

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, MAY 1, 2001

SESSION OF 2001

185TH OF THE GENERAL ASSEMBLY

No. 26

HOUSE OF REPRESENTATIVES

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

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

PRAYER

REV. DR. JAMES W. GRUBB, Chaplain of the House of Representatives and pastor of Grace United Methodist Church, Harrisburg, Pennsylvania, offered the following prayer:

O God, creator and sustainer of life, the giver of every noble gift and grace, we give thanks today for this great Commonwealth, especially as it is expressed in those who live and govern here.

In Pennsylvania we are privileged to enjoy a diversity of cultures, races, religious expressions, educations, arts, sciences, and political persuasions, and this diversity of expression accrues to a unity which is greater than our individual parts. Thus, we have a common wealth, which is derived from our multifaceted gifts and graces.

Bless and guide now this House of Representatives in their work as they use the diversity of their governing body to enhance our life together in this Commonwealth. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal for Monday, April 30, 2001, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1461 By Representatives CRUZ, YOUNGBLOOD, SAINATO, MARKOSEK, READSHAW, NAILOR, KIRKLAND, CREIGHTON, CALTAGIRONE, WATERS, HORSEY, KELLER, DALEY, JAMES, J. TAYLOR, HARHAI, L. I. COHEN, ROONEY, CORRIGAN, THOMAS, McCALL and GRUCELA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the offense of driving while operating privileges are suspended or revoked.

Referred to Committee on TRANSPORTATION, May 1, 2001.

No. 1462 By Representatives FICHTER, BELFANTI, BROWNE, BUNT, CALTAGIRONE, CAPPELLI, L. I. COHEN, COLAFELLA, CORRIGAN, CRUZ, CURRY, DAILEY, DALEY, DALLY, DeWEESE, FRANKEL, GEORGE, GODSHALL, GRUCELA, HALUSKA, HARHAI, HENNESSEY, HERSHEY, JADLOWIEC, JAMES, JOSEPHS, LAUGHLIN, McILHATTAN, MELIO, NAILOR, PIPPY, PRESTON, READSHAW, RUBLEY, SATHER, SCHULER, SHANER, B. SMITH, STEELMAN, SURRA, E. Z. TAYLOR, THOMAS, TIGUE, WALKO, WANSACZ, WASHINGTON, WILT, YOUNGBLOOD, YUDICHAK and SAINATO

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for supplemental payments on account of transportation for severe special education students.

Referred to Committee on EDUCATION, May 1, 2001.

No. 1463 By Representatives FICHTER, BELFANTI, BROWNE, BUNT, CALTAGIRONE, CAPPELLI, L. I. COHEN, COLAFELLA, CORRIGAN, CRUZ, DAILEY, DALEY, DALLY, FRANKEL, GEORGE, GRUCELA, HALUSKA, HARHAI, HENNESSEY, HERSHEY, KIRKLAND, LAUGHLIN, McILHATTAN, MELIO, PIPPY, PRESTON, READSHAW, SATHER, SHANER, STEELMAN, SURRA, E. Z. TAYLOR, THOMAS, TIGUE, TULLI, WALKO, WANSACZ, WILT, YOUNGBLOOD, YUDICHAK, SAINATO and STETLER

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for tax effort poverty supplements.

Referred to Committee on EDUCATION, May 1, 2001.

No. 1464 By Representatives FICHTER, BELFANTI, BROWNE, BUNT, CALTAGIRONE, CAPPELLI, L. I. COHEN, COLAFELLA, CORRIGAN, CRUZ, DAILEY, DALEY, DALLY, FRANKEL, GEORGE, GRUCELA, HALUSKA, HARHAI, HENNESSEY, HERSHEY, LAUGHLIN, McILHATTAN, MELIO, PIPPY, PRESTON, READSHAW, ROSS, SATHER, SHANER, STEELMAN, SURRA, E. Z. TAYLOR, THOMAS, TIGUE, WALKO,

WANSACZ, WILT, YOUNGBLOOD, YUDICHAK and SAINATO

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for tax effort poverty supplements and for supplemental payments on account of transportation for severe special education students.

Referred to Committee on EDUCATION, May 1, 2001.

No. 1465 By Representatives GRUCELA, ROONEY, FREEMAN, DALLY, SAMUELSON, HARHART, DeWEESE, SOLOBAY, COSTA, ALLEN, BROWNE, CALTAGIRONE, COLAFELLA, CORRIGAN, FICHTER, FRANKEL, GEORGE, HARHAI, HERSHEY, HORSEY, JAMES, KELLER, KIRKLAND, LAUGHLIN, MANDERINO, MANN, McCALL, MCGILL, McILHATTAN, MUNDY, PIPPY, ROBERTS, ROSS, SAINATO, SATHER, SCHULER, SCRIMENTI, SHANER, STABACK, THOMAS, TRELLO, TRICH, WOJNAROSKI and YOUNGBLOOD

An Act designating a bridge on State Route 33 over the Lehigh River in Northampton County as the Gene Hartzell Memorial Bridge.

Referred to Committee on TRANSPORTATION, May 1, 2001.

No. 1466 By Representatives DIVEN, BELARDI, BELFANTI, CALTAGIRONE, CAPPABIANCA, CAPPELLI, CAWLEY, CIVERA, COY, CRUZ, CURRY, DALEY, DeLUCA, DeWEESE, FRANKEL, GRUCELA, HERMAN, JAMES, JOSEPHS, KIRKLAND, LAUGHLIN, MANN, MUNDY, PETRARCA, PISTELLA, READSHAW, RUFFING, SAINATO, SCRIMENTI, SHANER, SOLOBAY, STABACK, WALKO, WATERS, C. WILLIAMS, J. WILLIAMS, WOJNAROSKI, YOUNGBLOOD, YUDICHAK, HARHAI, THOMAS and MYERS

An Act amending the act of March 11, 1971 (P.L.104, No.3), known as the Senior Citizens Rebate and Assistance Act, further providing for claims by tenants.

Referred to Committee on AGING AND OLDER ADULT SERVICES, May 1, 2001.

No. 1467 By Representatives HERSHEY, DALLY, SCHULER, GEIST, FAIRCHILD, CALTAGIRONE, CAPPELLI, CREIGHTON, HALUSKA, HENNESSEY, HORSEY, McILHATTAN, PALLONE, ROHRER, THOMAS, WILT and YOUNGBLOOD

An Act relating to blasting licenses issued by the Department of Environmental Protection.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 1, 2001.

No. 1468 By Representatives HERSHEY, GEORGE, CLYMER, ARGALL, DALEY, GEIST, ARMSTRONG, BARD, BASTIAN, BELFANTI, BUNT, CALTAGIRONE, CAPPELLI, L. I. COHEN, CORRIGAN, COSTA, COY, CREIGHTON, CRUZ, J. EVANS, FAIRCHILD, FRANKEL,

FREEMAN, GORDNER, GRUCELA, HARHAI, HASAY, HENNESSEY, HORSEY, JOSEPHS, LEDERER, MANDERINO, MANN, MARSICO, McILHINNEY, MUNDY, NAILOR, PETRARCA, RUBLEY, SAMUELSON, SATHER, SAYLOR, SCHULER, SCRIMENTI, SEMMEL, SHANER, B. SMITH, SOLOBAY, STABACK, STURLA, E. Z. TAYLOR, THOMAS, TIGUE, TRAVAGLIO, VITALI, WALKO, WATERS, WATSON, C. WILLIAMS, WILT, WOJNAROSKI, WRIGHT, YOUNGBLOOD and WANSACZ

An Act requiring containers for collecting glass, aluminum and plastic in public stadiums; requiring containers for collecting glass and aluminum in public rest areas under the jurisdiction of the Pennsylvania Turnpike Commission; and imposing a penalty.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 1, 2001.

No. 1469 By Representatives RAYMOND, HERMAN, ADOLPH, ALLEN, McCALL, ARGALL, J. BAKER, M. BAKER, BEBKO-JONES, BELARDI, BELFANTI, BUNT, CALTAGIRONE, CAPPELLI, CLARK, CLYMER, CORRIGAN, COSTA, CREIGHTON, DALEY, DALLY, DeLUCA, FAIRCHILD, FEESE, FLICK, FREEMAN, GABIG, GANNON, GEIST, GEORGE, GODSHALL, HARHAI, HARPER, HERSHEY, HORSEY, JADLOWIEC, KELLER, KENNEY, KIRKLAND, LEH, MAJOR, MANN, MARSICO, McILHATTAN, McILHINNEY, MELIO, R. MILLER, MUNDY, NICKOL, PETRARCA, READSHAW, ROHRER, ROSS, RUBLEY, SAINATO, SCRIMENTI, SHANER, B. SMITH, SOLOBAY, STABACK, STERN, R. STEVENSON, SURRA, E. Z. TAYLOR, TIGUE, WALKO, WANSACZ, WATSON, WOJNAROSKI, YOUNGBLOOD, YUDICHAK, ZUG, J. EVANS, SCHRODER, SAYLOR, HENNESSEY, TULLI, BROWNE, STEELMAN, GRUCELA and MAHER

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, defining "telephone solicitation call"; requiring identification of telephone solicitation; prohibiting blocking of caller identification and other telemarketing screening products or services; prohibiting unwanted telephone solicitation calls; and establishing an individual right of action.

Referred to Committee on CONSUMER AFFAIRS, May 1, 2001.

No. 1470 By Representatives STERN, GEORGE, PETRARCA, MARKOSEK, GODSHALL, M. BAKER, BARRAR, ARMSTRONG, DeWEESE, HENNESSEY, WILT, L. I. COHEN, WALKO, CAPPABIANCA, HERMAN, CALTAGIRONE, BENNINGHOFF, JAMES, CAWLEY, DeLUCA, SOLOBAY, YOUNGBLOOD, J. TAYLOR, McILHATTAN, READSHAW, J. EVANS, SEMMEL, TIGUE, PIPPY, PRESTON, SAYLOR, WANSACZ, GEIST, CREIGHTON, HUTCHINSON, LAUGHLIN, E. Z. TAYLOR, S. MILLER, TRICH, MELIO, McCALL, THOMAS, WOJNAROSKI, SHANER, BROWNE, YUDICHAK, BELFANTI, HERSHEY, SCRIMENTI, ZUG, TRELLO, FREEMAN, ROSS, HARHAI and ROBERTS

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further defining "poverty income" for purposes of personal income tax.

Referred to Committee on FINANCE, May 1, 2001.

No. 1471 By Representatives KREBS, L. I. COHEN, CLARK, TIGUE, NAILOR, CREIGHTON, STERN, YUDICHAK, MAITLAND, BASTIAN, WATSON, CAPPABIANCA, LEDERER, CALTAGIRONE, CAPPELLI, DALEY, McILHATTAN, CURRY, B. SMITH, ROSS, E. Z. TAYLOR, S. MILLER, PISTELLA, WILT, SATHER, MUNDY, HORSEY, CLYMER, WALKO, R. MILLER, HARHAI, DALLY, ROHRER, BARRAR, MAJOR, COLEMAN, FRANKEL, SANTONI, STETLER, C. WILLIAMS, HARPER, YOUNGBLOOD, ARMSTRONG, GRUCELA and STEELMAN

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for adoption; making a conforming amendment; and making repeals.

Referred to Committee on JUDICIARY, May 1, 2001.

