

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, APRIL 30, 2001

SESSION OF 2001

185TH OF THE GENERAL ASSEMBLY

No. 25

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

BISHOP BOB STEELE, Chaplain of the House of Representatives and pastor of Full Gospel Church, Camp Hill, Pennsylvania, offered the following prayer:

Would you bow for prayer:

O Lord, may this House come to know Your wisdom and Your instruction, and may they discern the sayings of understanding, and may they receive instruction in wise behavior, righteousness, justice, and equity.

And, Lord, may You give them prudence and knowledge and discretion, and may they truly listen and increase in learning, always seeking wise counsel, and may they come to understand the greatest of all Your instructions – to love and to value You with all their heart. Then they will begin to know knowledge.

Search us, Lord, and know us, and cleanse us from all sin and set us free.

Father, guide these men and women who have been sent here to direct us to the center of Your will, and this we ask in the name of the Father and the Son and the Holy Spirit. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Wednesday, April 25, 2001, will be postponed until printed. The Chair hears no objection.

#### JOURNAL APPROVED

The SPEAKER. The Journal for Tuesday, February 6, 2001, is in print and, without objection, will stand approved as printed. The Chair hears no objection.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 1446** By Representatives METCALFE, THOMAS, ARMSTRONG, HENNESSEY, ADOLPH, BARRAR, BELFANTI, CALTAGIRONE, L. I. COHEN, CORRIGAN, CREIGHTON, FORCIER, GABIG, GEIST, HERSHEY, HORSEY, HUTCHINSON, MARKOSEK, MARSICO, S. MILLER, NICKOL, ROHRER, WILT and ZUG

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for net loss carryover.

Referred to Committee on FINANCE, April 26, 2001.

**No. 1447** By Representative MAITLAND

An Act amending the act of July 9, 1976 (P.L.919, No.170), entitled "An act providing for the approval or disapproval of applications for a permit relating to the construction or maintenance of improvements to real estate," providing for an exemption.

Referred to Committee on LOCAL GOVERNMENT, April 26, 2001.

**No. 1448** By Representatives MAITLAND, BARD, BARRAR, BENNINGHOFF, BUNT, CALTAGIRONE, CAPPELLI, CLARK, L. I. COHEN, EGOLF, FLEAGLE, FRANKEL, GODSHALL, HORSEY, JAMES, KENNEY, KIRKLAND, LEDERER, MACKERETH, MARSICO, MELIO, S. MILLER, MYERS, NAILOR, NICKOL, ROEBUCK, ROSS, RUBLEY, SATHER, SCRIMENTI, SOLOBAY, STERN, T. STEVENSON, STRITTMATTER, SURRA, E. Z. TAYLOR, J. TAYLOR, THOMAS, TIGUE, VANCE, WATSON, C. WILLIAMS, WILT, DeLUCA and J. EVANS

An Act amending the act of February 13, 1970 (P.L.19, No.10), entitled "An act enabling certain minors to consent to medical, dental and health services, declaring consent unnecessary under certain circumstances," further providing for consent to treatment.

Referred to Committee on HEALTH AND HUMAN SERVICES, April 26, 2001.

**No. 1449** By Representatives STAIRS, KREBS, COLAFELLA, FLEAGLE, FLICK, HERMAN, McILHATTAN, R. MILLER, NAILOR, T. STEVENSON, CURRY, GRUCELA, ROBINSON, ROEBUCK, STEELMAN, STURLA, C. WILLIAMS, BELFANTI, BUNT, CALTAGIRONE, CAPPELLI, L. I. COHEN, COSTA,

DALEY, DeLUCA, FRANKEL, GEIST, GEORGE, HARHAI, HESS, JAMES, JOSEPHS, LAUGHLIN, MANN, MARKOSEK, McCALL, MELIO, PRESTON, READSHAW, RUBLEY, SATHER, SAYLOR, SEMMEL, SHANER, B. SMITH, E. Z. TAYLOR, THOMAS, TIGUE, TRELLO, TRICH, WALKO, WANSACZ, WILT, WOJNAROSKI, YOUNGBLOOD and YUDICHAK

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for the establishment, membership and powers and duties of the Master Plan for Higher Education Review Committee; and further providing for the adoption of the master plan.

Referred to Committee on EDUCATION, April 26, 2001.

**No. 1450** By Representatives PETRONE, FAIRCHILD, YOUNGBLOOD, BELFANTI, SOLOBAY, LEDERER, GEORGE, McILHATTAN, LAUGHLIN, CALTAGIRONE, WANSACZ, CREIGHTON, CAWLEY, DALEY, MANN, CORRIGAN, CAPPELLI, WOJNAROSKI, STABACK, LEVDANSKY, WALKO, READSHAW, McCALL, WATERS, FREEMAN, C. WILLIAMS, DIVEN, HARHAI, JAMES, KIRKLAND, HENNESSEY, ROBINSON, CAPPABIANCA, THOMAS, HORSEY, STEELMAN, BELARDI and PETRARCA

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a charitable volunteer tax credit.

Referred to Committee on FINANCE, April 26, 2001.

**No. 1451** By Representatives FREEMAN, HENNESSEY, NICKOL, VITALI, DeWEESE, THOMAS, CALTAGIRONE, CASORIO, CREIGHTON, FRANKEL, GODSHALL, GRUCELA, HANNA, HARHAI, JOSEPHS, KAISER, MANN, McILHATTAN, MELIO, NAILOR, PISTELLA, SANTONI, B. SMITH, STEELMAN, TANGRETTI, TRELLO, WALKO and J. WILLIAMS

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for district election boards and for number of signers required for nomination petitions for candidates at primaries.

Referred to Committee on STATE GOVERNMENT, April 26, 2001.

**No. 1452** By Representatives FREEMAN, HENNESSEY, NICKOL, VITALI, DeWEESE, THOMAS, CALTAGIRONE, CAWLEY, FRANKEL, GRUCELA, HANNA, KAISER, MANN, McILHATTAN, MELIO, MUNDY, PISTELLA, SAMUELSON, SANTONI, SCRIMENTI, STABACK, STEELMAN, TANGRETTI, TIGUE, TRELLO and J. WILLIAMS

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

Referred to Committee on STATE GOVERNMENT, April 26, 2001.

**No. 1453** By Representatives ALLEN, VEON, PERZEL, M. BAKER, BEBKO-JONES, BENNINGHOFF, BUXTON, CALTAGIRONE, CAPPABIANCA, CLARK, COSTA, CRUZ, DAILEY, DALEY, FEESE, FLEAGLE, FORCIER, FREEMAN, GABIG, GRUCELA, HARHAI, HASAY, HERMAN, HERSHEY, JAMES, KAISER, LAUGHLIN, LEH, LEWIS, MAJOR, MANDERINO, MANN, MARSICO, McILHATTAN, McNAUGHTON, MELIO, R. MILLER, S. MILLER, NAILOR, NICKOL, READSHAW, ROEBUCK, ROHRER, SANTONI, SATHER, SAYLOR, SEMMEL, SHANER, STABACK, STEELMAN, STERN, STETLER, SURRA, THOMAS, WANSACZ, WASHINGTON, C. WILLIAMS, WILT, WOJNAROSKI, YUDICHAK and ZIMMERMAN

An Act amending the act of June 6, 1980 (P.L.197, No.57), known as the Optometric Practice and Licensure Act, further defining "examination and diagnosis" and "practice of optometry"; and adding to the powers and duties of the State Board of Optometry.

Referred to Committee on PROFESSIONAL LICENSURE, April 26, 2001.

**No. 1454** By Representatives BUNT, DALEY, ALLEN, DeWEESE, BASTIAN, BELFANTI, CAPPELLI, CLYMER, L. I. COHEN, COLEMAN, CREIGHTON, DALLY, FAIRCHILD, FEESE, FICHTER, GEORGE, GODSHALL, GORDNER, GRUCELA, HALUSKA, HARHAI, HARPER, HENNESSEY, HERMAN, HERSHEY, HESS, JADLOWIEC, KREBS, LEDERER, LEH, LESCOVITZ, MAITLAND, MANN, McILHATTAN, McNAUGHTON, R. MILLER, S. MILLER, NICKOL, PHILLIPS, PRESTON, RUBLEY, SATHER, SCHULER, SEMMEL, SHANER, ARMSTRONG, FREEMAN, B. SMITH, STERN, WANSACZ, WATSON, YOUNGBLOOD, YUDICHAK, E. Z. TAYLOR, J. TAYLOR, WILT and SAMUELSON

An Act amending the act of December 13, 1999 (P.L.905, No.57), known as the Drought, Orchard and Nursery Indemnity and Flood Relief Act, further providing for appropriations.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, April 26, 2001.

**No. 1455** By Representatives MICHLOVIC, BELARDI, TIGUE, DeWEESE, BARRAR, BELFANTI, CAPPABIANCA, CORRIGAN, GEIST, GODSHALL, HORSEY, KELLER, KIRKLAND, LEVDANSKY, LUCYK, MELIO, NAILOR, PISTELLA, READSHAW, SATHER, SOLOBAY, STABACK, E. Z. TAYLOR, WALKO, C. WILLIAMS, WOJNAROSKI, YOUNGBLOOD, BEBKO-JONES, CALTAGIRONE, CAPPELLI, DALEY, GEORGE, HARHAI and JAMES

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

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, April 26, 2001.

**No. 1456 By Representative FEESE**

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for filling of vacancies for district attorney.

Referred to Committee on JUDICIARY, April 26, 2001.

**No. 1457 By Representatives ROBERTS, SHANER, LESCOVITZ, MARKOSEK, RUFFING, COSTA, CAPPELLI, McCALL, BELFANTI, READSHAW, BARRAR, CREIGHTON, COY, GEORGE, WOJNAROSKI, LEVDANSKY, WANSACZ, KIRKLAND, DAILEY, THOMAS, HORSEY, HASAY, CAWLEY, DALEY, SOLOBAY, YOUNGBLOOD, HENNESSEY, KAISER, PALLONE, McILHATTAN, HUTCHINSON, SURRA, YUDICHAK and C. WILLIAMS**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for annual registration fees.

Referred to Committee on TRANSPORTATION, April 30, 2001.

**No. 1458 By Representatives SATHER, HERMAN, BUNT, CALTAGIRONE, CAPPELLI, CIVERA, HENNESSEY, LEWIS, McILHATTAN, ROBERTS, SAYLOR, SEMMEL, SHANER, STERN, E. Z. TAYLOR, WOJNAROSKI and YOUNGBLOOD**

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for bonds for county officers, for bonds of deputies and other appointees, for taking money and property by gift, for creation of a capital reserve fund, for the operating reserve fund, for billing and collecting by the county treasurer, for functions of the controller, for custody of documents, for books of fiscal affairs, for claims against a county, for reports to commissioners, for fees of witnesses and jurors, for receipts and accounts of money due a county, for preparation of proposed annual budget, for amending budgets, for levies, for tax rates, for appropriations, for filing the budget, for notice and for the preparation of uniform forms; providing for refusal to submit to examination and for the procedure for approval; and making an editorial change.

Referred to Committee on LOCAL GOVERNMENT, April 30, 2001.

**No. 1459 By Representatives HABAY, DeLUCA and WILT**

An Act prohibiting a political subdivision or its authority or agency from requiring a proportion of workers on a construction project to be residents of a particular municipality.

Referred to Committee on LOCAL GOVERNMENT, April 30, 2001.

**No. 1460 By Representatives CASORIO, BEBKO-JONES, BELARDI, BELFANTI, BROWNE, CALTAGIRONE, CAPPABIANCA, CAPPELLI, CAWLEY, L. I. COHEN, COY, CREIGHTON, CRUZ, DALLY, D. EVANS, FLICK, FRANKEL, FREEMAN, GEORGE, HARHAI, HENNESSEY, JOSEPHS, KIRKLAND, LEDERER, McILHATTAN, MELIO, PETRARCA, PISTELLA, PRESTON, READSHAW, ROONEY, SHANER, SOLOBAY, STABACK,**

**E. Z. TAYLOR, THOMAS, WALKO, WOJNAROSKI, YOUNGBLOOD, YUDICHAK and WASHINGTON**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for provisions relating to intimidation of victims and witnesses of elder abuse.

Referred to Committee on JUDICIARY, April 30, 2001.

## HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 174 By Representatives WANSACZ, ALLEN, BARD, BEBKO-JONES, BELARDI, BELFANTI, BLAUM, CALTAGIRONE, CAPPABIANCA, CAPPELLI, COLAFELLA, CORRIGAN, COSTA, CREIGHTON, DALEY, DALLY, FAIRCHILD, FRANKEL, FREEMAN, GEORGE, GORDNER, GRUCELA, HARHAI, HENNESSEY, HERMAN, JAMES, JOSEPHS, KAISER, KELLER, KIRKLAND, LAUGHLIN, LESCOVITZ, LEVDANSKY, LEWIS, MANDERINO, MANN, MARKOSEK, McCALL, McILHATTAN, MELIO, NICKOL, PETRARCA, READSHAW, RUBLEY, SANTONI, SATHER, SAYLOR, SCRIMENTI, SHANER, B. SMITH, SOLOBAY, STURLA, SURRA, TANGRETTI, THOMAS, TIGUE, WALKO, C. WILLIAMS, WOJNAROSKI, YEWIC, YOUNGBLOOD, YUDICHAK and STEELMAN**

A Resolution memorializing the Congress of the United States to enact House Resolution No. 667, introduced on February 14, 2001, which empowers state governments to limit the amount of trash imported into their states.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, April 30, 2001.

**No. 175 By Representatives WANSACZ, BEBKO-JONES, CALTAGIRONE, DALEY, FAIRCHILD, HARHAI, JAMES, JOSEPHS, KIRKLAND, MELIO, MUNDY, READSHAW, MYERS, RUBLEY, SANTONI, STABACK, THOMAS, WALKO, WATERS, C. WILLIAMS, J. WILLIAMS, WOJNAROSKI and STEELMAN**

A Resolution establishing a select committee to study the growing issue of light pollution and the damage that it causes the natural nocturnal environment and how using new lighting technology can rectify this problem.

