciate this institution and serving in this unbelievably beautiful hall, and I just really want to say to the residents of the 37th District how honored I have been to serve.

I want to thank my family. I have the most supportive husband that allowed me to do my job without ever having to think of responsibilities back home. Believe it or not, I tell people that are running for office, men and women both leave a lot of responsibility when they come up here, and it certainly is very helpful to have the support back home so that we can do the job that we have to do up here. My kids, all grown up, have been very supportive, and all of you have also.

I ran in '92 because I wanted to come and do something for children and families, and I am very grateful that everything that I have done legislatively has been with support from both sides of the aisle, and it has been very appreciated. We did a lot of good things on behalf of families and abused children and some women's health issues, and I thank you from the bottom of my heart for supporting me, for being a friend. I will never forget it.

You are going to see me around here and there, and I just thank each and every one of you, both sides of the aisle, leadership, for the opportunity that has been afforded me.

God bless you, and have a wonderful holiday. Thank you.

#### STATEMENT BY MR. MCGEEHAN

The SPEAKER. The Chair recognizes the gentleman from Philadelphia County, Mr. McGeehan, who desires recognition under unanimous consent.

Mr. MCGEEHAN. Thank you, Mr. Speaker, and thank you for the opportunity, to the members, to address the House under unanimous consent.

Mr. Speaker, in all the controversy and headlines resulting from the election and its aftermath, there was another occurrence on election day that passed almost unnoticed, although the Philadelphia Inquirer did take note of it a few days later.

On November 7 President Clinton signed legislation that acknowledges that in the opening months of the Second World War, hundreds of thousands of Italian-Americans were labeled "enemy aliens." They were required to carry identification cards; their ability to travel was restricted; some had personal property confiscated, and a number were even sent to internment camps.

For men and women who had wept with joy upon first seeing the Statue of Liberty, it was a devastating blow.

Despite the measures taken in the name of national security, legions of the sons of these same Italian immigrants loyally

served America in our armed forces, many of them making the ultimate sacrifice. Many daughters of those same Italian immigrants likewise rolled up their sleeves for this nation — in the various women's service branches and in the factories that turned out vital war supplies.

The legislation signed by the President requires the Justice Department to do a complete report on the government's participation in the violations of these loyal Americans. It also calls for Federal agencies to increase the public awareness of the contributions of Italian-Americans during the Second World War and to examine how the violations arose and what could be done to better protect civil liberties during the times of national crisis.

There are a large number of Italian-American citizens in my district and throughout the Commonwealth. A significant number still remember the sting of the government's action at the start of the war. In fact, Mr. Speaker, I have the high honor of representing an Italian national parish, Our Lady of Consolation Parish, in Tacony.

I am aware, Mr. Speaker, perhaps more than most, of the enormous contributions made by Italians and Italian-Americans to this country. Whether in the arts, medicine, law, government, or in thousands of other endeavors, Italian-Americans are at the forefront. This country owes its greatness in large part to their contribution. Their loyalty to their culture, their families, their church, and this country sets an example for all on what it means to be an American.

Mr. Speaker, I know that the House will join me in helping to get the word out that the United States is setting the record straight that during World War II, Italians and Italian-Americans were as loyal as anyone who breathed the air of our nation and helped to keep it free.

Mr. Speaker, I thank you for your indulgence and the indulgence of the House.

#### INTERGOVERNMENTAL AFFAIRS COMMITTEE MEETING

The SPEAKER. Mr. Flick, do you desire recognition?

The Intergovernmental Affairs Committee will have a committee meeting at the rear of the hall of the House on the declaration of the recess or adjournment.

#### HOUSE SCHEDULE

##### REPUBLICAN CAUCUS

The SPEAKER. For the information of all the members, for the information of all the members, session will begin tomorrow morning at 10 a.m.

It is my understanding that the Republicans will caucus at 9 a.m.

##### DEMOCRATIC CAUCUS

The SPEAKER. Mr. Cohen, do you have a caucus announcement for the Democratic Caucus?

Mr. COHEN. Mr. Speaker, tomorrow morning at 9:30 a.m. there will be a Democratic caucus. My understanding is that the goal here is to be in session at 10 a.m. So there will be a

Democratic caucus at 9:30 a.m. tomorrow. Now, roughly at 6 o'clock we will have an informal discussion period in the House Democratic caucus room.

#### ANNOUNCEMENT BY SPEAKER

The SPEAKER. The House leadership, in anticipation of a much longer session today, made arrangements for dinner to be served. It is ready now in the respective caucus rooms and for staff in room 60.

#### ANNOUNCEMENT BY MR. SAYLOR

The SPEAKER. Does the gentleman, Mr. Saylor, desire recognition?

Mr. SAYLOR. Yes, Mr. Speaker.

I just wanted to remind the members of the House Republican and Democratic Caucuses that also at the Radisson Penn Harris Hotel tonight is the fire services-emergency services dinner as well.

The SPEAKER. The Chair thanks the gentleman.

#### VOTE CORRECTION

The SPEAKER. The Chair recognizes the lady from Philadelphia County, Ms. Bishop.

Ms. BISHOP. Thank you, Mr. Speaker.

I wish to correct the record.

On SB 612, amendment 4492, my switch faltered, did not enter. I would like to be recorded in the affirmative.

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

Ms. BISHOP. Thank you.

The SPEAKER. Mr. Flick, will you have a bill to report this evening?

The House will stand at ease.

#### VOTE CORRECTION

The SPEAKER. The House will come to order.

The Chair recognizes the lady from Montgomery County, Ms. Williams.

Ms. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I stand to correct the record.

On SR 130 my button did not work. I wish to be recorded in the affirmative.

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

#### LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair returns to leaves of absence and places the name of Mr. Feese on the master roll call, without objection. The Chair hears none.

#### RESOLUTION REPORTED FROM COMMITTEE

HR 635, PN 4206 (Amended)

By Rep. FLICK

A Resolution urging the County of Mercer, State of New Jersey, to undertake an environmental impact study prior to approval of any expansion of the Trenton-Mercer Airport in Mercer County, New Jersey, and to take action to mitigate air traffic over Bucks County, Pennsylvania.

INTERGOVERNMENTAL AFFAIRS.

#### BILLS AND RESOLUTIONS PASSED OVER

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

#### ADJOURNMENT

The SPEAKER. Does the majority leader or minority leader have any further business?

Hearing none, the Chair recognizes the gentleman from Bucks County, Mr. McIlhinney.

Mr. McILHINNEY. Mr. Speaker, I move that the House do now adjourn until Tuesday, November 21, 2000, at 10 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 5:31 p.m., e.s.t., the House adjourned.