No. 1472 By Representatives E. Z. TAYLOR, ROSS, FLICK, HERSHEY, FEESE, WATSON, SCHULER, DALEY, TIGUE, HARHART, ALLEN, NAILOR, McILHATTAN, CALTAGIRONE, BELFANTI, CLYMER, GEORGE, BELARDI, SATHER, RUBLEY, M. BAKER, SOLOBAY, FAIRCHILD, PRESTON, COLAFELLA, HARPER, B. SMITH, DALLY, MELIO, CREIGHTON, SHANER, YOUNGBLOOD, SEMMEL, CAPPELLI, FICHTER and JAMES

An Act amending the act of May 1, 1933 (P.L. 103, No. 69), known as The Second Class Township Code, increasing the per diem allowance for attendance at conventions of county associations of township officials.

Referred to Committee on LOCAL GOVERNMENT, May 1, 2001.

No. 1473 By Representatives VEON, HASAY, BELFANTI, WOJNAROSKI, DeLUCA, WALKO, CAPPABIANCA, LUCYK, CAPPELLI, TIGUE, DALEY, SURRA, LAUGHLIN, FEESE, ROONEY, D. EVANS, BEBKO-JONES, SCRIMENTI, COLAFELLA, TRICH, MANN, C. WILLIAMS, THOMAS, JAMES, YOUNGBLOOD, MELIO, WATERS, KIRKLAND, STEELMAN, CALTAGIRONE, SATHER, STURLA, YUDICHAK, CAWLEY, BLAUM, SOLOBAY, WASHINGTON, WANSACZ, JOSEPHS, HARHAI, WILT, FRANKEL, STABACK, DIVEN, HALUSKA and DERMODY

An Act amending the act of April 9, 1929 (P.L. 177, No. 175), known as The Administrative Code of 1929, regulating appropriations to the Department of Corrections.

Referred to Committee on JUDICIARY, May 1, 2001.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 41**, **PN 1714**, with information that the Senate has passed the same

with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate
April 30, 2001

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, May 7, 2001, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, May 7, 2001, unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

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

SB 628;
SB 629;
SB 630;
SB 631;
SB 632;
SB 633; and
SB 634.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS ON SECOND CONSIDERATION

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

SB 628, PN 611; SB 629, PN 612; SB 630, PN 613; SB 631, PN 614; SB 632, PN 615; SB 633, PN 616; and SB 634, PN 841.

BILLS RECOMMITTED

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

Mr. BARLEY. Mr. Speaker, I move that the following Senate bills be recommitted to the Committee on Rules:

SB 628;
SB 629;
SB 630;
SB 631;
SB 632;
SB 633; and
SB 634.

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

JOURNAL APPROVED

The SPEAKER. The question comes up, will the House approve the Journal of Wednesday, February 7, 2001, which is now in print? Without objection, that Journal is approved. The Chair hears no objection.

ACTUARIAL NOTE

The SPEAKER. The Chair is in receipt of an actuarial note for HB 1361, PN 1684.

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

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence.

The Chair recognizes the majority whip, who requests a leave for the gentleman from Montgomery County, Mr. CORNELL, for today's session.

The Democratic whip advises that there is no request for leave, additional leaves, for the Democratic Caucus. Messrs. CAPPABIANCA and ROBERTS remain on leave.

GUESTS INTRODUCED

The SPEAKER. The Chair wishes to welcome to the hall of the House today G. Michael Leader, a senior at Hershey High School, who is shadowing for a day the gentleman, Mr. Tulli. Mr. Leader is the grandson of the former Governor of this State, George Leader. Would he please rise.

Representative Casorio has as guests today Bob Eathorne, Jim Cortazzo, and Barry Riley. They are from the Western Westmoreland Municipal Authority in North Huntingdon in Westmoreland County. Would these guests please rise. They are in the gallery.

Representative Chris Ross has three guest pages from Chester County today: Brianna Brennan, Nicholas Batdorf, and Robert Zaczek. Would these guests please rise. The chaperon for the three guest pages is Mrs. Tessie Zaczek. She is seated in the balcony, if she would please rise.

In the balcony, as the guests of the gentleman, Mr. Harhai, are the children and parents from the Epiphany of Our Lord School in Monessen. They are seated in the gallery. Would they please rise to be acknowledged.

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—199

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Cappabianca Cornell Roberts

ADDITIONS AND DELETIONS OF SPONSORS

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

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

COATESVILLE AREA HIGH SCHOOL BOYS BASKETBALL TEAM PRESENTED

The SPEAKER. Mr. Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

Ladies and gentlemen of the House of Representatives, joining us today in our chamber are the Coatesville Area High School boys varsity basketball AAAA State champions and their coach, Jim Smith.

Building on a successful season last year, which took them to the State semifinals, this year the team reached the mountaintop. In earning the State title, they energized the people of the city of Coatesville, and at the parade Saturday, 10 days ago, you could see pride on the faces of the people that we have not seen for a long time. So they really did make a significant mark in the annals of Coatesville's history. It was a long season, a very successful one, for this team, and in Chester County and in Pennsylvania, we are very proud of Coach Jim Smith and the Coatesville Red Raiders, the AAAA basketball champions.

Mr. SCHRODER. Thank you.

I just want to join with Representative Hennessey, and I know the rest of our Chester County delegation and all of us congratulate Coach Smith, the Coatesville High School boys basketball team, for the stellar season that they had. They played inspiring ball. They are a team of great sportsmen, and we are very proud of them throughout all of Chester County. So I, too, wish to offer my accolades and sincere congratulations on a terrific season.

The SPEAKER. Would the members of the Coatesville basketball team seated at the rear of the House please stand up to be acknowledged.

WHITEHALL HIGH SCHOOL VARSITY CHEERLEADING SQUAD PRESENTED

The SPEAKER. Mrs. Harhart.

The Chair recognizes the lady, Mrs. Harhart. Would the lady please yield for a moment.

Please. We have a series of guests to introduce. Conferences in the rear of the House, please break up. Conferences in the rear of the House, please break up.

Mrs. Harhart.

Mrs. HARHART. Thank you, Mr. Speaker.

I am pleased to welcome to the House today the members of the Whitehall High School varsity cheerleading squad. They are the Eastern Cheerleading Association's national champions. We are very proud of what they have accomplished. These young ladies worked very hard to win the national championship. They developed their own routine, and the whole squad worked together to perfect it. They practiced and practiced and kept their eyes on their goal. Today they are the national champions.

So today I would like to present from the Pennsylvania House and myself a citation and would like to present it to the coach and the four young girls who are behind me, and then the rest of the squad is sitting in the back.

So the citation reads:

"...Whitehall High School Varsity Cheerleading Squad has won the Eastern Cheerleading Association's National Championship during competition at William and Mary College in Williamsburg, Virginia, on March 18, 2001; and

"WHEREAS, Under the direction of coach Jean Marsteller, the members of the squad are Jenna Deutsch, Brooke Marsteller, Alisha Martucci, Nicole Bandura, Michelle Ginnane, Nikki Henderson, Megan Kohler, Christina Kristie, Jenna Parton, Kristy Peters, Laura Roque, Crystal Schwenk and Kate Zarambo.

"NOW THEREFORE, The House of Representatives of the Commonwealth of Pennsylvania congratulates the Whitehall High School Varsity Cheerleading Squad upon its crowning accomplishment; affirmatively states that such success is the direct result of each member's unique and special talents, hard work and commitment to a goal, as well as dedicated coaching;

"AND DIRECTS That a copy of this citation, sponsored by" — myself — "the Honorable Julie Harhart on April 5, 2001, be transmitted to the Whitehall High School Varsity Cheerleading Squad...."

Thank you.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guest of Representative John Evans, Mrs. Donna Wright of Edinboro, a constituent of the Representative. She is seated in the gallery. Would she please stand.

And the House is certainly pleased to welcome to its hall the Abington Junior High School Student Council, the guests of Representative Ellen Bard. Among the students is Ellen's daughter, Allison. She is a ninth grader, seated in the back with the other ninth grade members of the student council. The seventh and eighth grades of the council are seated in the gallery. Would these guests all please rise.

2000 COAL QUEEN PRESENTED

The SPEAKER. The Chair invites the former Speaker of the House, the Democratic leader, Mr. DeWeese, to preside temporarily for the purpose of introducing guests.

THE SPEAKER PRO TEMPORE (H. WILLIAM DeWEESE) PRESIDING

The SPEAKER pro tempore. Thank you, Mr. Speaker.

Temporarily and momentarily, I would like for the House to be acquainted with Demarie Constable. Demarie is the Pennsylvania Bituminous Coal Queen. She hails from Luzerne Township, Fayette County, Pennsylvania. She is a student at Point Park College. She is majoring in dance. She has devoted 16 years to that demanding art, and she is a manifestation of all that is good and healthy and strong and vibrant about

Pennsylvania youth. The Pennsylvania Coal Queen for 2000, Demarie Constable.

She is joined by her family and by the luminaries of the Coal Festival in Greene County.

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

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

STATEMENT BY MR. FLICK

The SPEAKER. The Chair recognizes the gentleman from Chester County, Mr. Flick, under unanimous consent.

Mr. FLICK. Thank you, Mr. Speaker.

Last Wednesday the Keystone State Games held its annual legislative meeting and honored athletes from across the Commonwealth who competed in the Keystone State Games. At that time the Kelly Cup Award was given to Sarah Dolson; the Allegheny Region Verizon Athletic Award of Honor was to William Grant Psomas; the Blue Mountain Region Award recipient was Katy Tran; the Capital Region was Devin O'Connor; the Delaware Valley Region was Erika Messa; the Great Lake Region was William VanCise; the Nittany Region was Eddie Christiano; and the Pocono Region was Josh Stevens. At large, also in the Pocono Region was Alice Foley. These were individuals who competed in the Keystone State Games last year and were the recipients of the best award in the region.

The Keystone State Games also had for those legislators who attended a pen in appreciation for the contribution the General Assembly makes to the Keystone State Games, which is rather modest, I might add, and I have a few pens left from last week, and if members would see me or call me in my office, I will try to make available those limited quantity. I am also trying to get additional pens, which if they become available, I then can make available to members.

So contact me, and I thank you, Mr. Speaker, again for your consideration.

The SPEAKER. The Chair thanks the gentleman.

It is the intention of the Chair to run on page 6 two resolutions pursuant to rule 35 and then break for caucus. We had hoped that— There was a group of cheerleaders that supposedly were to be here to be introduced, and it is for that reason that I am running these resolutions, but if they do not get here by that time, we will have to put it off till after caucus.

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Ms. BARD called up HR 172, PN 1716, 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—199

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Cappabianca Cornell Roberts

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

Mr. GODSHALL called up HR 173, PN 1717, entitled:

A Resolution recognizing the week of May 6 through 12, 2001, as "National Tourism Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayernik	Smith, S. H.
Barley	Frankel	McCall	Solobay
Barrar	Freeman	McGeehan	Staback
Bastian	Gabig	McGill	Stairs
Bebko-Jones	Gannon	McIlhattan	Steelman
Belardi	Geist	McIlhinney	Steil
Belfanti	George	McNaughton	Stern
Benninghoff	Godshall	Melio	Stetler
Birmelin	Gordner	Metcalfe	Stevenson, R.
Bishop	Gruela	Michlovic	Stevenson, T.
Blaum	Gruitza	Micozzie	Strittmatter
Boyes	Habay	Miller, R.	Sturla
Browne	Haluska	Miller, S.	Surra
Bunt	Hanna	Mundy	Tangretti
Butkovitz	Harhai	Myers	Taylor, E. Z.
Buxton	Harhart	Nailor	Taylor, J.
Caltagirone	Harper	Nickol	Thomas
Cappelli	Hasay	O'Brien	Tigue
Casorio	Hennessey	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
Corrigan	Kaiser	Preston	Washington
Costa	Keller	Raymond	Waters
Coy	Kenny	Readshaw	Watson
Creighton	Kirkland	Reinard	Williams, C.
Cruz	Krebs	Rieger	Williams, J.
Curry	LaGrotta	Robinson	Wilt
Dailey	Laughlin	Roebuck	Wogan
Daley	Lawless	Rohrer	Wojnaroski
Dally	Lederer	Rooney	Wright
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rublely	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker
Evans, D.			