Referred to Committee on RULES, April 30, 2001.

**No. 180 By Representatives SCRIMENTI, BEBKO-JONES, BELFANTI, CALTAGIRONE, CAPPABIANCA, CAPPELLI, COLAFELLA, COY, DeWEESE, FAIRCHILD, GEORGE, HARHAI, JAMES, PETRARCA, SHANER, SOLOBAY, STABACK, THOMAS, TIGUE, WALKO, WASHINGTON, WATERS, WOJNAROSKI, YOUNGBLOOD, YUDICHAK, STEELMAN and HUTCHINSON**

A Resolution authorizing and directing the Committee on State Government to review State services provided by the Department of Public Welfare and the Department of Labor and Industry and other State government agencies in order to determine

how branch offices in rural areas can be best retained as efforts to reduce operating costs are implemented.

Referred to Committee on RULES, April 30, 2001.

**No. 181** By Representatives HALUSKA, BELFANTI, D. EVANS, WOGAN, THOMAS, ADOLPH, M. BAKER, BARRAR, BEBKO-JONES, BELARDI, BISHOP, BLAUM, BOYES, BROWNE, BUNT, BUTKOVITZ, BUXTON, CALTAGIRONE, CAPPABIANCA, CAPPELLI, CASORIO, CAWLEY, CIVERA, M. COHEN, COLAFELLA, CORRIGAN, COSTA, COY, CRUZ, CURRY, DALEY, DALLY, DeLUCA, DERMODY, DeWEESE, DiGIROLAMO, DIVEN, EACHUS, FEESE, FICHTER, FRANKEL, FREEMAN, GANNON, GEIST, GEORGE, GODSHALL, GRUCELA, GRUITZA, HANNA, HARHAI, HARHART, HASAY, HORSEY, JAMES, JOSEPHS, KAISER, KELLER, KENNEY, KIRKLAND, LaGROTTA, LAUGHLIN, LAWLESS, LEDERER, LEH, LESCOVITZ, LEVDANSKY, LUCYK, MANDERINO, MANN, MARKOSEK, McCALL, McGEEHAN, McGILL, TIGUE, McNAUGHTON, MELIO, MICHLOVIC, MICOZZIE, MUNDY, MYERS, O'BRIEN, PALLONE, PETRARCA, PIPPY, PISTELLA, PRESTON, RAYMOND, READSHAW, ROBERTS, ROBINSON, ROEBUCK, ROONEY, RUFFING, SAINATO, SANTONI, SCRIMENTI, SHANER, SOLOBAY, STABACK, STAIRS, STEELMAN, STURLA, SURRA, TANGRETTI, J. TAYLOR, TRAVAGLIO, TRELLO, TRICH, TULLI, VEON, WALKO, WANSACZ, WASHINGTON, WATERS, C. WILLIAMS, J. WILLIAMS, WOJNAROSKI, YEWIC, YOUNGBLOOD, YUDICHAK and SAMUELSON

A Resolution calling upon the Governor to renew contract negotiations by entering into binding arbitration and to reward valued Commonwealth employees for their dedicated work.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, April 30, 2001.

### SENATE BILLS FOR CONCURRENCE

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

**SB 243, PN 250**

Referred to Committee on LIQUOR CONTROL, April 26, 2001.

**SB 280, PN 286**

Referred to Committee on CONSUMER AFFAIRS, April 26, 2001.

**SB 380, PN 393**

Referred to Committee on JUDICIARY, April 26, 2001.

**SB 612, PN 663**

Referred to Committee on JUDICIARY, April 26, 2001.

### SENATE MESSAGE

HOUSE BILL  
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 328, PN 345**, with information that the Senate has passed the same without amendment.

### SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 101, PN 1448**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

### BILL SIGNED BY SPEAKER

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

**HB 328, PN 345**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for desecration or sale of venerated objects.

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

### LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip on the question of leaves of absence. The gentleman requires no leaves for the Republican Caucus.

The gentleman, Mr. Veon, requests leave for the week for the gentleman from Fayette, Mr. ROBERTS, and for the week for the gentleman from Erie, Mr. CAPPABIANCA. Without objection, the leaves will be granted. The Chair hears no objection.

### BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

**HB 92, PN 77**

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding a definition; and further providing for pedalcycle helmets.

TRANSPORTATION.

**HB 589, PN 1745 (Amended)**

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension of operating privilege and for maximum gross weight of vehicles; providing for

nonreciprocity of operational limitations; and further providing for refunds.

#### TRANSPORTATION.

##### HB 673, PN 746

By Rep. CLYMER

An Act authorizing and directing the Department of Transportation, with the approval of the Governor, to convey to Scranton School District two parcels of land situated in the City of Scranton, Lackawanna County, Pennsylvania.

#### STATE GOVERNMENT.

##### HB 817, PN 1747 (Amended)

By Rep. GODSHALL

An Act providing for the regulation of sellers of travel; requiring that certain bonds be secured for the benefit of customers; requiring bank deposits; and providing penalties.

#### TOURISM AND RECREATIONAL DEVELOPMENT.

##### HB 830, PN 924

By Rep. HERSHEY

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for energy development; abolishing the Energy Development Authority; establishing the Energy Partnership; and making an appropriation.

#### ENVIRONMENTAL RESOURCES AND ENERGY.

##### HB 866, PN 965

By Rep. GODSHALL

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

#### TOURISM AND RECREATIONAL DEVELOPMENT.

##### HB 878, PN 1746 (Amended)

By Rep. CLYMER

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for supplies manufactured and services performed by persons with disabilities.

#### STATE GOVERNMENT.

##### HB 976, PN 1744 (Amended)

By Rep. GEIST

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

#### TRANSPORTATION.

##### HB 1118, PN 1294

By Rep. HASAY

An Act amending the act of October 28, 1966 (1st Sp.Sess., P.L.55, No.7), known as the Goods and Services Installment Sales Act, further providing for late fees.

#### COMMERCE AND ECONOMIC DEVELOPMENT.

##### HB 1290, PN 1507

By Rep. HERSHEY

An Act amending the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act, establishing the Tapping Fee-Property Lateral Funding Program; making an appropriation; and making editorial changes.

#### ENVIRONMENTAL RESOURCES AND ENERGY.

##### SB 330, PN 817

By Rep. HASAY

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.

#### COMMERCE AND ECONOMIC DEVELOPMENT.

#### BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 92 be taken from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

#### BILL RECOMMITTED

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

Mr. BARLEY. Mr. Speaker, I move that HB 92 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

#### BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 8, on page 1 of the tabled bill calendar, be taken from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

#### BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 8 be placed back upon the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 947 be taken from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**BILL ON SECOND CONSIDERATION**

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

**HB 947, PN 1066.**

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 947 be recommitted to Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The SPEAKER. The House will please come to order. Conferences on the floor, please break up.

**JERMAINE JONES PRESENTED**

The SPEAKER. The Chair recognizes the lady, Mrs. Taylor.

Mrs. TAYLOR. Thank you very much, Mr. Speaker.

All of us who bring champions to the hall of the House, we have a sense of pride, pride in introducing them to the members, and this morning, this afternoon I guess — Mondays always seem like morning, but it is afternoon — the House of Representatives of Pennsylvania is always proud to recognize those young citizens who strive tirelessly toward achievements in their competitive efforts, and today, Mr. Speaker, we have with us Jermaine Jones, who recently captured the 2000-2001 PIAA Class AAA wrestling State championship in the 103-pound class.

"WHEREAS, A junior at West Chester B. Reed Henderson High School, Jermaine has distinguished himself by becoming the first wrestler in the history of Chester County to win two PIAA State titles. He finished an outstanding season with a perfect record of 37 wins. He also has an amazing career record of 108 wins and 7 losses."

Now therefore, the House of Representatives heartily congratulates Jermaine Jones on his worthy achievement, acknowledges his excellent skill and effort in competing on a level which demands perfection, and we offer for him and his family continued success in the future.

I have with me Jermaine Jones and his father. Please give them a hearty welcome from the House.

Jermaine told me that he is willing to take on any challengers.

The SPEAKER. Except you.

**DELEGATION FROM TAJIKISTAN  
INTRODUCED**

The SPEAKER. The House will please come to order. Members, please take your seats. We have a number of foreign dignitaries, members of a Parliament, here with us today. Members and staff — and staff — will please take their seats.

The House has some very special visitors here today, members of the Tajikistan Parliament. They are here to learn about democracy and our legislative process. These gentlemen are seated to my left, and I have asked one of their escort officers, Mr. Dmitri Volotov, to introduce them and to give you a brief idea of what they do in their country. Dmitri.

Will the gentleman yield.

The House will come to order.

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

Ladies and gentlemen, we have with us Mr. Shodibek Ahmedov, who is the chairman of the Committee on Agriculture Policy and Employment of the Tajikistan Republic. We also have Mr. Jurakhon Kabirov, who is a member of the Committee on Law and Order, Defense and Security of the country. We are also joined by Mr. Mirzodavlat Odinaev, who is deputy chairman of the Committee on International Affairs, Public Organizations, and Information of the country. We also have Mr. Saidmurod Tagoev, chairman of the Committee on Agriculture and Employment, and last but not least, Mr. Bobomurod Teshaev, who is a member of the Committee on the Science, Education, Culture, and Youth Policy.

These gentlemen are your counterparts from the lower House of the Parliament of the Tajikistan Republic, and on their behalf, I would like to express their gratitude for you having us here. We are very glad to have come to Pennsylvania and witness your honorable Assembly. Thank you very much.

The SPEAKER. Dmitri neglected to introduce Ms. Larissa Dorfman, who also is accompanying this group as an interpreter.

**ARLEN SPECTER PRESENTED**

The SPEAKER. We have another special guest who is going to join us on the rostrum just to observe the House for a while, United States Senator Arlen Specter. I have asked the Senator to say a few words. Senator Specter.

Mr. SPECTER. Well, good afternoon, fellow legislators.

The Speaker asked me if I wanted to say a few words. Have you ever heard of an offer like that being turned down by an elected official?

I am in town today for a variety of reasons, and I thought I would stop by and say hello. Every time I come into the ornate chamber of the Pennsylvania House of Representatives I am overwhelmed. It sort of puts the chamber of the House in Washington to, well, I would not say to shame, but it is not as ornate, and it is very nice to come in and be here.

I was commenting to John Perzel and John Barley how my early aspiration was to be a member of the Pennsylvania Assembly, but I could not quite make it, so I became district attorney and took some other course, but I admire what you are doing.

We have some tumultuous times in Washington, as I am sure you know, with the House being very close and the Senate being equally divided, and we are battling the budget, and on the Appropriations Committee, to end on a high note, I am trying to bring as much money to Pennsylvania as I possibly can.

Thank you for receiving me.

### **ALL-PENNSYLVANIA ACADEMIC TEAM INTRODUCED**

The SPEAKER. Today is a day when we have so many important guests. It is my pleasure now to introduce to the members of the House the All-Pennsylvania Academic Team sponsored by the Pennsylvania Commission for Community Colleges. These scholars are seated in the rear of the chamber. The students were selected by their community colleges for this honor on the basis of their academic scholarship, leadership, and service to their communities. In addition, they competed for selection to the 2001 All-USA Academic Teams sponsored by Phi Theta Kappa, the international honorary society for 2-year colleges. The competition was sponsored by USA Today as well as the association. The good news is that three Pennsylvania community college students were selected for this national recognition. Named to the All-USA Academic Second Team were Sharol Inglis, from the Community College of Beaver County, and Christina Demko, a student at the Community College of Allegheny County. Would these two guests please rise.

It is my good fortune to advise you that Loretta McElroy, from Delaware County Community College, is one of 20 students nationwide to be named to the All-USA Academic First Team. She is also a Centennial Scholar for Pennsylvania. Would the House please welcome her to the hall, and I am going to introduce her at this time.

She is a remarkable young woman. In addition to being a scholar, she is married and has three children as she was doing it, and I am told her interest is in the preservation of architecture, and I think she would have a wonderful time up here, and we will invite her back at her leisure. Please, Ms. McElroy.

Ms. McELROY. Thank you, Mr. Speaker.

Mr. Speaker, you have shown us a great honor by recognizing the outstanding academic achievements of the students from Pennsylvania's community and 2-year colleges who have been selected for the All-Pennsylvania Academic Team. Being here today is exciting for all of us.

On behalf of the whole team, I would like to thank you and all the members of the House of Representatives for your support of the community colleges. Without the support, none of us would be here. And without your support of legislation for New Choices/New Options, I would not be here today, and I urge you to continue your support.

Thank you, Mr. Speaker, for inviting us into your House today. We sincerely appreciate the honor.

### **GUESTS INTRODUCED**

The SPEAKER. With us today, as well as the Chaplain, is the family of our Chaplain. Would they please rise. They are seated in the gallery — the Steele family.

Representative Evans has a guest — Mr. Fred Wagner, the Crawford County treasurer. He is seated in the rear of the chamber. Would he please rise.

Representative Roebuck has called to my attention the fact that seated in the rear of the House is a group of all of the scholars representing the community colleges from the various community colleges throughout the Commonwealth. They are here today as the guests of Mr. Roebuck, and Mrs. Pat Krebs, the executive director of the Pennsylvania Commission for Community Colleges, is here as their leader, and the select group of students is seated across the rear of the hall. Would these guests kindly rise.

As the guests of Representative Connie Williams, we have with us today Linda and Art Partin of Rosemont and their children, Caley and Danny. They are students at Our Mother of Good Counsel School in Lower Merion. Would these guests please rise. They are seated in the balcony.

Today also as the guests of Representative Wojnaroski are Jerry and Fran Strattan from New Hampshire, the Granite State, who are in the back of the House. Would they please rise. You should be at home here. A good bit of this Capitol contains your marble.

Representative Birmelin has two guest pages — Kurtis and Logan Droppa — on the floor for today and May 1 and 2. Would they please rise.