NAYS—0

NOT VOTING—0

EXCUSED—3

Cappabianca Cornell Roberts

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. May I have your attention, please.

This is a reminder that the statement of financial interest that we are required to file under the law is due today, so if you have not done it, you better get it done today.

CHEER TYME CHEERLEADERS
INTRODUCED

The SPEAKER. Here are our cheerleaders now.

The Chair recognizes the gentleman, Mr. Smith, who should wait an appropriate time to allow the guests to file into the House.

The Chair recognizes the gentleman, Mr. Smith.

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

It could only happen at the State Capitol where we would have a group of cheerleaders that we want to recognize and they would become lost here in the State Capitol.

As chairman of the Central Pennsylvania Republican Caucus, I am happy to introduce to the House of Representatives a group of cheerleaders, seated—

The SPEAKER. Will the gentleman, Mr. Smith, yield for a moment.

Sergeants at Arms, clear the area behind the rail.

Mr. Smith.

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

I am happy to introduce to the House of Representatives a group of cheerleaders from central Pennsylvania. They are now seated in the back of the House, and these cheerleaders represent four squads from Cheer Tyme. They come from many different school districts in Dauphin, Cumberland, Adams, Perry, York, and Lancaster Counties, and they range in age from 6 through 18. These kids practice a minimum of 5 hours a week all year long and compete in local, regional, State, and national championships.

The squads represented here today have accomplished a great feat. This past November they competed in the Pennsylvania State all-star championship competition held in Johnstown. Not only did they compete and win, but they swept all four all-star divisions. They are the 2000 youth all-star, junior all-star, senior all-star, and senior coed all-star Pennsylvania State champions. Several other accomplishments in 2000-2001 include a World Cheerleading Association junior all-star national title, an all-star challenge – Clash of the Titans – youth all-star championship, a World Cheerleading Association senior all-star national runner-up, and an Eastern Cheerleading Association youth all-star national runner-up.

The squad is accompanied by the owners of Cheer Tyme, Scott and Kim Braasch, as well as the following coaches: Neil Matz, Christin Miller, Alicia Knoll, Cindy Peters, and Kevin Braasch. Cheer Tyme is Pennsylvania's first cheer gym.

Cheerleading is not what it used to be, and I do not often admit this publicly, but I know it is not what it used to be, because in high school, at John Harris High School here in Harrisburg, I was a cheerleader.

And you students see how it works. You just have to say you are a cheerleader and they respond.

I want you all to congratulate and welcome these champion cheerleaders to the hall of the House of Representatives. Thank you.

The SPEAKER. Confession is good for the soul, Mr. Smith.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today the students of the Canaan Christian Academy in South Canaan, Pennsylvania, here today as the guests of Representative Jerry Birmelin. Would these guests who are seated in the balcony please rise.

REPUBLICAN CAUCUS

The SPEAKER. The Chair at this time recognizes the gentleman, Mr. Argall, for the purpose of an announcement.

Mr. ARGALL. Thank you, Mr. Speaker.

We require a half an hour to complete our caucus deliberations, which we began yesterday, and would like to begin the caucus immediately upon the recess.

The SPEAKER. Mr. Cohen, do you require caucus?

Mr. COHEN. Mr. Speaker, there is no need for a Democratic caucus now.

The SPEAKER. The Chair thanks the gentleman.

RECESS

The SPEAKER. Are there any announcements? Any further announcements?

Hearing none, this House will stand in recess until 1 p.m., unless sooner called back by the Chair or extended by the Chair.

RECESS EXTENDED

The time of recess was extended until 1:30 p.m.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 823, PN 1780 (Amended) By Rep. CIVERA

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, providing for anesthesia services.

PROFESSIONAL LICENSURE.

HB 1219, PN 1410 By Rep. HERMAN

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for zoning ordinance amendments.

LOCAL GOVERNMENT.

HB 1235, PN 1779 (Amended) By Rep. FLICK

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for exemptions.

LABOR RELATIONS.

HB 1404, PN 1650 By Rep. HERMAN

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further regulating duties of Department of Community and Economic Development.

LOCAL GOVERNMENT.

HB 1405, PN 1778 (Amended) By Rep. HERMAN

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for filling district attorney vacancies, for reports and for preparation and filing of proposed budget; and making editorial changes.

LOCAL GOVERNMENT.

HB 1408, PN 1654 By Rep. HERMAN

An Act amending the act of December 20, 1967 (P.L.869, No.385), known as the Public Works Contractors' Bond Law of 1967, further providing for enforcement of claims and for financial security to be provided by contractors and bidders.

LOCAL GOVERNMENT.

SUPPLEMENTAL CALENDAR B

RESOLUTIONS PURSUANT TO RULE 35

Mrs. FORCIER called up **HR 186, PN 1757**, entitled:

A Resolution declaring the week of May 13 through 19, 2001, as "Emergency Medical Services Week"; declaring May 13, 2001, as "Citizen Recognition and Appreciation Day"; and declaring May 19, 2001, as "Emergency Medical Services Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

Blaum	Gruitza	Micozzie	Strittmatter
Boyes	Habay	Miller, R.	Sturla
Browne	Haluska	Miller, S.	Surra
Bunt	Hanna	Mundy	Tangretti
Butkovitz	Harhai	Myers	Taylor, E. Z.
Buxton	Harhart	Nailor	Taylor, J.
Caltagirone	Harper	Nickol	Thomas
Cappelli	Hasay	O'Brien	Tigue
Casorio	Hennessey	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
Corrigan	Kaiser	Preston	Washington
Costa	Keller	Raymond	Waters
Coy	Kenney	Readshaw	Watson
Creighton	Kirkland	Reinard	Williams, C.
Cruz	Krebs	Rieger	Williams, J.
Curry	LaGrotta	Robinson	Wilt
Dailey	Laughlin	Roebuck	Wogan
Daley	Lawless	Rohrer	Wojnaroski
Dally	Lederer	Rooney	Wright
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker
Evans, D.			

NAYS-0

NOT VOTING-0

EXCUSED-3

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

Mrs. FORCIER called up **HR 187, PN 1758**, entitled:

A Resolution designating May 2001 as "Motorcycle Safety and Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-199

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayernik	Smith, S. H.
Barley	Frankel	McCall	Solobay
Barrar	Freeman	McGeehan	Staback
Bastian	Gabig	McGill	Stairs

Bebko-Jones	Gannon	McIlhattan	Steelman
Belardi	Geist	McIlhinney	Steil
Belfanti	George	McNaughton	Stern
Benninghoff	Godshall	Melio	Stetler
Birmelin	Gordner	Metcalfe	Stevenson, R.
Bishop	Grucela	Michlovic	Stevenson, T.
Blaum	Gruitza	Micozzie	Strittmatter
Boyes	Habay	Miller, R.	Sturla
Browne	Haluska	Miller, S.	Surra
Bunt	Hanna	Mundy	Tangretti
Butkovitz	Harhai	Myers	Taylor, E. Z.
Buxton	Harhart	Nailor	Taylor, J.
Caltagirone	Harper	Nickol	Thomas
Cappelli	Hasay	O'Brien	Tigue
Casorio	Hennessey	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
Corrigan	Kaiser	Preston	Washington
Costa	Keller	Raymond	Waters
Coy	Kenney	Readshaw	Watson
Creighton	Kirkland	Reinard	Williams, C.
Cruz	Krebs	Rieger	Williams, J.
Curry	LaGrotta	Robinson	Wilt
Dailey	Laughlin	Roebuck	Wogan
Daley	Lawless	Rohrer	Wojnaroski
Dally	Lederer	Rooney	Wright
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker
Evans, D.			

NAYS-0

NOT VOTING-0

EXCUSED-3

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

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guest of Representative Nickol, a guest page, Jenna Tate. Would Jenna please rise. She is a junior at Bermudian Springs High School. Welcome to Harrisburg, Jenna.

May I have your attention, please.

There is a young lady here today who has been crowned the 2001 American Honey Queen, Renee Blatt. I knew that would get a reaction. But be careful because she is a beekeeper. She is from Jonestown, Pennsylvania, where she lives with her family on the family farm. After she interned with the Pennsylvania Department of Agriculture, she earned an associate's degree

in marketing and entrepreneurship/small business from Central Pennsylvania College. I would also note that Renee was the 2000 Pennsylvania Honey Queen. Would you join us in a warm welcome for this young lady. Please rise.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 846, PN 940**, entitled:

An Act providing for certain immunizations in long-term care facilities.

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

Mr. DeLUCA offered the following amendment No. **A0799**:

Amend Title, page 1, lines 1 and 2, by striking out all of said lines and inserting

Providing for certain immunizations in long-term care facilities; requiring nursing homes to submit information annually to the Department of Health; requiring the Department of Health to place certain information on the Internet; and providing for certain duties of the Department of Health and the Department of Aging.

Amend Bill, page 1, lines 5 through 14; pages 2 and 3, lines 1 through 30; page 4, lines 1 through 27, by striking out all of said lines on said pages and inserting

CHAPTER 1 PRELIMINARY PROVISIONS

Section 101. Short title.

This act shall be known and may be cited as the Long-Term Care Resident and Employee Immunization and Nursing Home Consumer Internet Information Access Act.

Section 102. Definitions.

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

"Consumer Information Internet Guide." The Nursing Home Consumer Information Internet Guide required to be published under the provisions of Chapter 5.

"Department." The Department of Health of the Commonwealth.

"Elderly persons." Those persons residing within this Commonwealth who are 60 years of age or older.

"Employee." An individual employed, whether directly, by contract with another entity or as an independent contractor, by a long-term care nursing facility on a part-time or full-time basis.

"Long-term care facility" or "facility." A long-term care nursing facility as defined in section 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

"Nursing home." A facility that provides either skilled or intermediate nursing care or both levels of such care to two or more elderly persons, who are unrelated to the licensee, for a period exceeding 24 hours. Intermediate care facilities exclusively for the mentally retarded, commonly called ICF/MR, shall not be considered nursing homes for the purpose of chapter 5.

CHAPTER 3 IMMUNIZATIONS IN LONG-TERM CARE FACILITIES

Section 301. Long-term care resident and employee immunization.

Except as provided in section 304, every facility in this Commonwealth shall request that residents and employees be

immunized for influenza virus and pneumococcal disease in accordance with this act.

Section 302. Resident immunization.

(a) Notice to resident.—Upon admission, the facility shall notify the resident and legal guardian of the immunization requirements of this act and request that the resident agree to be immunized against influenza virus and pneumococcal disease.

(b) Records and immunizations.—Every facility shall document the annual immunization against influenza virus and immunization against pneumococcal disease for each resident, which includes written evidence from a health care provider indicating the date the vaccine was administered. Upon finding that a resident is lacking such immunization or the facility or individual is unable to provide documentation that the individual has received the appropriate immunization, the facility shall make available the immunization. Immunization and the documentation thereof shall take place no later than November 30 of each year.

(c) Other immunizations.—An individual who becomes a resident after November 30 but prior to April 1 shall have his status for influenza and pneumococcal immunization determined by the facility, and, if found to be deficient, the facility shall make available the necessary immunizations.

Section 303. Employee immunization.

(a) Notice to employees.—Every facility shall notify every employee of the immunization requirements of this act and request that the employee agree to be immunized against influenza virus.

(b) Records and immunizations.—The facility shall require documentation of annual immunization against influenza virus for each employee, which includes written evidence from a health care provider indicating the date and location the vaccine was administered. Upon finding that an employee is lacking such immunization or the facility or individual is unable to provide documentation that the individual has received the appropriate immunization, the facility shall make available the immunization. Immunization and the documentation thereof shall take place no later than November 30 of each year.

(c) Other immunizations.—An individual who is newly employed as an employee after November 30 and prior to April 1 shall have his status for influenza determined by the facility, and, if found to be deficient, the facility shall make available the necessary immunization.

(d) Immunization authorized.—Nothing in this section shall prohibit the immunization against pneumococcal disease to employees.

Section 304. Exceptions.

No resident or employee shall be required to receive either the influenza or pneumococcal vaccine if any of the following apply:

- (1) the vaccine is contraindicated;
- (2) it is against his religious beliefs; or
- (3) the employee, resident or resident's legal guardian

refuses the vaccine after being fully informed of the health risks of such action.

Section 305. Regulations.

(a) Promulgation by department.—The department shall promulgate regulations relating to the immunization requirements of this chapter, taking into consideration the recommendations of the Advisory Committee on Immunization Practices (ACIP) of the Centers for Disease Control and Prevention.

(b) Educational materials.—The department, in conjunction with the Department of Aging, shall make available educational and informational materials to all facilities with respect to vaccination against influenza virus and pneumococcal disease.

(c) Report to General Assembly.—Three years from the effective date of this chapter, and each three-year period thereafter, the department shall report to the General Assembly on the number of outbreaks in facilities each year due to influenza virus and pneumococcal disease. The number of hospitalizations of facility residents each year due to influenza virus, pneumococcal disease and complications thereof must be reported as well.

CHAPTER 5
NURSING HOME CONSUMER
INTERNET INFORMATION ACCESS

Section 501. Nursing Home Consumer Information Report.

In addition to the information required by the Department of Health on a form provided by the Department of Health pursuant to the provisions of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, and regulations promulgated pursuant thereto, each nursing home shall provide to the Department of Health no later than 90 days after the close of each calendar year the following information on the above-referenced form:

(1) Nursing hours worked per patient per day and nursing hours required by the Department of Health per patient per day. Actual hours worked per patient per day are for the most recently concluded fiscal or calendar year.

(2) Average length of service of professional nursing staff and the average length of service of nurse aide personnel at the nursing home completing the form.

(3) Average length of licensure and/or certification of professional nursing staff and the average length of licensure and/or certification of nurse aide personnel.

(4) Nursing hours per patient per day of temporary agency professional nursing staff and nurse aide personnel.

(5) Whether a resident council exists and meets on a regular basis.

Section 502. Nursing home consumer information.

(a) Guide.—

(1) The Department of Aging shall produce, in a timely manner, a nursing home information site on the Internet. It shall include:

(i) The items listed in section 501.

(ii) Information obtained from the annual Long-Term Care Facilities Questionnaires submitted to the Department of Health.

(iii) Information obtained from the Health Care Financing Administration Ownership Disclosure Form.

(iv) A comparative list of nursing homes developed in the manner provided in subsection (b).

(v) The Nursing Home Consumer Inquiry Telephone Hotline telephone number required under subsection (c).

(2) If errors are found in the Consumer Information Internet Guide, all facilities shall be sent a correction sheet within 30 days of the Department of Aging's receipt of notification of the error. For the purposes of this section, an error shall be defined as information incorrectly transcribed from the forms provided to the Department of Health to the consumer guide.

(3) The Department of Aging will send final proofs to the nursing home of its data profile that will be published in the consumer guide prior to publication. The nursing home will have five days to notify the Department of Aging of any errors to be corrected. If the Department of Aging receives no notification of errors, the data profile will be considered accurate and will be published.

(b) Comparative list.—The comparative list of nursing homes shall be developed and included in the Consumer Information Internet Guide by the Department of Aging. It shall include the following information:

(1) Name of facility.

(2) Facility address and telephone number.

(3) Bed capacity.

(4) Owner of facility and managing company, if applicable.

(5) Type of sponsorship, including, but not limited to, governmental, nonprofit and for-profit or religious affiliation, if applicable.

(6) Payment sources accepted, including, but not limited to, Medicare, Medicaid, Veterans' Administration, long-term care insurance and private pay.

(7) Current license, deficiency and certification status as determined by the Department of Health; whether, within the previous five years, the facility has been subject to a provisional license, a ban on admissions, penalties imposed in connection with the licensure or certification process, a license revocation or appointment of a temporary manager to operate the facility or Medicare or Medicaid decertification and the corresponding dates.

(8) Nursing hours per patient per day and nursing hours required by the Department of Health per patient per day. Actual hours worked per patient per day are for the most recently concluded fiscal or calendar year.

(9) Average length of service at the nursing home of professional nursing staff and the average length of service of nurse aide staff.

(10) Average length of licensure and/or certification of professional nursing staff and the average length of licensure and/or certification of nurse aide personnel.

(11) Nursing hours per patient per day of temporary agency professional nursing staff and nurse aide personnel.

(12) A listing of existence and availability of specific therapy services, including, but not limited to, physical therapy, occupational therapy, speech therapy and respiratory therapy.

(13) Whether a resident council exists and meets on a regular basis.

(14) Name and telephone number of a local ombudsman.

(15) Costs per day, month and year.

(16) Visiting hours.

(17) If there are telephones available for private conversations.

(18) If there is a registered dietitian.

(19) If there is a written emergency evacuation plan.

(20) The nearest hospital and the distance in miles from the nursing home.

(21) If there are isolation rooms for patients with contagious illnesses.

(22) If there is an Alzheimer/Parkinson disease program.

(23) Whether there are qualified physical therapists onsite.

(24) Whether there is a written description of patients rights and responsibilities.

(25) Whether there are written policies on "do not resuscitate orders," physical restraints and chemical sedation.

(26) What medical services are available onsite, including dentists, podiatrists, pharmacists, ophthalmologists.

(27) The current resident profile, including average age, race and sex.

(28) Information on how to contact the local area agency on aging, including the services available to persons over 60 years of age through the local area agency on aging.

(29) Information on community resources that can assist in the selection of a long-term care facility, such as trade associations or consumer advocacy groups.

(c) Nursing Home Consumer Inquiry Telephone Hotline.—The Department of Aging shall establish a Statewide telephone number to serve as the Nursing Home Consumer Inquiry Telephone Hotline. This number shall be a toll-free number. The purpose of this telephone number is to respond to calls regarding the current licensure, deficiency and certification status of nursing homes. All data provided by the hotline shall be updated each week using information provided by the Department of Health in a timely fashion. This telephone number shall be prominently displayed in the annual Consumer Information Internet Guide.

(d) Disclosure.—The State Long-Term Care Ombudsman in the Department of Aging shall mail at least the address of the

Consumer Information Internet Guide to the local long-term care ombudsman of each area agency on aging, to each nursing home and to the Pennsylvania Council on Aging annually.

(e) Availability.—Each nursing home shall post next to its Department of Health license an exact copy of its listing as found in the Consumer Information Internet Guide. A nursing home shall provide to each prospective resident and family member of such prospective resident who visits the facility, or any member of the public upon request, during normal business or visiting hours, Sunday through Saturday, an exact copy of its listing as set forth in the Consumer Information Internet Guide.

(f) Inspections.—The Department of Health shall verify the availability of the listing during annual licensing surveys. The Department of Health shall monitor compliance with the requirements of this act for regular filing of the Long-Term Care Facilities Questionnaire with the Department of Health.

(g) Update.—The Department of Health shall issue modifications to the Long-Term Care Facilities Questionnaire resulting from changes in the reimbursement system for nursing homes. Such modifications shall provide the same information in an updated format.

(h) Regulations.—The Department of Aging shall promulgate regulations setting forth proposed additions, changes, or both, if the department does any of the following:

- (1) Expands the scope of the consumer guide beyond those topics expressly set forth in subsection (a).
- (2) Expands the scope of the comparative list beyond those topics expressly set forth in subsection (b).
- (3) Expands the scope of any topic expressly set forth in subsection (a) or (b).

Section 503. Complaints.

Complaints of noncompliance with this act shall be filed with the Department of Aging. A complainant shall include a local ombudsman, a nursing home employee, a nursing home resident, a prospective nursing home resident, or any person representing the interests of a nursing home resident or prospective nursing home resident.

Section 504. Additional consumer information.

Each nursing home shall provide to each prospective resident or representative thereof at the time of initial inquiry, a companion consumer guide which describes how to select a nursing home. This information can be either a publication of the Department of Aging, a camera-ready copy of a publication provided by the Department of Aging or a comparable publication that will inform the consumer on how to choose a nursing home.

Section 505. Penalties.

The Department of Aging shall have the authority to assess a \$1,000 civil penalty for each violation of this chapter. Any person aggrieved by an adjudication by the Department of Aging shall have the right to appeal under 42 Pa.C.S. (relating to judiciary and judicial procedure).

CHAPTER 7
MISCELLANEOUS PROVISIONS

Section 701. Repeals.

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

Section 702. Effective date.

This act shall take effect in 90 days.

On the question,

Will the House agree to the amendment?

The SPEAKER. The gentleman, Mr. DeLuca, is recognized.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is an amendment that had passed last session and also passed as a piece of legislation the session before overwhelmingly in this body.

What this amendment does, Mr. Speaker, is address a situation that we are having more and more today pertaining to

individuals who have to make a very informed decision on where they are going to place their loved one when they have to put them in a long-term nursing home. It is a very traumatic experience for them. It is certainly a decision they would like to know that they made the right decision, have all the pertinent information, and it is very important.

What this amendment does, Mr. Speaker, is it requires the State Department of Aging to create a nursing home information site on the Internet, making available with a click of a mouse up-to-date and accurate and comprehensive information about Pennsylvania's nursing homes. This site would include general information such as payment options, accepted ownership, bed capacity, and the facility's license, whether it is certified or has any deficiency status, dating back for 5 years. It also addresses the hours of nursing care for a patient for a day and what medical and therapeutic services are available. Additionally, the Internet site also would contain information necessary to answer key quality-of-life questions.

Mr. Speaker, it goes into a lot of other situations, but the intent is, with the information highway today, that individuals who are going to make this decision have all the pertinent information at their fingertips so that they know they can have peace of mind and the confidence that they made the right decision when they are forced out of necessity to place their loved ones in a nursing facility, and I ask my colleagues in the House of Representatives to support this amendment.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—199

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

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Cappabianca Cornell 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?

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Cappabianca Cornell 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.

BILLS ON SECOND CONSIDERATION

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

HB 508, PN 546; and HB 92, PN 77.