### **WEST PERRY HIGH SCHOOL JUNIOR ENGINEERING TECHNICAL SOCIETY PRESENTED**

The SPEAKER. The Chair at this time recognizes the gentleman, Mr. Egolf, for the purpose of presenting a citation. Mr. Egolf.

Mr. EGOLF. Thank you, Mr. Speaker.

Fellow members of the House and guests, as you know, we often recognize athletes for their accomplishments, but unfortunately, too seldom do we recognize students for their academic accomplishments. Today we are for the third year honoring and presenting citations to the West Perry High School Junior Engineering Technical Society, or JETS, and their adviser, Mrs. Betsy Riter. These students took first place for their presentation and fourth overall in a national contest held in Washington, D.C.

Junior engineering students across the nation were required this year to design products to help people with disabilities. The contest requires that the products appeal to a broad market, as broad a market as possible, and to be safe, durable, and inexpensive.

One of the girls on the team had a neighbor who requested a walker that did more than the regular walkers. So they conceived the idea of a Walk About, which they have up here in front of us. Their Walk About supports a person going up or down stairs. It is about the size of a usual walker, but it has four spokes on either side that turn on hubs which rotate on stairs. There is a ratcheting action that, once the hubs have turned, prevents them from falling back. On level ground the wheels on the end of the spokes allow for smooth travel. With versatility in mind, the two handles are actually canes that can be detached and used alone by the owner. The canes and their handles are variable, depending on the need. The option of a sonar device will help people with declining vision. It emits a series of beeps

when you get within 7 feet of an object and gets louder as you approach the object. Their walker will work on uneven sidewalks, on grass, pebbles, stone, as well as on tiles and wood and other hard surfaces, and is affordable at a \$42 base price.

Under the tutelage of their adviser, Mrs. Betsy Riter, the JETS have had incredible success over the years. They were here before the House in 1998 after winning first place nationally with their Queen of Carts, a tip-proof shopping cart, and then again last year, winning fifth place with a folding-frame tent to be used for housing disaster victims.

With us today are members of the presentation team — Andy Gilbert, Sarah Wilson, Lane Walleit, Jake Roman, Hope Swenson, and their adviser, Betsy Riter. Please welcome the Perry County junior engineers to the hall of the House.

### MASTER ROLL CALL

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

The following roll call was recorded:

#### PRESENT—200

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Vance
Cohen, L. I.	Horse	Phillips	Veon
Cohen, M.	Hutchinson	Pickett	Vitali
Colafella	Jadlowiec	Pippy	Walko
Coleman	James	Pistella	Wansacz
Cornell	Josephs	Preston	Washington
Corrigan	Kaiser	Raymond	Waters
Costa	Keller	Readshaw	Watson
Coy	Kenney	Reinard	Williams, C.
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright
Dally	Lederer	Ross	Yewcic
DeLuca	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	

Eachus  
Egolf

Mackereth  
Maher

Saylor

Ryan,  
Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—2

Cappabianca

Roberts

LEAVES ADDED—1

Hennessey

### APPROPRIATIONS COMMITTEE MEETING

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

Mr. BARLEY. Thank you, Mr. Speaker.

Could I just indulge and inquire one moment to know when we are expected to return to the floor? That will determine when I need the committee. I am not quite prepared to call for it immediately.

The SPEAKER. The Chair has been advised that when we recess, we will return to the floor at 3 o'clock. Now, that, of course, is subject to extensions if the caucuses need additional time.

Mr. BARLEY. Okay. With that being the expectation, then I would like to have an Appropriations Committee meeting at 2:55. If the recess is extended, 5 minutes prior to the returning to the floor would be adequate for an Appropriations meeting.

The SPEAKER. The Chair thanks the gentleman.

### LABOR RELATIONS COMMITTEE MEETING

The SPEAKER. Mr. Flick, for what purpose do you rise?

Mr. FLICK. For the purpose of announcing a committee meeting tomorrow.

It is my intention to have a meeting of the Labor Relations Committee tomorrow at 10 a.m. in room 205 of the beautiful Ryan Office Building for the purpose of considering HB 1235 and any other business that might come before the committee.

The SPEAKER. The Chair thanks the gentleman.

### REPUBLICAN CAUCUS

The SPEAKER. Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

We have some special guests in caucus, and so I would like to have us begin our caucus immediately upon the declaration of the recess and return at 3 o'clock.

The SPEAKER. Very good.

### DEMOCRATIC CAUCUS

The SPEAKER. Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

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



The SPEAKER. The Chair thanks the gentleman.  
Does 3 o'clock seem to meet your needs? The Chair thanks the gentleman.

### GUESTS INTRODUCED

The SPEAKER. The lady, Ms. Baker, has a group from the Kratzer Elementary School that are due here in the hall. I am not sure whether they are here yet or not. If they are, we welcome you. Oh, they are coming in the door? Well, welcome to the Capitol. If you are not here, we will catch you later, hopefully.

### RECESS

The SPEAKER. Do the majority or minority leaders have any further business?

If not, this House will stand in recess until 3 o'clock, unless extended or called back 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

### 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.)

### COMMUNICATION FROM PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

The SPEAKER pro tempore. The Chair acknowledges receipt of the fifth annual report of the Constables' Education and Training Board submitted by the Pennsylvania Commission on Crime and Delinquency.

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

### CALENDAR

### RESOLUTIONS PURSUANT TO RULE 35

Mrs. TAYLOR called up **HR 119, PN 1267**, entitled:

A Resolution designating the week of May 6 through 12, 2001, as "Juror Appreciation Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

### YEAS—200

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Vance
Cohen, L. I.	Horsley	Phillips	Veon
Cohen, M.	Hutchinson	Pickett	Vitali
Colafella	Jadlowiec	Pippy	Walko
Coleman	James	Pistella	Wansacz
Cornell	Josephs	Preston	Washington
Corrigan	Kaiser	Raymond	Waters
Costa	Keller	Readshaw	Watson
Coy	Kenney	Reinard	Williams, C.
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnarowski
Daley	Lawless	Rooney	Wright
Dally	Lederer	Ross	Yewcic
DeLuca	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	
Eachus	Mackereith	Saylor	Ryan, Speaker
Egolf	Maher		

### NAYS—0

### NOT VOTING—0

### EXCUSED—2

Cappabianca      Roberts

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

\* \* \*

Mrs. TAYLOR called up **HR 157, PN 1572**, entitled:

A Resolution designating the week of May 6 through 12, 2001, as "Nurses Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—200

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Vance
Cohen, L. I.	Horsley	Phillips	Veon
Cohen, M.	Hutchinson	Pickett	Vitali
Colafella	Jadlowiec	Pippy	Walko
Coleman	James	Pistella	Wansacz
Cornell	Josephs	Preston	Washington
Corrigan	Kaiser	Raymond	Waters
Costa	Keller	Readshaw	Watson
Coy	Kenney	Reinard	Williams, C.
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright
Dally	Lederer	Ross	Yewcic
DeLuca	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maher		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Cappabianca Roberts

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

\* \* \*

Mr. ROHRER called up **HR 170, PN 1682**, entitled:

A Resolution declaring the week of May 6 through 12, 2001, as "Pennsylvania Home Education Week."

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—200

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Vance
Cohen, L. I.	Horsley	Phillips	Veon
Cohen, M.	Hutchinson	Pickett	Vitali
Colafella	Jadlowiec	Pippy	Walko
Coleman	James	Pistella	Wansacz
Cornell	Josephs	Preston	Washington
Corrigan	Kaiser	Raymond	Waters
Costa	Keller	Readshaw	Watson
Coy	Kenney	Reinard	Williams, C.
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright
Dally	Lederer	Ross	Yewcic
DeLuca	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maher		Speaker

NAYS—0

NOT VOTING—0

## EXCUSED—2

Cappabianca Roberts

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

## SUPPLEMENTAL CALENDAR A

## RESOLUTIONS PURSUANT TO RULE 35

Mr. ARMSTRONG called up **HR 178, PN 1733**, entitled:

A Resolution designating the week of April 30 through May 6, 2001, as "Chastity Awareness Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—200

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Vance
Cohen, L. I.	Horsey	Phillips	Veon
Cohen, M.	Hutchinson	Pickett	Vitali
Colafella	Jadlowiec	Pippy	Walko
Coleman	James	Pistella	Wansacz
Cornell	Josephs	Preston	Washington
Corrigan	Kaiser	Raymond	Waters
Costa	Keller	Readshaw	Watson
Coy	Kenney	Reinard	Williams, C.
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright
Dally	Lederer	Ross	Yewcic
DeLuca	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	

Eachus  
EgolfMackereth  
Maher

Saylor

Ryan,  
Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Cappabianca Roberts

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

\* \* \*

Mr. ARGALL called up **HR 183, PN 1738**, entitled:

A Resolution observing the month of May 2001, as "Historic Preservation Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—200

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Vance
Cohen, L. I.	Horsey	Phillips	Veon
Cohen, M.	Hutchinson	Pickett	Vitali
Colafella	Jadlowiec	Pippy	Walko
Coleman	James	Pistella	Wansacz
Cornell	Josephs	Preston	Washington
Corrigan	Kaiser	Raymond	Waters
Costa	Keller	Readshaw	Watson
Coy	Kenney	Reinard	Williams, C.
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright
Dally	Lederer	Ross	Yewcic

DeLuca	Leh	Ruble	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	Ryan,
Eachus	Mackereth	Saylor	Speaker
Egolf	Maier		

NAYS—0

NOT VOTING—0

EXCUSED—2

Cappabianca      Roberts

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

## SUPPLEMENTAL CALENDAR D

## RESOLUTION PURSUANT TO RULE 35

Mr. RAYMOND called up **HR 184, PN 1743**, entitled:

A Resolution recognizing entrepreneurs and Pennsylvania Small Business Development Centers.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Vance
Cohen, L. I.	Horsey	Phillips	Veon
Cohen, M.	Hutchinson	Pickett	Vitali
Colafella	Jadlowiec	Pippy	Walko
Coleman	James	Pistella	Wansacz
Cornell	Josephs	Preston	Washington

Corrigan	Kaiser	Raymond	Waters
Costa	Keller	Readshaw	Watson
Coy	Kenney	Reinard	Williams, C.
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright
Dally	Lederer	Ross	Yewcic
DeLuca	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maier		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Cappabianca      Roberts

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

## SUPPLEMENTAL CALENDAR E

## RESOLUTION PURSUANT TO RULE 35

Mr. HERMAN called up **HR 188, PN 1748**, entitled:

A Resolution commending The Pennsylvania State University fencing team on a highly successful season.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio

Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Vance
Cohen, L. I.	Horsey	Phillips	Veon
Cohen, M.	Hutchinson	Pickett	Vitali
Colafella	Jadlowiec	Pippy	Walko
Coleman	James	Pistella	Wansacz
Cornell	Josephs	Preston	Washington
Corrigan	Kaiser	Raymond	Waters
Costa	Keller	Readshaw	Watson
Coy	Kenney	Reinard	Williams, C.
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright
Dally	Lederer	Ross	Yewcic
DeLuca	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maher		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Cappabianca Roberts

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

### BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

**HB 508, PN 546** By Rep. BARLEY

An Act providing for oversight and review of capital projects; establishing the Capital Projects Oversight Board and providing for its powers and duties.

APPROPRIATIONS.

**SB 628, PN 611** By Rep. BARLEY

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

APPROPRIATIONS.

**SB 629, PN 612** By Rep. BARLEY

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

APPROPRIATIONS.

**SB 630, PN 613**

By Rep. BARLEY

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

APPROPRIATIONS.

**SB 631, PN 614**

By Rep. BARLEY

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2001, to June 30, 2002, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2001.

APPROPRIATIONS.

**SB 632, PN 615**

By Rep. BARLEY

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2001, to June 30, 2002, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2001.

APPROPRIATIONS.

**SB 633, PN 616**

By Rep. BARLEY

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2001, to June 30, 2002, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2001.

APPROPRIATIONS.

**SB 634, PN 841**

By Rep. BARLEY

An Act providing for the capital budget for the fiscal year 2001-2002.

APPROPRIATIONS.

### BILLS REREPORTED FROM COMMITTEE

**HB 4, PN 1751**

By Rep. BARLEY

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

APPROPRIATIONS.

**HB 19, PN 1303**

By Rep. BARLEY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for continuing professional development; and directing school districts to

establish policies regarding student possession and self-administration of certain asthma medications.

#### APPROPRIATIONS.

**HB 66, PN 51**

By Rep. BARLEY

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

#### APPROPRIATIONS.

**HB 92, PN 77**

By Rep. BARLEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding a definition; and further providing for pedalcycle helmets.

#### APPROPRIATIONS.

**HB 212, PN 199**

By Rep. BARLEY

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the time periods of permits.

#### APPROPRIATIONS.

**HB 344, PN 361**

By Rep. BARLEY

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

#### APPROPRIATIONS.

**HB 417, PN 1513**

By Rep. BARLEY

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

#### APPROPRIATIONS.

**HB 494, PN 981**

By Rep. BARLEY

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, providing for appropriations to conservation districts.

#### APPROPRIATIONS.

**HB 495, PN 533**

By Rep. BARLEY

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, providing for appropriations to conservation districts.

#### APPROPRIATIONS.

**HB 732, PN 816**

By Rep. BARLEY

An Act regulating the closure of State-operated mental health facilities; and providing remedies.

#### APPROPRIATIONS.

**HB 815, PN 1512**

By Rep. BARLEY

An Act amending Title 1 (General Provisions) of the Pennsylvania Consolidated Statutes, further providing for notice for local or special legislation.

#### APPROPRIATIONS.

**HB 1094, PN 1477**

By Rep. BARLEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for emission inspections and removing provisions relating to certain settlements.

#### APPROPRIATIONS.

**HB 1110, PN 1286**

By Rep. BARLEY

An Act regulating religious child-care facilities; providing for the powers and duties of the Department of Public Welfare; and imposing penalties.

#### APPROPRIATIONS.

### SUPPLEMENTAL CALENDAR C

### BILLS ON THIRD CONSIDERATION

#### BILL PASSED OVER

The SPEAKER pro tempore. Turning to supplemental calendar C, HB 948, PN 1067, is over for today.