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?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 237 be recommitted to the Committee on Rules.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

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?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 519 be recommitted to the Committee on Rules.

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

* * *

BILLS PASSED OVER

The SPEAKER. HB 1110 and HB 19 are over.
HBs 412 and 510 are over.

* * *

The House proceeded to third consideration of **HB 570**, PN 627, entitled:

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 personal income tax definitions.

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

Ms. **BARD** offered the following amendment No. **A1600**:

Amend Title, page 1, line 11, by removing the period after "definitions" and inserting
; providing property tax or rent rebate and inflation dividends to certain senior citizens, widows, widowers and permanently disabled persons with limited incomes; establishing uniform standards and qualifications for eligibility to receive rebates and dividends; providing for transportation assistance grants and grants to area agencies on aging for services to older persons; imposing duties upon the Department of Revenue; and making a repeal.

Amend Bill, page 3, by inserting between lines 16 and 17
Section 2. The act is amended by adding an article to read:

ARTICLE XXIX-C

PROPERTY TAX OR RENT REBATE PROGRAM

Section 2901-C. Short Title.—This article shall be known and may be cited as The Senior Citizens Rebate and Assistance Act.

Section 2902-C. Declaration of Policy.—In recognition of the severe economic plight of certain senior citizens, widows, widowers and permanently disabled persons who are real property owners or renters with fixed and limited incomes who are faced with rising living costs and constantly increasing tax and inflation cost burdens which threaten their homesteads and self-sufficiency, the General Assembly,

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

Section 2903-C. Definitions.—The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Claimant." A person who files a claim for property tax rebate or rent rebate in lieu of property taxes and inflation dividend and was sixty-five years of age or over, or whose spouse (if a member of the household) was sixty-five years of age or over, during a calendar year in which real property taxes, rent and inflation costs were due and payable or was a widow or widower and was fifty years of age or over during a calendar year or part thereof in which real property taxes, rent and inflation costs were due and payable, or was a permanently disabled person eighteen years of age or over during a calendar year or part thereof in which real property taxes, rent and inflation costs were due and payable. For the purposes of this act the term "widow" or "widower" shall mean the surviving wife or the surviving husband, as the case may be, of a deceased individual and who has not remarried except as provided in section 2904-C(d) and (e). For the purposes of this act the term "permanently disabled person" shall mean a person who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to continue indefinitely, except as provided in section 2904-C(d) and (e).

"Department." The Department of Revenue of the Commonwealth.

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

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

"Income." All income from whatever source derived, including but not limited to salaries, wages, bonuses, commissions, income from self-employment, alimony, support money, cash public assistance and relief, the gross amount of any pensions or annuities including railroad retirement benefits, all benefits received under the Federal Social Security Act (except Medicare benefits), all benefits received under State unemployment insurance laws and veterans' disability payments, all interest received from the Federal or any State government, or any instrumentality or political subdivision thereof, realized capital gains, rentals, workmen's compensation and the gross amount of loss of time insurance benefits, life insurance benefits and

proceeds (except the first five thousand dollars (\$5,000) of the total of death benefit payments), and gifts of cash or property (other than transfers by gift between members of a household) in excess of a total value of three hundred dollars (\$300), but shall not include surplus food or other relief in kind supplied by a governmental agency or property tax or rent rebate or inflation dividend.

“Inflation dividend.” An additional amount calculated by the department in accordance with section 2904-C(b).

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

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

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

Section 2904-C. Property Tax; Rent Rebate and Inflation Cost.—

(a) (1) The amount of any claim for property tax rebate or rent rebate in lieu of property taxes for real property taxes or rent due and payable during calendar years 1981, 1982, 1983 and 1984 shall be determined in accordance with the following schedule:

Household Income	Percentage of Real Property Taxes or Rent Rebate in Lieu of Property Taxes Allowed as Rebate
\$ 0 - \$4,999	100%
5,000 - 5,999	80
6,000 - 6,999	60
7,000 - 7,999	40
8,000 - 8,999	20
9,000 - 11,999	10

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

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

(b) (1) To all claimants eligible for a property tax or rent rebate pursuant to subsection (a)(1) there shall be paid an inflation dividend determined in accordance with the following schedule:

Household Income	Dividend
\$ 0 - \$4,999	\$125
5,000 - 5,999	100
6,000 - 6,999	75
7,000 - 7,999	60
8,000 - 8,999	45
9,000 - 11,999	30

(2) To all claimants eligible for a property tax or rent rebate pursuant to subsection (a)(2) there shall be paid an inflation dividend determined in accordance with the following schedule:

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

(c) No claim shall be allowed if the amount of property tax or rent rebate computed in accordance with this section is less than ten dollars (\$10), and the maximum amount of property tax or rent rebate payable shall not exceed one thousand dollars (\$1,000).

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

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

(f) Rent shall not include subsidies provided by or through a governmental agency.

Section 2905-C. Filing of Claim.—A claim for property tax or rent rebate and inflation dividend shall be filed with the department on or before the thirtieth day of June of the year next succeeding the end of the calendar year in which real property taxes or rent were due and payable; Provided, That claims filed after the June 30 deadline until December 31 of such calendar year shall be accepted by the Secretary of Revenue as long as funds are available to pay the benefits to the late filing claimants. No reimbursement on a claim shall be made from the State Lottery Fund earlier than the day following the thirtieth day of June provided in this act on which that claim may be filed with the department. Rebate claims for taxes or rent paid during calendar year 1977 shall be accepted by the Secretary of Revenue if filed with the department on or before the thirtieth day of April 1979. Only one claimant from a homestead each year shall be entitled to the property tax or rent rebate and inflation dividend. If two or more persons are able to meet the qualifications for a claimant, they may determine who the claimant shall be. If they are unable to agree, the department shall determine to whom the rebate and dividend is to be paid.

Section 2906-C. Proof of Claim.—Each claim shall include reasonable proof of household income, the size and nature of the property claimed as a homestead and the rent or tax receipt, or other proof that the real property taxes on the homestead have been paid, or rent in connection with the occupancy of a homestead has been paid. If the claimant is a widow, or widower, a declaration of such status in such manner as prescribed by the Secretary of Revenue shall be included. Proof that a claimant is eligible to receive disability benefits under the Federal Social Security Act shall constitute proof of disability under this act. No person who has been found not to be disabled by the social security administration shall be granted a rebate or dividend under this act. A claimant not covered under the Federal Social Security Act shall be examined by a physician designated by the department and such status determined using the same standards used by the social security administration. It shall not be necessary that such

taxes or rent were paid directly by the claimant: Provided, That the rent or taxes have been paid when the claim is filed. The first claim filed shall include proof that the claimant or his spouse was age sixty-five or over or fifty years or over in the case of a widow, or widower, during the calendar year in which real property taxes or rent were due and payable.

Section 2907-C. Incorrect Claim.—Whenever on audit of any claim, the department finds the claim to have been incorrectly determined, it shall redetermine the correct amount of the claim and notify the claimant of the reason of the redetermination and the amount of the corrected claim.

Section 2908-C. Funds for Payment of Administrative Expenses and Claims.—Expenses, salaries and other costs incurred in the administration of this act and approved claims shall be paid from the State Lottery Fund established by the act of August 26, 1971 (P.L.351, No.91), known as the "State Lottery Law." In the event that the total amount of administrative expenses and claims exceeds the amount in such fund, in any one year, then an amount necessary to pay the total amount of administrative expenses and claims shall be transferred from the General Fund to the State Lottery Fund. For the purposes of this section, the amount in the State Lottery Fund shall include the June 30 ending lottery fund balance plus eighty per cent of projected lottery fund revenues after lottery fund administrative expenses for the subsequent fiscal year.

Section 2909-C. Claim Forms and Rules and Regulations.—Necessary rules and regulations shall be prescribed by a committee consisting of the Secretaries of Aging, Revenue and Community Affairs. The Secretary of Aging shall serve as the chairman of the committee. The Department of Revenue shall receive all applications, determine the eligibility of claimants, hear appeals, disburse payments, and make available suitable forms for the filing of claims.

Section 2910-C. Fraudulent Claim; Conveyance to Obtain Benefits.—(a) In any case in which a claim is excessive and was filed with fraudulent intent, the claim shall be disallowed in full and a penalty of twenty-five per cent of the amount claimed shall be imposed. The penalty and the amount of the disallowed claim, if the claim has been paid, shall bear interest at the rate of one-half of one per cent per month from the date of the claim until repaid. The claimant and any person who assisted in the preparation or filing of a fraudulent claim shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000), or undergo imprisonment not exceeding one year, or both.

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

Section 2911-C. Petition for Redetermination.—(a) Any claimant whose claim is either denied, corrected or otherwise adversely affected by the department, may file with the department a petition for redetermination on forms supplied by the department within ninety days after the date of mailing of written notice by the department of such action. Such petition shall set forth the grounds upon which claimant alleges that such departmental action is erroneous or unlawful, in whole or part, and shall contain an affidavit or affirmation that the facts contained therein are true and correct. An extension of time for filing the petition may be allowed for cause but not to exceed one hundred twenty days. The department shall hold such hearings as may be necessary for the purpose of redetermination, and each claimant who has duly filed such petition for redetermination shall be notified by the department of the time when, and the place where, such hearing in his case will be held.

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

Section 2912-C. Review by Board of Finance and Revenue.—Within ninety days after the date of official receipt by the claimant of notice mailed by the department of its decision on any petition for

redetermination filed with it, the claimant who is adversely affected by such decision may by petition request the Board of Finance and Revenue to review such action. The failure of the department to officially notify the claimant of a decision within the six-months period provided for by section 2911-C shall act as a denial of such petition, and a petition for review may be filed with the Board of Finance and Revenue within one hundred twenty days after written notice is officially received by the claimant that the department has failed to dispose of the petition within the six-months period prescribed by section 2911-C. Every petition for redetermination filed hereunder shall state the reasons upon which the claimant relies, or shall incorporate by reference the petition for redetermination in which such reasons shall have been stated. The petition shall be supported by affidavit that the facts set forth therein are correct and true. The Board of Finance and Revenue shall act in disposition of such petitions filed with it within six months after they have been received, and in the event of failure of said board to dispose of any such petition within six months, the action taken by the department upon the petition for redetermination shall be deemed sustained. The Board of Finance and Revenue may sustain the action taken by the department on the petition for redetermination or it may take such other action as it shall deem is necessary and consistent with provisions of this act. Notice of the action of the Board of Finance and Revenue shall be given by mail to the department and to the claimant.

Section 2913-C. Appeal.—Any claimant, aggrieved by the decision of the Board of Finance and Revenue may appeal from the decision of the Board of Finance and Revenue, in the manner now or hereafter provided by law for appeals from decisions of said board in tax cases.

Amend Bill, page 3, lines 17 and 18, by striking out all of said lines and inserting

Section 3. The act of March 11, 1971 (P.L.104, No.3), known as the Senior Citizens Rebate and Assistance Act, is repealed.

Section 4. The amendment or addition of sections 301(d) and 2904-C(c) of the act shall apply to taxable years beginning after December 31, 2000.

Amend Sec. 3, page 3, line 19, by striking out "3" and inserting

5

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

AMENDMENT WITHDRAWN

The SPEAKER. On the question of the adoption of the amendment, Ms. Bard.

Ms. BARD. I was going to withdraw that amendment in favor of offering amendment 1615.

The SPEAKER. The amendment is withdrawn.

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

Ms. BARD offered the following amendment No. A1615:

Amend Title, page 1, line 11, by removing the period after "definitions" and inserting
; providing property tax or rent rebate to certain senior citizens, widows, widowers and permanently disabled persons with limited incomes; establishing uniform standards and qualifications for eligibility to receive rebates; providing for transportation assistance grants and grants to area agencies on aging for services to older persons; imposing duties upon the Department of Revenue; and making a repeal.

Amend Bill, page 3, lines 17 through 19, by striking out all of said lines and inserting

Section 2. The act is amended by adding an article to read:

ARTICLE XXIX-C

PROPERTY TAX OR RENT REBATE PROGRAM

Section 2901-C. Short Title.—This article shall be known and may be cited as The Senior Citizens Rebate and Assistance Act.

Section 2902-C. Declaration of Policy.—In recognition of the severe economic plight of certain senior citizens, widows, widowers and permanently disabled persons who are real property owners or renters with fixed and limited incomes who are faced with rising living costs and constantly increasing tax burdens which threaten their homesteads and self-sufficiency, the General Assembly, pursuant to the mandates of the Constitutional Convention of 1968, considers it to be a matter of sound public policy to make special provisions for property tax rebates or rent rebates in lieu of property taxes to that class of senior citizens, widows, widowers and permanently disabled persons who are real property taxpayers or renters who are without adequate means of support to enable them to remain in peaceable possession of their homes and relieving their economic burden and to provide transportation assistance grants and to provide grants to area agencies on aging for services to older persons.

Section 2903-C. Definitions.—The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Claimant.” A person who files a claim for property tax rebate or rent rebate in lieu of property taxes and was sixty-five years of age or over, or whose spouse (if a member of the household) was sixty-five years of age or over, during a calendar year in which real property taxes and rent were due and payable or was a widow or widower and was fifty years of age or over during a calendar year or part thereof in which real property taxes and rent were due and payable, or was a permanently disabled person eighteen years of age or over during a calendar year or part thereof in which real property taxes and rent were due and payable. For the purposes of this act the term “widow” or “widower” shall mean the surviving wife or the surviving husband, as the case may be, of a deceased individual and who has not remarried except as provided in section 2904-C(c) and (d). For the purposes of this act the term “permanently disabled person” shall mean a person who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to continue indefinitely, except as provided in section 2904-C(c) and (d).

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

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

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

“Income.” All income from whatever source derived, including but not limited to salaries, wages, bonuses, commissions, income from

self-employment, alimony, support money, cash public assistance and relief, the gross amount of any pensions or annuities including railroad retirement benefits, all benefits received under the Federal Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et. seq.) (except Medicare benefits), all benefits received under State unemployment insurance laws and veterans’ disability payments, all interest received from the Federal or any State government, or any instrumentality or political subdivision thereof, realized capital gains, rentals, workmen’s compensation and the gross amount of loss of time insurance benefits, life insurance benefits and proceeds (except the first five thousand dollars (\$5,000) of the total of death benefit payments), and gifts of cash or property (other than transfers by gift between members of a household) in excess of a total value of three hundred dollars (\$300), but shall not include surplus food or other relief in kind supplied by a governmental agency or property tax or rent rebate.

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

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

Section 2904-C. Property Tax; Rent Rebate.—(a) (1) The amount of any claim for property tax rebate or rent rebate in lieu of property taxes for real property taxes or rent due and payable during calendar years 1981, 1982, 1983 and 1984 shall be determined in accordance with the following schedule:

Percentage of Real Property Taxes or Rent Rebate in Lieu of Property Taxes Allowed as Rebate	
Household Income	
\$ 0 - \$4,999	100%
5,000 - 5,999	80
6,000 - 6,999	60
7,000 - 7,999	40
8,000 - 8,999	20
9,000 - 11,999	10

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

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

(b) No claim shall be allowed if the amount of property tax or rent rebate computed in accordance with this section is less than ten dollars (\$10), and the maximum amount of property tax or rent rebate payable shall not exceed one thousand dollars (\$1,000).

(c) No claim shall be allowed if the claimant is a tenant of an owner of real property exempt from real property taxes.

(d) If a homestead is owned or rented and occupied for only a portion of a year or is owned or rented in part by a person who does not meet the qualifications for a claimant, exclusive of any interest owned or leased by a claimant’s spouse, or if the claimant is a widow or widower who remarries, or if the claimant is a permanently disabled

person who is no longer disabled, the department shall apportion the real property taxes or rent in accordance with the period or degree of ownership or leasehold or eligibility of the claimant in determining the amount of rebate for which a claimant is eligible. A claimant who receives public assistance from the Department of Public Welfare shall not be eligible for rent rebate in lieu of property taxes, during those months within which he receives public assistance.

(e) Rent shall not include subsidies provided by or through a governmental agency.

Section 2905-C. Filing of Claim.—A claim for property tax or rent rebate shall be filed with the department on or before the thirtieth day of June of the year next succeeding the end of the calendar year in which real property taxes or rent were due and payable: Provided, That claims filed after the June 30 deadline until December 31 of such calendar year shall be accepted by the Secretary of Revenue as long as funds are available to pay the benefits to the late filing claimants. No reimbursement on a claim shall be made from the State Lottery Fund earlier than the day following the thirtieth day of June provided in this act on which that claim may be filed with the department. Rebate claims for taxes or rent paid during calendar year 1977 shall be accepted by the Secretary of Revenue if filed with the department on or before the thirtieth day of April 1979. Only one claimant from a homestead each year shall be entitled to the property tax or rent rebate. If two or more persons are able to meet the qualifications for a claimant, they may determine who the claimant shall be. If they are unable to agree, the department shall determine to whom the rebate is to be paid.

Section 2906-C. Proof of Claim.—Each claim shall include reasonable proof of household income, the size and nature of the property claimed as a homestead and the rent or tax receipt, or other proof that the real property taxes on the homestead have been paid, or rent in connection with the occupancy of a homestead has been paid. If the claimant is a widow, or widower, a declaration of such status in such manner as prescribed by the Secretary of Revenue shall be included. Proof that a claimant is eligible to receive disability benefits under the Federal Social Security Act shall constitute proof of disability under this act. No person who has been found not to be disabled by the social security administration shall be granted a rebate under this act. A claimant not covered under the Federal Social Security Act shall be examined by a physician designated by the department and such status determined using the same standards used by the social security administration. It shall not be necessary that such taxes or rent were paid directly by the claimant: Provided, That the rent or taxes have been paid when the claim is filed. The first claim filed shall include proof that the claimant or his spouse was age sixty-five or over or fifty years or over in the case of a widow, or widower, during the calendar year in which real property taxes or rent were due and payable.

Section 2907-C. Incorrect Claim.—Whenever on audit of any claim, the department finds the claim to have been incorrectly determined, it shall redetermine the correct amount of the claim and notify the claimant of the reason of the redetermination and the amount of the corrected claim.

Section 2908-C. Funds for Payment of Administrative Expenses and Claims.—Expenses, salaries and other costs incurred in the administration of this act and approved claims shall be paid from the State Lottery Fund established by the act of August 26, 1971 (P.L.351, No.91), known as the "State Lottery Law." In the event that the total amount of administrative expenses and claims exceeds the amount in such fund, in any one year, then an amount necessary to pay the total amount of administrative expenses and claims shall be transferred from the General Fund to the State Lottery Fund. For the purposes of this section, the amount in the State Lottery Fund shall include the June 30 ending lottery fund balance plus eighty per cent of projected lottery fund revenues after lottery fund administrative expenses for the subsequent fiscal year.

Section 2909-C. Claim Forms and Rules and Regulations.—Necessary rules and regulations shall be prescribed by a committee

consisting of the Secretaries of Aging, Revenue and Community Affairs. The Secretary of Aging shall serve as the chairman of the committee. The Department of Revenue shall receive all applications, determine the eligibility of claimants, hear appeals, disburse payments, and make available suitable forms for the filing of claims.

Section 2910-C. Fraudulent Claim; Conveyance to Obtain Benefits.—(a) In any case in which a claim is excessive and was filed with fraudulent intent, the claim shall be disallowed in full and a penalty of twenty-five per cent of the amount claimed shall be imposed. The penalty and the amount of the disallowed claim, if the claim has been paid, shall bear interest at the rate of one-half of one per cent per month from the date of the claim until repaid. The claimant and any person who assisted in the preparation or filing of a fraudulent claim shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000), or undergo imprisonment not exceeding one year, or both.

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

Section 2911-C. Petition for Redetermination.—(a) Any claimant whose claim is either denied, corrected or otherwise adversely affected by the department, may file with the department a petition for redetermination on forms supplied by the department within ninety days after the date of mailing of written notice by the department of such action. Such petition shall set forth the grounds upon which claimant alleges that such departmental action is erroneous or unlawful, in whole or part, and shall contain an affidavit or affirmation that the facts contained therein are true and correct. An extension of time for filing the petition may be allowed for cause but not to exceed one hundred twenty days. The department shall hold such hearings as may be necessary for the purpose of redetermination, and each claimant who has duly filed such petition for redetermination shall be notified by the department of the time when, and the place where, such hearing in his case will be held.

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

Section 2912-C. Review by Board of Finance and Revenue.—Within ninety days after the date of official receipt by the claimant of notice mailed by the department of its decision on any petition for redetermination filed with it, the claimant who is adversely affected by such decision may by petition request the Board of Finance and Revenue to review such action. The failure of the department to officially notify the claimant of a decision within the six-months period provided for by section 2911-C shall act as a denial of such petition, and a petition for review may be filed with the Board of Finance and Revenue within one hundred twenty days after written notice is officially received by the claimant that the department has failed to dispose of the petition within the six-months period prescribed by section 2911-C. Every petition for redetermination filed hereunder shall state the reasons upon which the claimant relies, or shall incorporate by reference the petition for redetermination in which such reasons shall have been stated. The petition shall be supported by affidavit that the facts set forth therein are correct and true. The Board of Finance and Revenue shall act in disposition of such petitions filed with it within six months after they have been received, and in the event of failure of said board to dispose of any such petition within six months, the action taken by the department upon the petition for redetermination shall be deemed sustained. The Board of Finance and Revenue may sustain the action taken by the department on the petition for redetermination or it may take such other action as it shall deem is necessary and consistent with provisions of this act. Notice of the action of the Board of Finance and Revenue shall be given by mail to the department and to the claimant.

Section 2913-C. Appeal.—Any claimant, aggrieved by the decision of the Board of Finance and Revenue may appeal from the

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

Section 3. The act of March 11, 1971 (P.L.104, No.3), known as the Senior Citizens Rebate and Assistance Act, is repealed.

Section 4. The amendment or addition of sections 301(d) and 2904-C(b) of the act shall apply to taxable years beginning after December 31, 2000.

Section 5. This act shall take effect immediately.

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

The SPEAKER. On the question of the adoption of that amendment, Ms. Bard.

Ms. BARD. Thank you, Mr. Speaker.

This amendment increases the maximum rebate under the property tax and rent rebate program to \$1,000. The current \$500 maximum has not been increased since 1981.

Increasing the maximum rebate offers property tax relief to those who need it most, and it is tax reform that we in the General Assembly can do now to address this very serious problem.