\* \* \*

The House proceeded to third consideration of **HB 4, PN 444**, entitled:

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

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

Mr. FRANKEL offered the following amendment No. **A0739**:

Amend Sec. 3, page 3, line 5, by inserting after "stability."  
The application shall also include an explanation of how the multipurpose service center will coordinate with the local Team Pennsylvania Career Link Center under the direction of the Department of Labor and Industry, or similar successor to such a center, in order to enhance services to clients and avoid duplication.

Amend Sec. 8, page 5, line 29, by removing the period after "2001" and inserting  
or immediately, whichever is later.

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

The following roll call was recorded:

## YEAS-200

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhatten	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Vance
Cohen, L. I.	Horse	Phillips	Veon
Cohen, M.	Hutchinson	Pickett	Vitali
Colafella	Jadlowiec	Pippy	Walko
Coleman	James	Pistella	Wansacz
Cornell	Josephs	Preston	Washington
Corrigan	Kaiser	Raymond	Waters
Costa	Keller	Readshaw	Watson
Coy	Kenney	Reinard	Williams, C.
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright
Dally	Lederer	Ross	Yewcic
DeLuca	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maher		Speaker

## NAYS-0

## NOT VOTING-0

## EXCUSED-2

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

On the question,

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

Mr. GEORGE offered the following amendment No. A1657:

Amend Sec. 5, page 5, line 14, by inserting after "centers" in rural, urban and suburban regions of this Commonwealth

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

## YEAS-200

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhatten	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Vance
Cohen, L. I.	Horse	Phillips	Veon
Cohen, M.	Hutchinson	Pickett	Vitali
Colafella	Jadlowiec	Pippy	Walko
Coleman	James	Pistella	Wansacz
Cornell	Josephs	Preston	Washington
Corrigan	Kaiser	Raymond	Waters
Costa	Keller	Readshaw	Watson
Coy	Kenney	Reinard	Williams, C.
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright
Dally	Lederer	Ross	Yewcic
DeLuca	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maher		Speaker

## NAYS-0

## NOT VOTING-0

## EXCUSED-2

Cappabianca	Roberts
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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?

### REMARKS SUBMITTED FOR THE RECORD

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

Mr. Speaker, I would like to make a few brief comments on HB 4.

The legislation will provide statutory provisions to help continue the New Choices/New Options program in the Commonwealth.

The New Choices/New Options program specially focuses on transitioning displaced homemakers and single-parent mothers into the workforce.

The New Choices/New Options program is a very effective and efficient program that has moved thousands of displaced homemakers and single-parent mothers from dependency and welfare to economic security, by giving them the confidence and important job skills necessary to obtain long-term, good-paying jobs.

This program definitely provides a hand up, not a hand out — and it saves the taxpayers money.

I am proud to be the prime sponsor of this legislation, and I am pleased that 112 members of this House have demonstrated their support for the New Choices/New Options program and this legislation by signing on as a cosponsor of this bill.

Mr. Speaker, I ask my colleagues for a strong affirmative vote on this legislation.

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—200

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Steil
Bebko-Jones	Gabig	McIlhatten	Stern
Belardi	Gannon	McIlhinney	Stetler
Belfanti	Geist	McNaughton	Stevenson, R.
Benninghoff	George	Melio	Stevenson, T.
Birmelin	Godshall	Metcalfe	Strittmatter
Bishop	Gordner	Michlovic	Sturla
Blaum	Grucela	Micozzie	Surra
Boyes	Gruitza	Miller, R.	Tangretti
Browne	Habay	Miller, S.	
Bunt	Haluska	Mundy	

Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Vance
Cohen, L. I.	Horse	Phillips	Veon
Cohen, M.	Hutchinson	Pickett	Vitali
Colafella	Jadlowiec	Pippy	Walko
Coleman	James	Pistella	Wansacz
Cornell	Josephs	Preston	Washington
Corrigan	Kaiser	Raymond	Waters
Costa	Keller	Readshaw	Watson
Coy	Kenney	Reinard	Williams, C.
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnarowski
Daley	Lawless	Rooney	Wright
Dally	Lederer	Ross	Yewcic
DeLuca	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maher		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Cappabianca

Roberts

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

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

\* \* \*

The House proceeded to third consideration of **HB 417, PN 1513**, entitled:

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

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:

(Members proceeded to vote.)



## VOTE STRICKEN

The SPEAKER pro tempore. Strike the vote, please.  
Does the lady wish to be recognized on final passage?

Mrs. FORCIER. Yes, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the lady, Mrs. Forcier.

Mrs. FORCIER. Thank you, Madam Speaker.

I rise in support of the Bard bill.

In no uncertain terms, this bill says to criminals, if you use a gun while selling drugs, you are going to be put in jail and kept in jail. No more slaps on the wrist; no more revolving door in the prisons. This bill has some teeth. Society is getting tired of playing games with these thugs.

I am not sure if some of these drug pushers are good at math, but this might be a new formula that gets their attention: Guns plus selling drugs equals 5 years in jail. That is 5 years; 60 months; 1,826 1/4 days. During that 5 years, these crooks will not be out selling dope in the schoolyard, killing innocent people in drive-by shootings, causing the mayhem that results from the criminal misuse of firearms. As a matter of fact, I would like to see this bill receive unanimous approval. If the bad guys use guns, then let us lock them up. Who could be opposed to that?

This is a true example of commonsense firearms safety legislation, and I am asking my colleagues on both sides of the aisle to support this. Thank you, Madam Speaker.

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

Mr. STURLA. Thank you, Madam Speaker.

Madam Speaker, I rise in support of the Bard legislation.

This is legislation that I have received contact from my local district attorney and my local law enforcement officials on this. We have been having problems getting some of these gun crimes prosecuted in the Federal courts, and we think this would be a great tool that we could use to send the message to those that commit crimes with guns and drugs that we do not want that going on on our streets, and I wholeheartedly support this legislation and urge every member to support it also.

Thank you, Madam Speaker.

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Madam Speaker.

Madam Speaker, I rise in support of HB 417.

I also rise to thank not the last speaker but the original speaker for her comments as to the impact of this legislation and the message that it is sending, and I look forward to the speaker joining me and others to take additional steps to get these guns out of the hands of people who should not have them and people who should not be in possession of them and should not be using other people as instruments of their criminal behavior.

So, Madam Speaker, I want to thank the original speaker for her comments, and I look forward to her future support. Thank you.

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Madam Speaker.

Will the maker of the bill stand for brief interrogation?

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

Mr. VITALI. How does this change existing law? I know that with regard to certain gun possession charges there was a 5-year minimum mandatory. What is the key change here?

Ms. BARD. Thank you, Madam Speaker.

Pennsylvania law currently provides a 5-year mandatory sentence for crimes of violence where the criminal possesses a firearm. This legislation would expand this law to also include drug trafficking.

Mr. VITALI. Okay. Under current law— I am still not clear on that, because under current law you do get 5 years for committing a crime with a gun, but when you say it includes drug trafficking, that confuses me a bit.

Ms. BARD. This would extend it so that persons convicted of the Controlled Substance, Drug, Device and Cosmetic Act, 3578-101 makes it unlawful to manufacture, deliver, or possess with intent to deliver a controlled substance. Anyone convicted of that section of the code would be subject if possessing a firearm to a mandatory 5-year sentence.

Mr. VITALI. Okay. There is some language in the summary which I guess I want to clarify. Is one of the changes here the requirement that not only does the 5-year penalty come in if you possess a gun— No, there is language here that talks about close proximity. Does that mean you can be convicted of this if you are in close proximity to the gun or close proximity to the drugs but not in actual possession?

Ms. BARD. Madam Speaker, the language of the bill says specifically, "...when at the time of the offense, the person or the person's accomplice is in physical possession or control of a firearm or replica firearm, whether VISIBLE, concealed about the person or the person's accomplice or within the actor's or accomplice's reach OR IN CLOSE PROXIMITY TO THE CONTROLLED SUBSTANCE, shall likewise be sentenced to a minimum sentence of at least five years of total confinement.

Madam Speaker, at a hearing conducted in Lancaster City, there was testified by one of the expert witnesses from the narcotics division of the Philadelphia District Attorney's Office that drug rings will employ several people while they are carrying out their offense. One person, for example, could be in possession of the gun, another in possession of the drugs, and a third who is kind of an enforcer. Under this legislation, all three, if convicted — if convicted — of drug trafficking violations, would be subject to the mandatory minimum sentences because of the possession of the gun where the crime is taking place.

Mr. VITALI. So the difference is we are expanding it so you do not have to have possession of the gun to get the 5 years. Is that one of the changes here?

Ms. BARD. If the person is convicted of drug trafficking and the gun is visible and present at the scene of the crime, that is correct.

Mr. VITALI. Okay.

Ms. BARD. Those who are convicted as criminals would be subject to a mandatory 5-year minimum sentence.

Mr. VITALI. Okay. Thank you, Madam Speaker.

That concludes my interrogation. I would like to speak on the bill.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. VITALI. Thank you, Madam Speaker.

I rise in opposition to the bill, and I have no doubt this will pass overwhelmingly and I may even be the only negative vote, but I think the key principle here is the policy of mandatory sentencing, which I, frankly, think is wrong, and I want to alert

at least some other members who I know have an opposition to that issue, and the reason is this: Drug trafficking is a heinous offense, and for the overwhelming majority of people who traffic drugs, you should put them away for a long time, because I know how it just destroys lives of kids and it is just an evil, and most of them deserve no sympathy at all. But having worked in the criminal justice system, having done criminal defense work, I know that each case is different, and the problem with mandatory sentencing is it sets out this net to capture the heinous, and in most cases it does, but sometimes the hapless are also captured in that net. You can create and imagine scenarios where someone who in fact does meet the definition of this, but through a set of circumstances really does not deserve 5 years in jail, will have to serve that, because the judge will not have discretion.

We elect judges to do justice, and that is what we should expect from them. When you require mandatory sentencing, you are taking the power away from them to do justice, and I think without belaboring the point any more, I think that as a general rule, mandatory sentencing is the wrong way to go. And I will not get involved in the arguments about overcrowding of prisons and the costs of incarceration, but in my view, mandatory sentencing is the wrong way to go, and for that reason I will be a negative vote. Thank you.

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

Mr. GODSHALL. Thank you, Madam Speaker.

I just heard what the gentleman before me had to say pertaining to this legislation, and first of all, I would like to comment on that.

There was recently a violent crime committed in Philadelphia, and as the Philadelphia Inquirer reported, the man who committed that crime had 50 previous violations and was out on the street — 50 previous violations and was out on the street. So maybe there is a need for mandatories on occasion.

Simply what this bill does, the previous legislation that we had passed in the Uniform Firearms Act dealt with violent crime. It said that if you commit a crime with a gun, a visible gun, and/or a facsimile of the same, meaning a toy gun, you get 5 years in prison. This legislation here deals with the intent to deliver drugs, which is not classified as a violent crime, and therefore, it did not come under the previous act. What this bill does is puts the delivering of drugs in the same category as a violent crime. You get the same penalty — 5 years in jail — and that is what it should be.

I ask for your support.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster County, Mr. Armstrong.

Mr. ARMSTRONG. I would like to interrogate the maker of the legislation, please.

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

Mr. ARMSTRONG. Thank you.

I am a little in a quandary with this bill at this point. I have actually cosponsored the bill but began to rethink and look at some issues that are affected. Maybe they are side issues, but I would like to get some answers to some of those issues so I know exactly where I am going to vote.

So I would like to ask at this point of the maker, if a parent's car is being used in the commission of a crime and the parents have a gun in the car, the child either does not know it or maybe

they know but they forget about it, but they are going to use the car to traffic drugs; they get then subsequently arrested and convicted of the trafficking of drugs. Because the gun was in the car, whether they knew about it or not, would they run the risk of realizing the 5-year minimum sentence?

Ms. BARD. First of all, the child would not be licensed to possess a firearm, so he probably would not know that it was in the car. If he did know that it was in the car, he would be in violation because he would not be licensed to carry that gun. Secondly, we are talking about drug traffickers. A person has to be convicted of drug trafficking prior to this mandatory minimum being an option.

Testimony at the hearing in Lancaster repeatedly emphasized the fact that our streets and our neighborhoods are being terrorized by drug traffickers. We need to take steps to take our streets and neighborhoods back and make them safe. Guns and drugs are inextricably linked right now and cause innocent bystanders to be caught in the crossfire of these different gang wars. This legislation is the first step to break that link and make this a safe Commonwealth again.

The specific cases will be decided in court, and certainly the specifics of individual cases are something that would be hypothetical at this point in time. The point of this legislation is that if anyone is drug trafficking, if they possess a gun at the time of the offense, they will be subject to 5 years in jail. No ifs, ands, or buts about it; they will be off the streets, and the neighborhoods will be safe. The neighborhood groups at our hearing in Lancaster, the leaders testified this is what they need so that their streets and their neighborhoods can be safe.

Right now, it was testified by a neighborhood association in Lancaster City that right now, if a neighbor wants to give information so that the streets can be safe again, they cannot be assured that that criminal will be off the streets and will not just receive probation or will not just come right back out again. This gives them the assurance that if they put their safety at risk by testifying against someone who is dealing in drugs and making their neighborhood unsafe, if they do try to take their neighborhood back in that way, they will be protected by the help of this 5-year mandatory minimum sentence.

Mr. ARMSTRONG. So whether they knew about it or not being in the car and it was not to be used in the commission of a crime, they do run the risk of the mandatory minimum of 5 years.

Let me ask this — that is what I get off your answer — but let me also ask this question: What is the sentence for an individual who is convicted of trafficking of drugs for the first time?

Ms. BARD. It depends on the weight of the controlled substance. That can vary. During the—

Mr. ARMSTRONG. Madam Speaker, if it is that the mandatory is 5 years because of a gun, it does not matter what the amount of the substance is. So if you take the minimum amount of the substance, what would be the sentence for that? Let us say of marijuana.