So many older, fixed-income residents are being chased from their homes by high property taxes, and in particular, high school taxes. For example, imagine a household income level of \$4,044 with property taxes of \$2,072. That is 51 percent of total income consumed by local property taxes, leaving little to pay for medicine, heat, electricity, and food. This example illustrates the dire circumstances faced by many older Pennsylvanians. In fact, one-quarter of the claimants we processed in my district office last year paid at least 25 percent of their total household income in local property taxes.

These older Pennsylvanians deserve to be able to stay in their homes. They have paid their share over the years, but they need help. Statewide, over 48,000 claimants, almost 18 percent of the eligibles under the property tax and rent rebate program, were so overburdened by local property taxes that they were eligible for the maximum rebate in 1998, which was the last year that statewide data were available.

There is much talk about the need for property tax relief. It is my contention that for most of us it does not really matter whether we pay our taxes from our right or our left pocket. However, the claimants I described above are truly the ones who need property tax relief. We can provide that relief by expanding the maximum rebate.

Raising the cap is something that we could do this year, and I ask for the support of the House for this amendment. Thank you very much, Mr. Speaker.

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

The following roll call was recorded:

YEAS—199

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayernik	Smith, S. H.
Barley	Frankel	McCall	Solobay

Barrar	Freeman	McGeehan	Staback
Bastian	Gabig	McGill	Stairs
Bebko-Jones	Gannon	McIlhattan	Steelman
Belardi	Geist	McIlhinney	Steil
Belfanti	George	McNaughton	Stern
Benninghoff	Godshall	Melio	Stetler
Birmelin	Gordner	Metcalfe	Stevenson, R.
Bishop	Grucela	Michlovic	Stevenson, T.
Blaum	Gruitza	Micozzie	Strittmatter
Boyes	Habay	Miller, R.	Sturla
Browne	Haluska	Miller, S.	Surra
Bunt	Hanna	Mundy	Tangretti
Butkovitz	Harhai	Myers	Taylor, E. Z.
Buxton	Harhart	Nailor	Taylor, J.
Caltagirone	Harper	Nickol	Thomas
Cappelli	Hasay	O'Brien	Tigue
Casorio	Hennessey	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
Corrigan	Kaiser	Preston	Washington
Costa	Keller	Raymond	Waters
Coy	Kenney	Readshaw	Watson
Creighton	Kirkland	Reinard	Williams, C.
Cruz	Krebs	Rieger	Williams, J.
Curry	LaGrotta	Robinson	Wilt
Dailey	Laughlin	Roebuck	Wogan
Daley	Lawless	Rohrer	Wojnaroski
Dally	Lederer	Rooney	Wright
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGiroloam	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan, Speaker
Egolf	Maher	Saylor	
Evans, D.			

NAYS—0

NOT VOTING—0

EXCUSED—3

Cappabianca Cornell 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?

Mr. GEORGE offered the following amendment No. A1619:

Amend Title, page 1, line 11, by removing the period after "definitions" and inserting

and for exemptions from the utilities gross receipts tax.

Amend Bill, page 3, by inserting between lines 16 and 17

Section 2. Section 1101(g) of the act, added June 23, 1982 (P.L.610, No.172), is amended to read:

Section 1101. Imposition of Tax.—* * *

(g) Certain Gross Receipts not Taxed.—The tax otherwise imposed pursuant to this section upon gross receipts derived from the sale of electricity shall not however be imposed upon those portions of the gross receipts of an electric light company attributable to the following sources:

(1) the net increase in its gross receipts resulting from recovery from its customers of the costs of purchases of additional energy necessitated by the physical or legal inability to operate a nuclear generating facility as a result of an accident or natural disaster causing material damage to that facility or to a similar associated facility located immediately adjacent, whereupon either the damaged facility, another located immediately adjacent, or both, have been removed from the company's rate base for a period exceeding twenty-five months. The Department of Revenue shall request the Public Utility Commission to determine, for each such facility, the net increase in the gross receipts of its electric company owner for the immediate prior twelve-month period. This determination shall reflect the difference between the increased gross receipts of the company attributable to recovery of costs for purchase of replacement energy which otherwise would have been normally generated by the inoperative facility in such twelve-month period less the reduction in the company's gross receipts attributable to removal of the capital costs of the facility from the company's rate base and less the reduction in the company's gross receipts attributable to reduction in operating expenses that would have otherwise been incurred by normal operation of the facility in such twelve-month period. The Public Utility Commission shall, immediately after supplying the requested data, proceed to make the appropriate revision in the State tax adjustment charge of the electric company;

(2) recovery from its customers of costs incurred in connection with the clean-up and decontamination of a nuclear generating facility which has experienced a major accident or natural disaster and has been removed from the electric light company's rate base; [and]

(3) recovery from its customers of costs for the amortization of investments in a nuclear generating facility whose removal from the rate base of an electric light company has been approved by the Public Utility Commission on account of a major accident or natural disaster[.]; and

(4) accounts of residential customers who are residents of this Commonwealth and who are sixty-five years of age or older, provided that the electric company, including an electric distribution company and electric generation supplier, reduces the rates of those customers proportionately to the amount of tax avoided by the application of this clause. Notwithstanding any other provision of law, an electric light company is authorized to reduce rates to such customers in order to comply with this clause. Within six months following the effective date of this clause, the Secretary of Revenue shall adjust and reduce the 1995-1996 fiscal year tax revenue base and kilowatt hours of electricity distributed under 66 Pa.C.S. § 2810 (relating to revenue-neutral reconciliation) to reflect the reduction in gross receipts tax proceeds as a result of the application of this clause.

Section 3. The Secretary of Revenue may not use the revenue-neutral reconciliation process described in 66 Pa.C.S. § 2810 to increase the rate of revenue-neutral reconciliation tax.

Section 4. All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Amend Sec. 2, page 3, line 17, by striking out "2" and inserting
5

Amend Sec. 3, page 3, line 19, by striking out "3" and inserting
6

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

The following roll call was recorded:

YEAS—198

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

NAYS—1

Maier

NOT VOTING—0

EXCUSED—3

Cappabianca Cornell 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?

Mr. GEORGE offered the following amendment No. A1620:

Amend Title, page 1, line 11, by removing the period after "definitions" and inserting

; and authorizing the Governor to issue emergency gasoline declarations under certain circumstances.

Amend Bill, page 3, by inserting between lines 16 and 17

Section 2. The act is amended by adding a section to read:

Section 602.6. Emergency Gasoline Declarations.—If the Governor signs an executive order stating that liquid fuel or fuels prices have increased by more than fifty per cent in a period to be determined by regulation of the department, provided such period does not exceed one year, then the Governor may suspend all or any portion of the State liquid fuel and fuels taxes, the oil company franchise tax, the aviation gasoline tax and alternative fuels tax for a period not to exceed four months in any period of twelve consecutive months. Following the signing of this type of order, the Governor may revoke the emergency gasoline declaration if liquid fuel or fuels prices decrease by more than twenty-five per cent. Imposition or revocation of the emergency gasoline declaration must be preceded by a notice of at least thirty days published in the Pennsylvania Bulletin. The department shall prescribe rules and regulations necessary to administer this section.

Amend Sec. 2, page 3, line 17, by striking out "2" and inserting 3

Amend Sec. 3, page 3, line 19, by striking out "3" and inserting 4

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

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—1

Gabig

EXCUSED—3

Cappabianca, Cornell, Roberts

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

VOTE CORRECTION

The SPEAKER. The gentleman, Mr. Gabig, advises that his switch was inoperative at that time and would have voted in the affirmative.

CONSIDERATION OF HB 570 CONTINUED

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

Mr. YEWIC offered the following amendment No. A1645:

Amend Title, page 1, line 10, by inserting after "for" exclusions from sales and use tax and for

Amend Bill, page 1, lines 14 through 16, by striking out all of said lines and inserting

Section 1. Section 204 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, is amended by adding a clause to read:

Section 204. Exclusions from Tax.—The tax imposed by section 202 shall not be imposed upon

(61) The sale at retail or use of wood pellets to heat residential dwellings.

Section 2. Section 301(d) of the act, amended April 23, 1998 (P.L.239, No.45), is amended to read:

Amend Sec. 2, page 3, line 17, by striking out "2" and inserting 3

Amend Sec. 3, page 3, line 19, by striking out all of said line and inserting

Section 4. This act shall take effect as follows:

(1) The addition of section 204(61) of the act shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

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

The SPEAKER. On the question of the adoption of the Yewcic amendment, Mr. Yewcic, you are recognized on your amendment.

Mr. YEWIC. Thank you, Mr. Speaker.

I am offering amendment 1645 at the request of the Pennsylvania Wood Pellet Alliance, which was formed by a grant from the Pennsylvania Hardwoods Development Council through the Department of Agriculture, and we would like to make wood pellets tax exempt, as are other home heating fuels, such as gas, coal, and firewood.

So I ask for your support. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—199

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

Eachus
Egolf
Evans, D.

Mackereth
Maher

Sather
Saylor

Ryan,
Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Cappabianca Cornell 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?

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, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayernik	Smith, S. H.
Barley	Frankel	McCall	Solobay
Barrar	Freeman	McGeehan	Staback
Bastian	Gabig	McGill	Stairs
Bebko-Jones	Gannon	McIlhattan	Steelman
Belardi	Geist	McIlhinney	Steil
Belfanti	George	McNaughton	Stern
Benninghoff	Godshall	Melio	Stetler
Birmelin	Gordner	Metcalfe	Stevenson, R.
Bishop	Grucela	Michlovic	Stevenson, T.
Blaum	Gruitza	Micozzie	Strittmatter
Boyes	Habay	Miller, R.	Sturla
Browne	Haluska	Miller, S.	Surra
Bunt	Hanna	Mundy	Tangretti
Butkovitz	Harhai	Myers	Taylor, E. Z.
Buxton	Harhart	Nailor	Taylor, J.
Caltagirone	Harper	Nickol	Thomas
Cappelli	Hasay	O'Brien	Tigue
Casorio	Hennessey	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
Corrigan	Kaiser	Preston	Washington
Costa	Keller	Raymond	Waters
Coy	Kenney	Readshaw	Watson
Creighton	Kirkland	Reinard	Williams, C.
Cruz	Krebs	Rieger	Williams, J.
Curry	LaGrotta	Robinson	Wilt
Dailey	Laughlin	Roebuck	Wogan
Daley	Lawless	Rohrer	Wojnaroski

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Cappabianca Cornell 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 212, PN 199**, entitled:

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

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

Mr. **LEVDANSKY** offered the following amendment No. **A1749**:

Amend Title, page 1, line 2, by inserting after "Statutes," prohibiting the killing of elk to protect property; and

Amend Bill, page 1, lines 5 and 6, by striking out all of said lines and inserting

Section 1. Sections 2121(a) and (b), 2124(a) and (b) and 2903 of Title 34 of the Pennsylvania Consolidated Statutes are amended to read:

§ 2121. Killing game or wildlife to protect property.

(a) General rule.—Subject to the restriction that elk may not be killed to protect property and subject to any limitations in this subchapter, nothing in this title shall be construed to prohibit any person from killing any game or wildlife:

(1) which the person may witness actually engaged in the material destruction of cultivated crops, fruit trees, vegetables, livestock, poultry or beehives;

(2) anywhere on the property under the person's control, including detached lands being cultivated for the same or similar purposes, immediately following such destruction; or

(3) where the presence of the game or wildlife on any cultivated lands or fruit orchards is just cause for reasonable apprehension of additional imminent destruction.