Ms. BARD. I will quote from the district attorney of Lancaster City, Donald Totaro's testimony before the House Judiciary Committee. He says, "The current penalty for a drug dealer who possesses a firearm is completely inadequate. While these defendants are among the most dangerous predators on our streets, an armed drug dealer who happens to possess less than two grams of cocaine at the time of arrest may be

looking at a county sentence. Without a mandatory minimum sentence, that armed drug dealer may be looking at probation.

"In order to remove violent offenders from our streets, and to serve as a deterrent to others, the legislature must take an important first step...." and this is why this legislation is supported unanimously by the District Attorneys Association, supported very strongly by our State Attorney General, and also by the Fraternal Order of Police.

Mr. ARMSTRONG. Madam Speaker, I guess I am done with the questioning because I am really not getting answers, and I would like to finish up with a statement.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. ARMSTRONG. Okay. The issue here that I want to raise is not so much the issue of committing a crime with a gun; that is wrong, and I have no problem voting on a bill with a minimum mandatory for 5 years if you are committing the crime with a gun. If you are not committing it with a gun, there is a very strong possibility you are going to get a lesser sentence and maybe even, especially maybe in a first-time offense, having the opportunity to redeem yourself and turn your life around. There are people who do that.

Because of that, I am really in a quandary here, and I am actually at the point, at this point, of voting "no" on the bill, because for the past several months I have taken a look at the hard facts of what mandatories do. Mandatories do punish minorities and low-income people at unfair rates to whites, and I think that is an issue that we need to address before we start throwing another mandatory on top, especially when we have the ability or it has the risk of bringing in people whom we do not have the intention to punish to that degree. So I would ask for all the members to reflect upon this as to what we are doing with mandatories.

I would like, and I have voted on them many times before, but I would like for us to take a step back and realize what we are doing. We are taking the power away from the judges. The judges are elected by the people to be able to impose the laws in what they would see as fair from one criminal to the next criminal. But to put everybody in a particular box I think is wrong, and because of that I am going to vote "no" for this bill and I am going to think, secondly, about any further mandatories.

Thank you, Madam Speaker.

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Beaver County, Mr. Colafella.

Mr. COLAFELLA. Thank you, Madam Speaker.

Madam Speaker, may I interrogate the maker of the bill, please?

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

Mr. COLAFELLA. Madam Speaker, let us assume that a college student decides to borrow his fraternity brother's car, and his fraternity brother happened to have a gun in the glove compartment which he does not know anything about. But he happens to have a little bit of marijuana with him, and he is driving down the road; a cop pulls him over and cites him for having a little marijuana in the car and finds also that there is a gun in the glove compartment. Will that person receive a 5-year mandatory sentence?

Ms. BARD. No; he has to be drug trafficking. He has to have been proven to have violated the Controlled Substances Act and

be a drug trafficker. It is selling. He has to be convicted of selling drugs—

Mr. COLAFELLA. So, Madam Speaker, let me make sure I understand this.

Ms. BARD. —or possession with intent to deliver.

Mr. COLAFELLA. This young person who is driving this car will not receive a 5-year sentence because he was never convicted in the past of drug trafficking. Is that right?

Ms. BARD. He has to be convicted of drug trafficking, which assumes that he is going to know that there is a gun in the car in order to have this 5-year mandatory minimum apply; and secondly, he has to have a quantity of the substance that would allow for drug trafficking.

Again, we can talk about all kinds of hypothetical cases. Those would be decided in court. This law is an extension of current law in Pennsylvania which provides for mandatory minimums where there is a gun in the possession of the criminal at the crime. The purpose of this extension of the law to include drug trafficking is to take guns out of the hands of these violent criminals that terrorize neighborhoods. This is very simple and straightforward legislation.

Mr. COLAFELLA. Madam Speaker, let me ask another question.

Let us assume a college student has a lot of marijuana in the car, okay? He has 50 pounds of marijuana in the car. He has never been convicted of anything before, and there is a gun in the car. Can he be convicted and given 5 years imprisonment?

Ms. BARD. I believe that we said already that he has to know that the gun is there to possess it.

Mr. COLAFELLA. Well, Madam Speaker—

Ms. BARD. If he is not in possession of it, then he is not a candidate for application of the 5-year mandatory minimum.

Mr. COLAFELLA. Madam Speaker, may I speak on the bill?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. COLAFELLA. Madam Speaker, whenever people are found to have a gun or marijuana, they always state that they did not know there was a gun in the car, they will always state that they really did not know there were drugs in the car, and so on. I mean, specifically what your legislation does, it really mandates that any person who has a controlled substance with them and has a firearm with them can be accused of drug trafficking. I mean, how can you accuse someone of drug trafficking or not accuse them of drug trafficking? They will always deny that they have been trafficking drugs.

I have voted for a lot of mandatory sentencing before, but I have got some serious problems with mandatory sentencing, and I will give you a good example of what just happened the other day. A person in California was accused of using Tiger Woods' name and got \$17,000 out of the deal. Because of the "three strikes and out," this person has been sentenced to life imprisonment because of that mandated sentence. Now, that is absolutely ridiculous to have been accused of somehow getting \$17,000 off a golfer's name and being given life imprisonment.

I think, Madam Speaker, that the maker of this bill is very well intended, but I think what you are doing is you are robbing the opportunity of a judge to make a decision on looking at an entire case. You cannot make a decision on whether a person has marijuana or heroin in the car as to whether he is a drug trafficker or whether he is just a drug user; it is impossible,

because the person will always deny that he has actually trafficked drugs before.

For those reasons, Madam Speaker, I will vote "no" on this particular bill, because I think what it does, it takes away discretionary powers from the judge, and I think this is wrong, and you are going to penalize people who should not be given 5-year mandatory sentences.

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

Mr. BLAUM. Thank you, Madam Speaker.

Madam Speaker, I rise in support of the legislation, and I do not know that it is being delivered in an accurate way to the members of the General Assembly here.

What this bill does, we already have mandatory sentences for serious crimes committed with the possession of a handgun or any kind of gun. What has happened is that the perpetrators of these offenses, of these serious drug-dealing crimes, are not dummies and have found a way to get around that mandatory sentencing. In many cases it is something as simple as making sure that someone else who may not be doing the actual dealing is the person holding the weapon, to make sure that the fear that a gun imposes, the danger that a gun imposes, the criminality that the gun imposes is still present, but the person actually concluding the drug transaction is not in possession of the gun and therefore avoids the mandatory sentence. What this legislation does is merely reaffirm what the legislature did years ago in providing for the mandatory sentence in commission of these horrible drug cases with the use of a gun. They themselves, the actual deal maker, is the one who no longer — they figured it out — is the one holding the gun, and I think that a lot of the members who had questions, you know, I hope that this information might persuade them that indeed their vote is necessary on this bill.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Dermody.

Mr. DERMODY. Thank you, Madam Speaker.

Madam Speaker, I wonder if I would be able to interrogate the maker of the bill.

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

Mr. DERMODY. Thank you.

Madam Speaker, the question I have — just a couple of questions — in order for this mandatory to apply, you are saying that the person would have to be convicted of drug trafficking?

Ms. BARD. I am sorry. Could you repeat the question, and could we have order in the House, please?

Mr. DERMODY. In order for this—

The SPEAKER pro tempore. The lady— Would the gentleman cease a moment.

The lady is correct if she cannot hear the questions. Please could we have some order in the House.

Mr. DERMODY. In order for this mandatory sentence to apply, would the defendant or would the person have to be convicted of drug trafficking?

Ms. BARD. Yes; that is correct. There has to be a conviction of drug trafficking prior for the mandatory to be an option.

Mr. DERMODY. How would you define "accomplice" as it is used in your bill?

Ms. BARD. It would be a person that would also have to be convicted of drug trafficking.

Mr. DERMODY. Well, okay. You understand that you can be an accomplice to a crime and not be convicted or even charged with a crime.

Ms. BARD. I am sorry. Could you repeat the question?

Mr. DERMODY. My concern is that you can be an accomplice to a crime and you can be an accomplice to a series of events without even being charged with a crime or convicted of a crime. Your bill says that if you are an accomplice to this crime and you are near a firearm, and you can be driving a car and be an accomplice, and if you are near a firearm, you can be convicted or sentenced to 5 years. Is that your intention?

Ms. BARD. If you are an accomplice to the delivery of drugs and the drug sale is being made, this is drug trafficking, and therefore, yes. If you are found to be guilty of that, you would be subject to the mandatory if the judge would make that conclusion.

Mr. DERMODY. So the accomplice would have to be charged and convicted of trafficking drugs. Correct?

Ms. BARD. Would have to be convicted of being an accomplice to the drug trafficking.

Mr. DERMODY. All right. Thank you, Madam Speaker.

The SPEAKER pro tempore. The gentleman from Delaware County, Mr. Vitali, for the second time.

Mr. VITALI. Would the lady stand for interrogation, Madam Speaker?

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

Mr. VITALI. Just a couple of questions. One, I am looking at the act now, and what you are referring to, at least in part, is section 13(a)(30). You keep using the term "trafficking." Is that the subsection that deals with selling, because when I think of trafficking, I think of organized crime; I think of syndicates. Is 13(a)(30) simply selling?

Ms. BARD. That includes delivery, manufacture, or possession with intent to deliver.

Mr. VITALI. Right. So if a freelance college kid was selling drugs, this is what we are talking about, too. I mean, I do not want the impression to be left that trafficking implies some large enterprise involving underworld figures. So this could be simple selling by a college kid to trigger this.

Ms. BARD. Yes; if you are selling a controlled substance.

Mr. VITALI. Okay. Now, my next question is, and as I read this act, if you are selling and someone whom you are selling with has either a gun or even a nonreplica, a nonfunctional replica of a gun, you get the 5 years. Is that right?

Ms. BARD. Yes; that is correct.

Mr. VITALI. Okay. Do you have to know your buddy has this gun or this nonfunctional gun for you to get the 5 years, because I do not read that in the statute anywhere.

Ms. BARD. The drug dealer or his accomplice needs to be judged by the judiciary to be possessing the gun.

Mr. VITALI. No; but that is not my question. My question is, if you are not the one who has either the gun or the replica of the gun and your buddy has it, in order for you to get the 5 years, do you have to know your buddy has it?

Ms. BARD. That would be decided by the judge in court and by—

Mr. VITALI. What do you mean? I mean, what does the law say? I am not sure that is— I am looking at the language of this act, and I am trying to figure out whether there is a requirement that you have to know your coconspirator or cocrime-committor

had the gun, because as I am reading it, there is no requirement there.

Ms. BARD. The judge or the jury would have to determine that the gun was in the presence of the crime and that the accomplice or the person possessing the drugs would have access to that gun.

Mr. VITALI. But the issue is not— The issue I am asking is knowledge. The issue I am asking is, there are two—

Ms. BARD. And that would have— Excuse me. That would have to be determined by the judge and the jury.

Mr. VITALI. And what standard would they use? Is knowledge of the gun an element of this offense?

Ms. BARD. A person is responsible for all of the acts that are committed by the accomplice.

Mr. VITALI. Okay. Thank you, Madam Speaker.

I would just like to make argument on this.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. VITALI. I am not an expert, but as I read this, I can see a scenario where you have two college kids selling. One of them has a replica of a gun in his possession; the other college student does not know about that. They are convicted, have to do 5 years according to this — have to do 5 years — and that concerns me because, listen, they should be punished a lot, but it seems to me you are creating a net here that could capture someone and give them 5 years who you do not want to. I do not see knowledge as an element here. I do not even see a functional gun, and that is a pretty scary thing where you have to do 5 years and you do not even know there is a gun around. So I am going to vote “no,” and I would ask you to think about it.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tioga County, Mr. Baker.

Mr. BAKER. Thank you, Madam Speaker.

I strongly rise to support this legislation. Quite frankly, I am surprised that we have this kind of debate and discussion, because this is a felony drug-possession issue. Many of my constituents would probably like to see a 5-year minimum for that offense alone, let alone combine that with the firearm-possession violation as well.

This just makes common sense. The Attorney General supports this very strongly, as do the district attorneys across the Commonwealth and for some very valid reasons. Many of our criminals convicted of these violations are getting nothing more than probation; they are not getting any prison sentence, and it just seems to me from a commonsense standpoint that we will put these people away for at least a 5-year sentence when they combine both their felony drug-possession violation with a firearms violation.

I suspect that most of our constituents would support this legislation, and, Madam Speaker, I strongly support this legislation and encourage members on both sides to please think this through before casting this vote. Let us send a strong message. I really do believe it is a potential deterrent for some of these criminals if there is a 5-year minimum sentence.

Thank you very much.

### PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton, Mr. Grucela, on the question.

Mr. GRUCELA. Thank you, Madam Speaker.

Madam Speaker, as I listen to the debate here, there seem to be a lot of unanswered questions and a lot of confusing things that could occur in certain circumstances. I was wondering if a motion to table would be in order?

The SPEAKER pro tempore. It is in order. Is the gentleman making that motion or would you like to make that motion?

Mr. GRUCELA. Yes, Madam Speaker. Thank you.

### MOTION TO TABLE

Mr. GRUCELA. If that motion is in order, I just believe that given all the questions that have arisen here and some of the answers and some of the confusion with this—

The SPEAKER pro tempore. Would you please cease.

Mr. GRUCELA. Yes.

The SPEAKER pro tempore. On the motion to table, it is not debatable by members unless you are speaking for the minority leader.

The gentleman, Mr. Grucela, may proceed if you are speaking for the minority leader.

Mr. GRUCELA. Thank you, Madam Speaker.

Again, I simply believe that given the various scenarios and questions that have been raised here, I believe for the benefit of the members it would be in order to further study this, and I move to table. Thank you.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. On the question of tabling, the Chair recognizes the majority whip, Mr. Smith.

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

Madam Speaker, there may be differing opinions about whether this bill should pass or not, but certainly it has been thoroughly debated, and I would urge a “no” vote on the motion to table.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

### YEAS—67

Armstrong	Evans, D.	Lucyk	Santoni
Baker, J.	Frankel	Manderino	Scrimenti
Belardi	Freeman	Markosek	Shaner
Belfanti	George	Mayernik	Steelman
Butkovitz	Gordner	McCall	Stetler
Caltagirone	Grucela	McGehean	Surra
Cohen, M.	Gruitza	Michlovic	Thomas
Colafella	Haluska	Mundy	Travaglio
Corrigan	Hanna	Oliver	Trello
Costa	Harhai	Pallone	Veon
Curry	Josephs	Petrone	Vitali
Daley	Kaiser	Pistella	Walko
Dermody	Kirkland	Preston	Wansacz
DeWeese	Laughlin	Rieger	Waters
Diven	Lederer	Robinson	Williams, C.
Donatucci	Lescovitz	Roebuck	Williams, J.
Eachus	Levdansky	Rooney	

## NAYS—132

Adolph	Evans, J.	Mann	Semmel
Allen	Fairchild	Marsico	Smith, B.
Argall	Feese	McGill	Smith, S. H.
Baker, M.	Fichter	McIlhatten	Solobay
Bard	Fleagle	McIlhinney	Staback
Barley	Flick	McNaughton	Stairs
Barrar	Forcier	Melio	Steil
Bastian	Gabig	Metcalfe	Stern
Bebko-Jones	Gannon	Micozzie	Stevenson, R.
Benninghoff	Geist	Miller, R.	Stevenson, T.
Birmelin	Godshall	Miller, S.	Strittmatter
Bishop	Habay	Myers	Sturla
Blaum	Harhart	Nailor	Tangretti
Boyes	Harper	Nickol	Taylor, E. Z.
Browne	Hasay	O'Brien	Taylor, J.
Bunt	Hennessey	Perzel	Tigue
Buxton	Herman	Petrarca	Trich
Cappelli	Hershey	Phillips	Tulli
Casorio	Hess	Pickett	Vance
Cawley	Horsey	Pippy	Washington
Civera	Hutchinson	Raymond	Watson
Clark	Jadlowiec	Readshaw	Wilt
Clymer	Keller	Reinard	Wogan
Cohen, L. I.	Kenney	Rohrer	Wojnaroski
Coleman	Krebs	Ross	Wright
Cornell	LaGrotta	Rubley	Yewcic
Coy	Lawless	Ruffing	Youngblood
Creighton	Leh	Sainato	Yudichak
Cruz	Lewis	Samuelson	Zimmerman
Dailey	Lynch	Sather	Zug
Dally	Mackereth	Saylor	
DeLuca	Maher	Schroder	
DiGirolamo	Maitland	Schuler	Ryan, Speaker
Egolf	Major		

## NOT VOTING—1

James

## EXCUSED—2

Cappabianca Roberts

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

On the question recurring,  
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—177

Adolph	Fairchild	Maitland	Schroder
Allen	Feese	Major	Schuler
Argall	Fichter	Mann	Scrimenti
Baker, J.	Fleagle	Markosek	Semmel
Baker, M.	Flick	Marsico	Shaner
Bard	Forcier	Mayernik	Smith, B.
Barley	Frankel	McCall	Smith, S. H.
Barrar	Freeman	McGeehan	Solobay
Bastian	Gabig	McGill	Staback
Belardi	Gannon	McIlhatten	Stairs
Belfanti	Geist	McIlhinney	Steelman
Benninghoff	George	McNaughton	Steil
Birmelin	Godshall	Melio	Stern
Bishop	Gordner	Metcalfe	Stevenson, R.

Blaum	Grucela	Micozzie	Stevenson, T.
Boyes	Gruitza	Miller, R.	Strittmatter
Browne	Habay	Mundy	Sturla
Bunt	Haluska	Nailor	Surra
Butkovitz	Hanna	Nickol	Tangretti
Buxton	Harhart	O'Brien	Taylor, E. Z.
Caltagirone	Harper	Oliver	Taylor, J.
Cappelli	Hasay	Pallone	Thomas
Casorio	Hennessey	Perzel	Tigue
Cawley	Herman	Petrarca	Travaglio
Civera	Hershey	Petrone	Trello
Clark	Hess	Phillips	Trich
Clymer	Horsey	Pickett	Tulli
Cohen, L. I.	Hutchinson	Pippy	Vance
Coleman	Jadlowiec	Pistella	Walco
Cornell	Kaiser	Preston	Wansacz
Costa	Keller	Raymond	Watson
Coy	Kenney	Readshaw	Williams, C.
Creighton	Krebs	Reinard	Williams, J.
Dailey	LaGrotta	Rieger	Wilt
Daley	Laughlin	Roebuck	Wogan
Dally	Lawless	Rohrer	Wojnaroski
DeLuca	Lederer	Rooney	Wright
Dermody	Leh	Ross	Yewcic
DiGirolamo	Lescovitz	Rubley	Yudichak
Diven	Levdansky	Ruffing	Zimmerman
Donatucci	Lewis	Sainato	Zug
Eachus	Lucyk	Samuelson	
Egolf	Lynch	Santoni	
Evans, D.	Mackereth	Sather	Ryan, Speaker
Evans, J.	Maher	Saylor	

## NAYS—22

Armstrong	Curry	Manderino	Veon
Bebko-Jones	DeWeese	Michlovic	Vitali
Cohen, M.	Harhai	Myers	Washington
Colafella	James	Robinson	Waters
Corrigan	Josephs	Stetler	Youngblood
Cruz	Kirkland		

## NOT VOTING—1

Miller, S.

## EXCUSED—2

Cappabianca Roberts

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

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

\* \* \*

The House proceeded to third consideration of **HB 815, PN 1512**, entitled:

An Act amending Title 1 (General Provisions) of the Pennsylvania Consolidated Statutes, further providing for notice for local or special legislation.

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?

### VOTE CORRECTION

The SPEAKER pro tempore. For what purpose does the lady, Mrs. Miller, rise?

Mrs. MILLER. Madam Speaker, the last bill that we passed, my voting switch broke, and I would like to be recorded in the affirmative, and unfortunately, I believe my voting switch will be broken until it can be fixed unless it is a "nay" vote. So if I could have someone, you know, check it out for me, please, and until then, I am not sure; I would like the Chair's direction on how I am supposed to record my "yes" votes.

The SPEAKER pro tempore. If you would just stand up and indicate to us your vote, we will be looking for you. The Chair thanks the lady.

Mrs. MILLER. Thank you, Madam Speaker.

### CONSIDERATION OF HB 815 CONTINUED

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—196

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Mann	Scrimenti
Armstrong	Fichter	Markosek	Semmel
Baker, J.	Fleagle	Marsico	Shaner
Baker, M.	Flick	Mayermik	Smith, B.
Bard	Forcier	McCall	Smith, S. H.
Barley	Frankel	McGeehan	Solobay
Barrar	Freeman	McGill	Staback
Bastian	Gabig	McIlhattan	Stairs
Belardi	Gannon	McIlhinney	Steelman
Belfanti	Geist	McNaughton	Steil
Benninghoff	George	Melio	Stern
Birmelin	Godshall	Metcalfe	Stetler
Bishop	Gordner	Michlovic	Stevenson, R.
Blaum	Grucela	Micozzie	Stevenson, T.
Boyes	Gruitza	Miller, R.	Strittmatter
Browne	Habay	Miller, S.	Sturla
Bunt	Haluska	Mundy	Surra
Butkovitz	Hanna	Myers	Tangretti
Buxton	Harhai	Nailor	Taylor, E. Z.
Caltagirone	Harhart	Nickol	Taylor, J.
Cappelli	Harper	O'Brien	Thomas
Casorio	Hasay	Oliver	Tigue
Cawley	Hennessey	Pallone	Travaglio
Civera	Herman	Perzel	Trello
Clark	Hershey	Petrarca	Trich
Clymer	Hess	Petrone	Tulli
Cohen, L. I.	Horsey	Phillips	Vance
Cohen, M.	Hutchinson	Pickett	Veon
Colafella	Jadlowiec	Pippy	Vitali
Coleman	James	Pistella	Walko
Cornell	Josephs	Preston	Wansacz
Corrigan	Kaiser	Raymond	Washington
Costa	Keller	Readshaw	Waters
Coy	Kenney	Reinard	Watson
Creighton	Kirkland	Rieger	Williams, C.
Curry	Krebs	Robinson	Williams, J.
Dailey	LaGrotta	Roebuck	Wilt

Daley	Laughlin	Rohrer	Wogan
Dally	Lawless	Rooney	Wojnaroski
DeLuca	Lederer	Ross	Wright
Dermody	Leh	Rubley	Yewcic
DeWeese	Lescovitz	Ruffing	Yudichak
DiGirolamo	Levdansky	Sainato	Zimmerman
Diven	Lewis	Samuelson	Zug
Donatucci	Lucyk	Santoni	
Eachus	Lynch	Sather	
Egolf	Mackereth	Saylor	Ryan,
Evans, D.	Maher		Speaker

#### NAYS—2

Cruz Youngblood

#### NOT VOTING—2

Bebko-Jones Manderino

#### EXCUSED—2

Cappabianca Roberts

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

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

### CALENDAR CONTINUED

#### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 237, PN 774**, entitled:

An Act providing for unannounced inspections of certain facilities and persons that provide child day care; and conferring powers and duties on the Department of Public Welfare.

On the question,

Will the House agree to the bill on third consideration?

Ms. WASHINGTON offered the following amendment No. **A0469**:

Amend Sec. 3, page 3, line 8, by striking out "15%" and inserting 25%

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the lady from Philadelphia, Ms. Washington.

Ms. WASHINGTON. Thank you, Madam Speaker.

Madam Speaker, I rise to ask my colleagues on both sides of the aisle to support my amendment. My amendment requires the Department of Public Welfare to annually inspect at least 25 percent of all family day-care homes. Currently, there are 3,860 registered family day-care homes in our State. However,



the Department of Public Welfare as currently written does not require the department to inspect those homes annually. The department is authorized to inspect—

The SPEAKER pro tempore. Would the lady please suspend for just a moment. I apologize.

### BILL PASSED OVER

The SPEAKER pro tempore. Without objection, this bill will be over for today.

\*\*\*

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

The House proceeded to third consideration of **HB 519, PN 562**, entitled:

An Act providing for production of child day-care certification and licensing documents; requiring child day-care personnel to provide criminal and child abuse history information; and conferring powers and duties on the Department of Public Welfare.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. The Chair recognizes the gentleman, Mr. Blaum, who offers the following amendment, which the clerk will read.

The gentleman will yield.

### BILL PASSED OVER

The SPEAKER. Without objection, HB 519 is over.

\*\*\*

The House proceeded to third consideration of **HB 227, PN 1074**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the definition of "offensive weapons," for use or possession of electric or electronic incapacitation devices, for penalties, for aggravated assault and for use of tear or noxious gas in labor disputes; imposing a penalty; and making an editorial change.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George, who I am told has four amendments. Do you have any preference on the order that they are reviewed?

Mr. GEORGE. If you will, Mr. Speaker, A1531, if we can go first with that.

The SPEAKER. The clerk will read the amendment.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. GEORGE offered the following amendment No. **A1531**:

Amend Sec. 3 (Sec. 2702), page 7, by inserting between lines 1 and 2

(33) An employee of the Department of Environmental Protection.

On the question,

Will the House agree to the amendment?

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

Mr. GEORGE. Mr. Speaker, public officials such as the DEP (Department of Environmental Protection) employees sometimes face situations where their personal safety is at risk, so these employees work hard to defend the Constitution and frequently deal with hazardous situations where tempers may flare and arguments may be brought around. So what this amendment does, Mr. Speaker, it adds the DEP employees to the list of public officials protected from harassment by persons while they are looking out for the rights of Pennsylvanians.

I believe we should agree with this amendment, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

### YEAS—200

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Vance
Cohen, L. I.	Horsey	Phillips	Veon
Cohen, M.	Hutchinson	Pickett	Vitali
Colafella	Jadlowiec	Pippy	Walko
Coleman	James	Pistella	Wansacz
Cornell	Josephs	Preston	Washington
Corrigan	Kaiser	Raymond	Waters
Costa	Keller	Readshaw	Watson
Coy	Kenney	Reinard	Williams, C.
Crighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski



Daley	Lawless	Rooney	Wright
Dally	Lederer	Ross	Yewcic
DeLuca	Leh	Rublely	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maher		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Cappabianca Roberts

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. The gentleman, Mr. George, would you give us the number of your second amendment?

Mr. GEORGE. 1553, if you will, Mr. Speaker.

The SPEAKER. The clerk will please read the amendment.

There apparently is no 1553.

Mr. GEORGE. I beg your pardon.

The SPEAKER. 33?

Mr. GEORGE. 33.

On the question recurring,

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

Mr. GEORGE offered the following amendment No. A1533:

Amend Title, page 1, line 6, by inserting after "disputes;" providing for reimbursement to Commonwealth for business relocation;

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

Section 4. Title 18 is amended by adding a section to read:

§ 4121. Reimbursement to Commonwealth for business relocation.

(a) Offense defined.—A person or business entity that receives Commonwealth funding for the creation of employment commits a misdemeanor of the first degree if that person or entity fails to repay the Commonwealth the full amount of the funding 60 days prior to relocation of any unit of the person's or entity's operation, in whole or in part, outside of this Commonwealth within a period of three years from receipt of the funding.

(b) Enforcement.—The Attorney General shall enforce the provisions of this section and shall take such actions as may be necessary to ascertain and investigate alleged violations of this section and to impose fines.

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

5

On the question,

Will the House agree to the amendment?

## GERMANENESS QUESTIONED

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

Mr. S. SMITH. Mr. Speaker, it is my opinion that this amendment is something that is more of a civil matter, and I do not believe that it really belongs, in my opinion, it does not belong in the Crimes Code and particularly in a bill that has to do with stun guns and lasers and other electronic weapons, and I would like to move that this amendment is not germane.

The SPEAKER. The gentleman, Mr. Smith, has raised the question of the germaneness of the amendment. Under rule 27, questions involving germaneness is a subject to be decided by the House.

On the question,

Will the House sustain the germaneness of the amendment?

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I am not going to be lengthy on this. I would not say that the gentleman, Mr. Smith, is not a legal scholar by any means, and he is my friend, but— Mr. Speaker, maybe they want to listen to what I say, Mr. Speaker; if not, I will sit down.

Yeah, it took you a long time to use that gavel.

The SPEAKER. I was thinking about the choice you offered.

Members, please. The conference in the aisle, please break up.

Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, the big problem, I think, many of us face, if you will, is that we keep reading where all of these companies that we put money in their hands to create employment, Mr. Speaker, none of us are islands. I have people that work in State College; I have people that work for C-COR in Tipton; I have people that work for Norfolk Southern in Altoona. So it does not matter where these companies are leaving Pennsylvania; they are putting my people out of work the same as Mr. Smith's or anybody, and all that this amendment does, Mr. Speaker, is say that if in fact you take money from Pennsylvania for the creative purpose of enhancement of the economy and manufacturing jobs, putting work in there for people, and you leave the State of Pennsylvania, you ought to be found guilty of taking money in under false pretense and under the term of "creating jobs," leaving our people unemployed, having the money in your pocket, and leaving. If that is unconstitutional, so be it, but I think it is constitutional, and I think that these people that make these judgments are just making them politically, and I would hope that your vote would be that we are tired, Mr. Speaker, of allowing these people to do this and to get out from under it by simply saying it is not constitutional.

I ask that we affirm this constitutionality.

## LEAVE OF ABSENCE

The SPEAKER. The Chair returns momentarily to leaves of absence and recognizes Mr. Smith, who asks that the gentleman, Mr. HENNESSEY, be placed on leave for the balance of

today's session. Without objection, leave is granted. The Chair hears no objection.

### CONSIDERATION OF HB 227 CONTINUED

The SPEAKER. Mr. Surra, on the question of germaneness.

Mr. SURRA. Mr. Speaker, anybody can speak on germaneness. Is that correct?

The SPEAKER. That is correct.

Mr. SURRA. Thank you.

Mr. Speaker, HB 227 is a Title 18 bill, Crimes and Offenses, and all Representative George intends to do is to make it a crime when a company would take tax dollars with the intent of creating jobs and the promise of creating jobs and then fail to do so. I mean, we just had hearings with Norfolk Southern, similar things; that is wrong. This is corporate welfare at its worst, Mr. Speaker, and I submit that it is germane. If someone collecting a welfare check is caught sweeping floors for \$5 an hour cash, we go after them with the full extent of the law. Why can we not go after a corporation then, Mr. Speaker, that takes our tax dollars with the promise of creating jobs and then fails to do so?

I submit that it is germane, and I ask for this Assembly's support. Thank you.

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

Mr. S. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, I think the gentleman from Clearfield stated the real case why this is not germane, and that is because these are contracts between the State and a company that essentially is promising to create jobs in Pennsylvania. There is a contract between these two entities. Therefore, given my limited knowledge of the law, as the gentleman alluded to, this is a civil matter and not one of a criminal nature, and I would again urge a vote that this amendment is not germane.

The SPEAKER. Mr. George.

Mr. GEORGE. Mr. Speaker, we will not belabor this. It is simply that those of us that live in the areas where we see these people leaving, leaving with their U-Hauls after we have given them money, and whether it is a contract that is signed by the individual company and somebody in the Governor's Office, it really does not mean anything. It means that somebody broke their word; somebody broke an agreement; somebody violated the premise, and therefore, whether it be civil or whatever the case may be, it is wrong. We are the General Assembly. We establish whether or not it is legal, whether it is germane, or whether it is constitutional.

So if we want to keep on letting it happen, as I did last week when I heard that C-COR is pulling out of Tyrone, Norfolk Southern is leaving Hollidaysburg, Cannondale in my area left after they had \$2 million, and Berg Electronics down in Huntingdon is thinking of laying off 150 people, if you want that to continue, then the best way to do it is follow Mr. Smith's regimentation and order and find it not germane. But I want to tell you, the people believe it is germane, and so should you.

The SPEAKER. Mr. Cohen. The question is germaneness.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the question here is not whether the current law makes this a criminal matter. The current law says it is a civil matter, but Mr. George wants it to be a criminal matter. Mr. George's amendment makes it a criminal matter. This is a

criminal code bill. Therefore, it is germane. I urge support of the motion of germaneness.

The SPEAKER. On the question of germaneness, those believing the amendment to be germane shall vote in the affirmative; those believing it to be not germane will vote in the negative.

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

#### YEAS—98

Bebko-Jones	Frankel	McCall	Solobay
Belardi	Freeman	McGeehan	Staback
Belfanti	George	Melio	Steelman
Bishop	Gordner	Michlovic	Stetler
Blaum	Gruclera	Mundy	Sturla
Butkovitz	Gruitza	Myers	Surra
Buxton	Haluska	Oliver	Tangretti
Caltagirone	Hanna	Pallone	Thomas
Casorio	Harhai	Petrarca	Tigue
Cawley	Horsey	Petrone	Travaglio
Cohen, M.	James	Pistella	Trello
Colafella	Josephs	Preston	Trich
Corrigan	Kaiser	Readshaw	Veon
Costa	Keller	Rieger	Vitali
Coy	Kirkland	Robinson	Walko
Cruz	LaGrotta	Roebuck	Wansacz
Curry	Laughlin	Rooney	Washington
Daley	Lederer	Ruffing	Waters
DeLuca	Lescovitz	Sainato	Williams, C.
Dermody	Levdansky	Samuelson	Williams, J.
DeWeese	Lucyk	Santoni	Wojnaroski
Diven	Manderino	Sather	Yewcic
Donatucci	Mann	Scrimenti	Youngblood
Eachus	Markosek	Shaner	Yudichak
Evans, D.	Mayernik		

#### NAYS—101

Adolph	Egolf	Lynch	Saylor
Allen	Evans, J.	Mackereth	Schroder
Argall	Fairchild	Maher	Schuler
Armstrong	Feese	Maitland	Semmel
Baker, J.	Fichter	Major	Smith, B.
Baker, M.	Fleagle	Marsico	Smith, S. H.
Bard	Flick	McGill	Stairs
Barley	Forcier	McIlhattan	Steil
Barrar	Gabig	McIlhinney	Stern
Bastian	Gannon	McNaughton	Stevenson, R.
Benninghoff	Geist	Metcalfe	Stevenson, T.
Birmelin	Godshall	Micozzie	Strittmatter
Boyes	Habay	Miller, R.	Taylor, E. Z.
Browne	Harhart	Miller, S.	Taylor, J.
Bunt	Harper	Nailor	Tulli
Cappelli	Hasay	Nickol	Vance
Civera	Herman	O'Brien	Watson
Clark	Hershey	Perzel	Wilt
Clymer	Hess	Phillips	Wogan
Cohen, L. I.	Hutchinson	Pickett	Wright
Coleman	Jadlowiec	Pippy	Zimmerman
Cornell	Kenney	Raymond	Zug
Creighton	Krebs	Reinard	
Dailey	Lawless	Rohrer	
Dally	Leh	Ross	Ryan,
DiGirolamo	Lewis	Rubley	Speaker

NOT VOTING—0

## EXCUSED—3

Cappabianca      Hennessy      Roberts

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

On the question recurring,

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

The SPEAKER. Mr. George, you have one more amendment, I believe?

Mr. GEORGE. No; unfortunately for the General Assembly, I have two more amendments, Mr. Speaker. In fact, Mr. Speaker, give me a little time.

The SPEAKER. The clerk will read the next amendment.

On the question recurring,

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

Mr. GEORGE offered the following amendment No. A1534:

Amend Title, page 1, line 6, by inserting after "disputes;" requiring compensation for unused liquefied propane gas;

Amend Bill, page 7, by inserting between lines 27 and 28 Section 4. 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. 4, page 7, line 28, by striking out "4" and inserting 5

On the question,

Will the House agree to the amendment?

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

Mr. GEORGE. Mr. Speaker, again, I am going to give the gentleman the chance to rule this as not being germane, as not really fitting into the Crimes Code. But I have got dozens of calls where people, you know, we just got a huge increase in our gas bills, a huge increase in our electric bills, a huge increase in our propane bills, and a dear old lady said to me, you know, I just filled my propane tank, and my son bought me an electric stove, and I called the company and they came and took the tank, and it was almost full and they did not credit me anything. Now, you know, Mr. Speaker, we all do not have to be experienced in propane or in small business, but, you know, I suspect all they do is they take that tank back and they put an

extra 5 or 6 pounds in it that was used and they sell it to you, Mr. Speaker, and they charge you the full price.

If Mr. Smith thinks this is not germane, tell his people to vote that way, because I believe it is not only germane, it is most necessary to give these people a message, a message that is loud and clear: Cut this out. Quit picking on these little people who have no one going to bat for them, only those individuals that put amendments in that are not supposed to be germane.

## GERMANENESS QUESTIONED

The SPEAKER. On the question, the Chair recognizes Mr. Smith.

Mr. S. SMITH. Thank you, Mr. Speaker.

I see we have already debated the germaneness of the issue before it was raised. However, in light of that, I still would urge the members to consider that this is another situation where there is basically a contract between two parties, making it very much a matter of civil proceeding, and would suggest to you that it does not belong in the Crimes Code and would urge the members to vote that this amendment is not germane.

The SPEAKER. The gentleman, Mr. Smith, raises the question of the germaneness of the amendment. Under the rules of the House, the House will determine whether or not it is germane.

Those who believe the amendment to be germane will vote in the affirmative; those believing it not to be germane will vote in the negative.

On the question,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

## YEAS—96

Bebko-Jones	Evans, D.	Markosek	Solobay
Belardi	Frankel	Mayernik	Staback
Belfanti	Freeman	McCall	Steelman
Bishop	George	McGeehan	Stetler
Blaum	Gordner	Melio	Sturla
Butkovitz	Grucela	Michlovic	Surra
Buxton	Gruitza	Mundy	Tangretti
Caltagirone	Haluska	Myers	Thomas
Casorio	Hanna	Oliver	Tigue
Cawley	Harhai	Pallone	Travaglio
Cohen, M.	Horsey	Petrarca	Trello
Colafella	James	Petrone	Trich
Corrigan	Josephs	Pistella	Veon
Costa	Kaiser	Readshaw	Vitali
Coy	Keller	Rieger	Walko
Cruz	Kirkland	Robinson	Wansacz
Curry	LaGrotta	Roebuck	Washington
Daley	Laughlin	Rooney	Waters
DeLuca	Lederer	Ruffing	Williams, C.
Dermody	Lescovitz	Sainato	Williams, J.
DeWeese	Levdansky	Samuelson	Wojnaroski
Diven	Lucyk	Santoni	Yewcic
Donatucci	Manderino	Scrimenti	Youngblood
Eachus	Mann	Shaner	Yudichak

## NAYS—102

Adolph	Egolf	Lynch	Sather
Allen	Evans, J.	Mackereth	Saylor
Argall	Fairchild	Maher	Schroder
Armstrong	Feese	Maitland	Schuler

Baker, J.	Fichter	Major	Semmel
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	McGill	Smith, S. H.
Barley	Forcier	McIlhattan	Stairs
Barrar	Gabig	McIlhinney	Steil
Bastian	Gannon	McNaughton	Stern
Benninghoff	Geist	Metcalf	Stevenson, R.
Birmelin	Godshall	Micozzie	Stevenson, T.
Boyes	Habay	Miller, R.	Strittmatter
Browne	Harhart	Miller, S.	Taylor, E. Z.
Bunt	Harper	Nailor	Taylor, J.
Cappelli	Hasay	Nickol	Tulli
Civera	Herman	O'Brien	Vance
Clark	Hershey	Perzel	Watson
Clymer	Hess	Phillips	Wilt
Cohen, L. I.	Hutchinson	Pickett	Wogan
Coleman	Jadlowiec	Pippy	Wright
Cornell	Kenney	Raymond	Zimmerman
Creighton	Krebs	Reinard	Zug
Dailey	Lawless	Rohrer	
Dally	Leh	Ross	Ryan,
DiGirolamo	Lewis	Rubley	Speaker

## NOT VOTING—1

Preston

## EXCUSED—3

Cappabianca Hennessey Roberts

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

On the question recurring,

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

The SPEAKER. The gentleman, Mr. George, has another amendment, I believe he said? What is the number of that, Mr. George?

Mr. GEORGE. I think the number of that is A1530.

The SPEAKER. Thank you.

The clerk will read the amendment.

Mr. GEORGE offered the following amendment No. A1530:

Amend Title, page 1, line 6, by inserting after "disputes;"  
defining the offense of service limiter misuse;

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

Section 4. Title 18 is amended by adding a section to read:

§ 7330. Service limiter misuse.

(a) Offense defined.—A person or electric utility commits the offense of service limiter misuse if it places a service limiter on a residential customer's electric meter rather than allowing the customer to enter into a reasonable payment arrangement if that customer is dependent upon electrically powered medical equipment as certified by the customer's primary care physician.

(b) Grading.—A person who violates this section commits a misdemeanor of the third degree and, upon conviction, shall be sentenced to pay a fine of \$1,000.

(c) Enforcement.—The Office of Attorney General shall enforce this section.

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

"Electric utility." Any person or corporation now or hereafter owning or operating in this Commonwealth equipment or facility for producing, generating, transmitting, distributing or furnishing electricity, including a rural electric cooperative, for the production of light, heat or power to or for the public for compensation.

"Service limiter." A circuit breaker device that limits a residential customer's power consumption to 15 amps at 120 volts or a level as determined by the electric utility and that either resets itself automatically or can be reset by the customer.

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

5

On the question,

Will the House agree to the amendment?

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

Mr. GEORGE. Mr. Speaker, maybe there are some that were not here when legislation was passed by this General Assembly taking the side of the unfortunate individual that for some reason could not meet their electricity bill head on, and so what we did in this General Assembly is we said, Mr. Speaker, that you dare not turn these people off from the month of November till March or whatever. So it was not only a humane, compassionate thing; it saved a lot of lives, Mr. Speaker.

And now, Mr. Speaker, I—

The SPEAKER. The conference taking place in the vicinity of the gentleman, Mr. George, please break up. The conferences on the floor, please. Members, take your seats.

Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker, for being so tolerant.

So, Mr. Speaker, I just read the other day where the administrative law judge at the PUC (Pennsylvania Utility Commission) said that a certain utility, even though they had signed a contract to mandate and uphold a rate cap for 10 years while at the same time we gave them \$50 million extra a year, the administrative law judge said just the day before yesterday, we are going to grant them \$3 billion more in the next 10 years.

It is a shame how difficult these utilities are having to make ends meet, but nevertheless, I want to remind them, they are violating the law that we had set into motion. We said, you will not turn these people off; you will furnish them their needed electricity, and now we find out that they are putting limiters on. Now, it is all right if you want to limit an individual enjoying a television program, but you should not put a limiter on where an individual needs a nebulizer or some other piece of machinery that needs to be operated by electrical power, and whether or not this is legal, I am insisting that it is not proper, it is not humane, and it is not the wishes of the General Assembly or we would not have passed the law saying you will not turn them off. We did not say you do not turn them off only a small part, we did not say you only have to furnish them a small part; we said you will not turn them off, and I am asking that we agree with this amendment.

### GERMANENESS QUESTIONED

The SPEAKER. The gentleman, Mr. Smith.

Mr. S. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, looking at the analysis of this amendment, it seems to me that much of what it deals with is something that is

controlled under the regulations of the PUC. Certainly they have their reasons for allowing limiters, and the various components of this amendment could be a part of that. I fail to see where it is germane to this Title 18 bill and would urge the members to vote the amendment not germane.

On the question,

Will the House sustain the germaneness of the amendment?

The SPEAKER. On the question, those believing the amendment to be germane will vote in the affirmative; those believing it not to be germane will vote in the negative.

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

#### YEAS—96

Bebko-Jones	Evans, D.	Mayernik	Solobay
Belardi	Frankel	McCall	Staback
Belfanti	Freeman	McGeehan	Steelman
Bishop	George	Melio	Stetler
Blaum	Gordner	Michlovic	Sturla
Butkovitz	Grucela	Mundy	Surra
Buxton	Gruitza	Myers	Tangretti
Caltagirone	Haluska	Oliver	Thomas
Casorio	Hanna	Pallone	Tigue
Cawley	Harhai	Petrarca	Travaglio
Cohen, M.	Horsey	Petrone	Trello
Colafella	James	Pistella	Trich
Corrigan	Josephs	Preston	Veon
Costa	Keller	Readshaw	Vitali
Coy	Kirkland	Rieger	Walko
Cruz	LaGrotta	Robinson	Wansacz
Curry	Laughlin	Roebuck	Washington
Daley	Lederer	Rooney	Waters
DeLuca	Lescovitz	Ruffing	Williams, C.
Dermody	Levdansky	Sainato	Williams, J.
DeWeese	Lucyk	Samuelson	Wojnarowski
Diven	Manderino	Santoni	Yewcic
Donatucci	Mann	Scrimenti	Youngblood
Eachus	Markosek	Shaner	Yudichak

#### NAYS—102

Adolph	Egolf	Lynch	Sather
Allen	Evans, J.	Mackereth	Saylor
Argall	Fairchild	Maher	Schroder
Armstrong	Feese	Maitland	Schuler
Baker, J.	Fichter	Major	Semmel
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	McGill	Smith, S. H.
Barley	Forcier	McIlhattan	Stairs
Barrar	Gabig	McIlhinney	Steil
Bastian	Gannon	McNaughton	Stern
Benninghoff	Geist	Metcalfe	Stevenson, R.
Birmelin	Godshall	Micozzie	Stevenson, T.
Boyes	Habay	Miller, R.	Strittmatter
Browne	Harhart	Miller, S.	Taylor, E. Z.
Bunt	Harper	Nailor	Taylor, J.
Cappelli	Hasay	Nickol	Tulli
Civera	Herman	O'Brien	Vance
Clark	Hershey	Perzel	Watson
Clymer	Hess	Phillips	Wilt
Cohen, L. I.	Hutchinson	Pickett	Wogan
Coleman	Jadlowiec	Pippy	Wright
Cornell	Kenny	Raymond	Zimmerman
Creighton	Krebs	Reinard	Zug
Dailey	Lawless	Rohrer	
Dally	Leh	Ross	Ryan,
DiGirolamo	Lewis	Rubley	Speaker

NOT VOTING—1

Kaiser

EXCUSED—3

Cappabianca

Hennessey

Roberts

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

On the question recurring,

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

Mr. HERMAN offered the following amendment No. A1592:

Amend Sec. 3 (Sec. 2702), page 7, by inserting between lines 1 and 2

(33) An individual engaged in the private detective business, as defined in section 2(a) and (b) of the act of August 21, 1953 (P.L.1273, No.361), known as The Private Detective Act of 1953.

On the question,

Will the House agree to the amendment?

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

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

While this legislation provides penalties for people who use certain types of apparatus in an offensive manner, what this amendment will do, it will allow or also add to that listing of persons who would be protected those who are certified under the Private Security Protection Act.

In the most recent riot at Penn State University in downtown State College, a 45-year-old security guard was beaten and sprayed with his own can of pepper spray, and this will provide these persons with the same kind of protection so that those kinds of persons who commit these violations can be prosecuted.

I would appreciate an affirmative vote, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—199

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern

Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Herman	Pallone	Trello
Civera	Hershey	Perzel	Trich
Clark	Hess	Petrarca	Tulli
Clymer	Horse	Petrone	Vance
Cohen, L. I.	Hutchinson	Phillips	Veon
Cohen, M.	Jadlowiec	Pickett	Vitali
Colafella	James	Pippy	Walko
Coleman	Josephs	Pistella	Wansacz
Cornell	Kaiser	Preston	Washington
Corrigan	Keller	Raymond	Waters
Costa	Kenney	Readshaw	Watson
Coy	Kirkland	Reinard	Williams, C.
Creighton	Krebs	Rieger	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wogan
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright
Dally	Leh	Ross	Yewcic
DeLuca	Lescovitz	Rubley	Youngblood
Dermody	Levdansky	Ruffing	Yudichak
DeWeese	Lewis	Sainato	Zimmerman
DiGirolamo	Lucyk	Samuelson	Zug
Diven	Lynch	Santoni	
Donatucci	Mackereth	Sather	Ryan,
Eachus	Maher	Saylor	Speaker
Egolf			

## NAYS-0

## NOT VOTING-0

## EXCUSED-3

Cappabianca      Hennessey      Roberts

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The gentleman, Mr. Herman, on the final passage of the bill? The gentleman is recognized.

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

The necessity of this legislation, and this bill was passed unanimously by the House of Representatives last session, but in 1993 an incident occurred with a State College police officer who was trying to apprehend and arrest a person who had committed a crime, and subsequently, that person's girlfriend got ahold of his own mace that he was carrying and sprayed him and rendered him helpless. In trying to prosecute the individual

under this current law, the current law was deficient in this area, and there was no prosecution made available. This legislation will provide for anyone who does commit this kind of an activity in an offensive manner with mace, a stun gun, pepper spray, tear gas, that they will have aggravated assault and a penalty as a result of that.

So I would appreciate an affirmative vote, Mr. Speaker. Thank you.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

## YEAS-199

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Herman	Pallone	Trello
Civera	Hershey	Perzel	Trich
Clark	Hess	Petrarca	Tulli
Clymer	Horse	Petrone	Vance
Cohen, L. I.	Hutchinson	Phillips	Veon
Cohen, M.	Jadlowiec	Pickett	Vitali
Colafella	James	Pippy	Walko
Coleman	Josephs	Pistella	Wansacz
Cornell	Kaiser	Preston	Washington
Corrigan	Keller	Raymond	Waters
Costa	Kenney	Readshaw	Watson
Coy	Kirkland	Reinard	Williams, C.
Creighton	Krebs	Rieger	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wogan
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright
Dally	Leh	Ross	Yewcic
DeLuca	Lescovitz	Rubley	Youngblood
Dermody	Levdansky	Ruffing	Yudichak
DeWeese	Lewis	Sainato	Zimmerman
DiGirolamo	Lucyk	Samuelson	Zug
Diven	Lynch	Santoni	
Donatucci	Mackereth	Sather	Ryan,
Eachus	Maher	Saylor	Speaker
Egolf			

## NAYS-0

## NOT VOTING-0

## EXCUSED—3

Cappabianca Hennessey Roberts

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

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

\* \* \*

The House proceeded to third consideration of **HB 550, PN 1080**, entitled:

An Act providing for optional occupation tax replacement.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

## YEAS—199

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhatten	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Herman	Pallone	Trello
Civera	Hershey	Perzel	Trich
Clark	Hess	Petrarca	Tulli
Clymer	Horsey	Petrone	Vance
Cohen, L. I.	Hutchinson	Phillips	Veon
Cohen, M.	Jadlowiec	Pickett	Vitali
Colafella	James	Pippy	Walko
Coleman	Josephs	Pistella	Wansacz
Cornell	Kaiser	Preston	Washington
Corrigan	Keller	Raymond	Waters
Costa	Kenney	Readshaw	Watson
Coy	Kirkland	Reinard	Williams, C.
Creighton	Krebs	Rieger	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wogan

Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright
Dally	Leh	Ross	Yewcic
DeLuca	Lescovitz	Rubley	Youngblood
Dermody	Levdansky	Ruffing	Yudichak
DeWeese	Lewis	Sainato	Zimmerman
DiGirolamo	Lucyk	Samuelson	Zug
Diven	Lynch	Santoni	
Donatucci	Mackereth	Sather	Ryan,
Eachus	Maher	Saylor	Speaker
Egolf			

## NAYS—0

## NOT VOTING—0

## EXCUSED—3

Cappabianca Hennessey Roberts

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

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

## RESOLUTION

Mr. TIGUE called up **HR 99, PN 1482**, entitled:

A Resolution memorializing the United States Postal Service to issue a commemorative stamp honoring the recipients of the Purple Heart.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—199

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhatten	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Herman	Pallone	Trello
Civera	Hershey	Perzel	Trich
Clark	Hess	Petrarca	Tulli
Clymer	Horsey	Petrone	Vance
Cohen, L. I.	Hutchinson	Phillips	Veon

Cohen, M.	Jadlowiec	Pickett	Vitali
Colafella	James	Pippy	Walko
Coleman	Josephs	Pistella	Wansacz
Cornell	Kaiser	Preston	Washington
Corrigan	Keller	Raymond	Waters
Costa	Kenney	Readshaw	Watson
Coy	Kirkland	Reinard	Williams, C.
Creighton	Krebs	Rieger	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wogan
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright
Dally	Leh	Ross	Yewcic
DeLuca	Lescovitz	Rubley	Youngblood
Dermody	Levdansky	Ruffing	Yudichak
DeWeese	Lewis	Sainato	Zimmerman
DiGirolamo	Lucyk	Samuelson	Zug
Diven	Lynch	Santoni	
Donatucci	Mackereth	Sather	Ryan,
Eachus	Maher	Saylor	Speaker
Egolf			

NAYS-0

NOT VOTING-0

EXCUSED-3

Cappabianca Hennessey Roberts

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

### SUPPLEMENTAL CALENDAR F

#### RESOLUTION PURSUANT TO RULE 35

Mr. WILLIAMS called up **HR 190, PN 1752**, entitled:

A Resolution observing April 30, 2001, as "Reverend Leon Sullivan Remembrance Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-199

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.

Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Herman	Pallone	Trello
Civera	Hershey	Perzel	Trich
Clark	Hess	Petrarca	Tulli
Clymer	Horsey	Petrone	Vance
Cohen, L. I.	Hutchinson	Phillips	Veon
Cohen, M.	Jadlowiec	Pickett	Vitali
Colafella	James	Pippy	Walko
Coleman	Josephs	Pistella	Wansacz
Cornell	Kaiser	Preston	Washington
Corrigan	Keller	Raymond	Waters
Costa	Kenney	Readshaw	Watson
Coy	Kirkland	Reinard	Williams, C.
Creighton	Krebs	Rieger	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wogan
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright
Dally	Leh	Ross	Yewcic
DeLuca	Lescovitz	Rubley	Youngblood
Dermody	Levdansky	Ruffing	Yudichak
DeWeese	Lewis	Sainato	Zimmerman
DiGirolamo	Lucyk	Samuelson	Zug
Diven	Lynch	Santoni	
Donatucci	Mackereth	Sather	Ryan,
Eachus	Maher	Saylor	Speaker
Egolf			

NAYS-0

NOT VOTING-0

EXCUSED-3

Cappabianca Hennessey Roberts

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

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

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

HB 362, PN 1753 (Amended)

By Rep. MICOZZIE

An Act providing for the availability of and access to a comprehensive trauma care system; imposing powers and duties upon the Department of Health; and making an appropriation.

INSURANCE.

#### BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that HB 508 be taken from the table.

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

The SPEAKER. Are there any further announcements?



**VOTE CORRECTIONS**

The SPEAKER. Ms. Manderino.

Ms. MANDERINO. Correction of the record, Mr. Speaker.

The SPEAKER. The lady is in order.

Ms. MANDERINO. On HB 815, PN 1512, my vote was not recorded. I wish the record to reflect I intended to vote "yes."

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

Mr. Kirkland.

Mr. KIRKLAND. Correction of the record, Mr. Speaker.

On HB 417 my vote was incorrectly recorded. It should have been recorded in the affirmative.

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

**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. Any further corrections or announcements?

Does the majority leader or minority leader have any further business?

Hearing none, the Chair recognizes the gentleman from Erie County, Mr. Evans.

Mr. J. EVANS. Mr. Speaker, I move that this House do now adjourn until Tuesday, May 1, 2001, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:05 p.m., e.d.t., the House adjourned.