Lands divided by a public highway shall not be construed as detached lands. Any person who wounds any game or wildlife shall immediately make a reasonable effort to find and kill the game or wildlife. Every person shall comply with all other regulations in this subchapter

pertaining to the method and manner of killing, reporting the killing and the disposition of game or wildlife and their skins and carcasses.

(b) Protected game or wildlife.—Before any game or wildlife, which may be designated by regulation of the commission, or any bird or animal classified as threatened or endangered may be killed, every reasonable effort shall be made to live trap and transfer such game or wildlife. The trapping and transfer shall be done in cooperation with a representative of the commission. Nothing in this section shall authorize the killing of elk to protect property.

§ 2124. Retention of edible carcass for food.

(a) General rule.—Except as otherwise provided in subsection (b), the carcass of one deer[, bear or elk] or bear killed under the provisions of section 2121 (relating to killing game or wildlife to protect property) may be retained for food. All portions of the carcass generally considered edible shall be consumed only within the household of a person having authority to kill and possess the game or wildlife. No additional animals may be retained for food until the entire carcass of the animal previously retained has been entirely consumed. The head and hide of each deer[, bear or elk] or bear killed and retained for food shall be properly salted, placed in safekeeping and turned over to a commission officer.

(b) Exceptions.—No carcass, or any part or parts thereof, of any deer[, bear or elk] or bear shall be retained for food, by any person, if the animal was killed upon:

(1) Land located within a game or wildlife deterrent fence provided by the commission.

(2) Land, or any part thereof, on which access for hunting purposes is denied at any time.

Amend Sec. 2, page 1, line 14, by striking out all of said line and inserting

Section 2. This act shall take effect as follows:

(1) The amendment of 34 Pa.C.S. §§ 2121(a) and (b) and 2124(a) and (b) shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

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. **LEVDANSKY**. Thank you, Mr. Speaker.

Mr. Speaker, 26 States, including Pennsylvania, have a majestic animal called the elk that are confined in those States. We are 1 of 26 States, and because of the good work of the Pennsylvania Game Commission and the Department of Conservation and Natural Resources, we now have an elk herd in Pennsylvania that is well over 700 animals, and we have engaged in a program to trap and transfer to expand the range of this majestic species in Pennsylvania.

Mr. Speaker, we are also one of only— Yet, yet we remain the only State in the nation that has elk that does not protect this majestic animal from indiscriminate killing. There have been situations in Pennsylvania where landowners have decided that the way they deal with the problem of a nuisance elk is to kill it. And I understand that elk do create damage to landowners, and I understand that from time to time, an extreme solution like killing an animal maybe is necessary, but there are other things far short of killing an animal that ought to be tried before we permit that to happen.

The **SPEAKER**. Will the gentleman yield.
Please.

The gentleman may proceed.

Mr. LEVDANSKY. Mr. Speaker, the Pennsylvania Game Commission is entrusted with the significant statutory responsibility of managing elk and all wildlife in Pennsylvania in the interest of all Pennsylvanians. That is their statutory requirement, is that they manage all wildlife in the interest of all Pennsylvanians. Of course, they are particularly attuned to the interests of sportsmen and hunters, because that is a form of managing our wildlife.

But in this particular instance, Mr. Speaker, we passed legislation last fall, last November, to put in place in law an elk hunting license so that we could use hunting as a tool for limiting the growth of this species, and I at the time had drafted an amendment, recognizing we are the only State in the country that does not protect elk, I drafted an amendment to enable us to protect elk at the same time. I withdrew that amendment at that time because the Game Commission approached me and informed me that they have the regulatory ability to protect this majestic species. They could do it in regulation rather than us doing it in statute.

So I withdrew this amendment back in November in the interest of giving the Game Commission the opportunity and the chance to put protection of elk into regulation rather than us doing it by statute. And, Mr. Speaker, the Game Commission attempted to do that. I have met with them. They drafted a regulation. It was tentatively approved on first reading in January, but later on in April, it was tabled, and it was tabled, Mr. Speaker, because there is one narrow, special, property rights interest group in this State that decided, decided that they did not want to have any elk protection amendment in statute or in regulation. They took that extreme position in the belief that every individual landowner has a right to decide what he or she wants to do with elk on their property. In this instance, the Game Commission then decided to table the regulation. They capitulated to this narrow special interest.

Now, I understand, I understand that they are trying to work out a solution to this, Mr. Speaker, but so far no progress has been made — no progress has been made. I would suggest to the Pennsylvania Game Commission that the way they solve this problem is to do what they did last year. Last year when they wanted a hunting license bill passed, what they did is they put together a broad spectrum of stakeholder groups who all sat down at the table and worked out, worked out how we were going to implement elk hunting license legislation. Those broad stakeholder groups represented sportsmen, landowners, farmers, the tourist industry and bureau, people interested in tourism, people interested in farming, people interested in forest products, DCNR (Department of Conservation and Natural Resources); all these groups had a seat at the table to advise us on how to craft the elk hunting legislation.

Mr. Speaker, what I would suggest, what I would strongly suggest to the Game Commission is that they engage in a similar process, put together these broad range and broad spectrum of interest groups, of stakeholder groups, put them all at the table, put them all in the same room, and let them dialogue and talk about how we can protect elk and still respect individual landowner rights and the interest of the farming community at the same time, and I think that is entirely possible if only we could get everybody to sit down at the same table in the same room at the same time. I think there could be such a consensus.

AMENDMENT WITHDRAWN

Mr. LEVDANSKY. So, Mr. Speaker, in the interest of giving the Game Commission one last opportunity to do this, to put together the broad spectrum of stakeholders who want to protect elk and who want to protect property at the same time, in the interest of giving the Game Commission one final chance to do this by regulation, I will withdraw these two amendments with the understanding that if this cannot be worked out through regulation in the near term, we will be looking for other opportunities to amend the Game and Wildlife Code if that is necessary. But my hope, Mr. Speaker, is that the Game Commission understands the importance of this issue to all Pennsylvanians and not just a handful of people in the farming community. This is something, an issue, that they have got to deal with that is of interest to all Pennsylvanians.

So in that effort to give them one last opportunity, I will withdraw these amendments. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. SURRA, the amendments are withdrawn. There is nothing before the House at the moment.

Mr. SURRA. Mr. Speaker, may I make just a brief statement on—

The SPEAKER. On what?

Mr. SURRA. —Representative Levdansky's withdrawal of the amendment? I will be very brief. On final passage then?

The SPEAKER. The gentleman from Elk County is recognized.

Mr. SURRA. Thank you, Mr. Speaker.

Very briefly, I want to thank Representative Levdansky for withdrawing this amendment, but I want the House to know that there is a problem here, and I think it is important that the Game Commission work with interested members, including Representative Levdansky, to put this problem to rest. Thank you.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

On final passage, Mr. Smith.

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

I want to thank Representative Levdansky for withdrawing the amendment.

I would also like to point out that the narrow special interest group that is meeting or wants to meet with the Game Commission is the Pennsylvania Farm Bureau, our number one industry in Pennsylvania, which I would not classify as a narrow special interest group.

I would also like to indicate that the Farm Bureau and the Game Commission have indicated to me and to other members of the committee that they will be meeting and have a solution to this problem by their June meeting of the Pennsylvania Game Commission.

Furthermore, I would urge everyone to vote in the affirmative on this bill. Thank you, Mr. Speaker.

The SPEAKER. Mr. Zimmerman, do you desire recognition?
Mr. ZIMMERMAN. Mr. Speaker, I do have an amendment.
I think No. 1755.

The SPEAKER. We have no knowledge of that amendment.
Did you turn it in?

Mr. ZIMMERMAN. Yesterday I thought I turned it in.
My secretary did.

Mr. Speaker?

The SPEAKER. Will the gentleman yield.

RULES SUSPENDED

The SPEAKER. Mr. Zimmerman, it will be necessary to suspend the rules to consider this amendment. It was not turned in until this morning. That being the case – and it is my understanding it is a technical amendment?

Mr. ZIMMERMAN. It is a technical amendment, Mr. Speaker.

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

The following roll call was recorded:

YEAS—199

- | | | | |
|--------------|------------|------------|---------------|
| Adolph | Evans, J. | Maitland | Schroder |
| Allen | Fairchild | Major | Schuler |
| Argall | Feese | Manderino | Scrimenti |
| Armstrong | Fichter | Mann | Semmel |
| Baker, J. | Fleagle | Markosek | Shaner |
| Baker, M. | Flick | Marsico | Smith, B. |
| Bard | Forcier | Mayernik | Smith, S. H. |
| Barley | Frankel | McCall | Solobay |
| Barrar | Freeman | McGeehan | Staback |
| Bastian | Gabig | McGill | Stairs |
| Bebko-Jones | Gannon | McIlhattan | Steelman |
| Belardi | Geist | McIlhinney | Steil |
| Belfanti | George | McNaughton | Stern |
| Benninghoff | Godshall | Melio | Stetler |
| Birmelin | Gordner | Metcalfe | Stevenson, R. |
| Bishop | Grucela | Michlovic | Stevenson, T. |
| Blaum | Gruitza | Micozzie | Strittmatter |
| Boyes | Habay | Miller, R. | Sturla |
| Browne | Haluska | Miller, S. | Surra |
| Bunt | Hanna | Mundy | Tangretti |
| Butkovitz | Harhai | Myers | Taylor, E. Z. |
| Buxton | Harhart | Nailor | Taylor, J. |
| Caltagirone | Harper | Nickol | Thomas |
| Cappelli | Hasay | O'Brien | Tigue |
| Casorio | Hennessey | 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 |
| Corrigan | Kaiser | Preston | Washington |
| Costa | Keller | Raymond | Waters |
| Coy | Kenney | Readshaw | Watson |
| Creighton | Kirkland | Reinard | Williams, C. |
| Cruz | Krebs | Rieger | Williams, J. |
| Curry | LaGrotta | Robinson | Wilt |
| Dailey | Laughlin | Roebuck | Wogan |
| Daley | Lawless | Rohrer | Wojnaroski |
| Dally | Lederer | Rooney | Wright |
| DeLuca | Leh | Ross | Yewcic |
| Dermody | Lescovitz | Rubley | Youngblood |
| DeWeese | Levdansky | Ruffing | Yudichak |
| DiGirolamo | Lewis | Sainato | Zimmerman |
| Diven | Lucyk | Samuelson | Zug |

- | | | | |
|-----------|-----------|---------|---------|
| Donatucci | Lynch | Santoni | |
| Eachus | Mackereth | Sather | Ryan, |
| Egolf | Maher | Saylor | Speaker |
| Evans, D. | | | |

NAYS—0

NOT VOTING—0

EXCUSED—3

- | | | |
|-------------|---------|---------|
| Cappabianca | Cornell | Roberts |
|-------------|---------|---------|

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

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its announcement that the bill was agreed to on third consideration.

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

Mr. ZIMMERMAN offered the following amendment No. **A1755**:

Amend Sec. 1, (Sec. 2903), page 1, line 9, by inserting a bracket before "the" where it appears the first time

Amend Sec. 1, (Sec. 2903), page 1, line 9, by striking out the bracket before "designated"

Amend Sec. 1, (Sec. 2903), page 1, line 10, by striking out "Commonwealth] period designated by the director." and inserting "Commonwealth.] a one-year, two-year or three-year time period selected by the applicant for the permit based on the fiscal year for the Commonwealth. Fees under section 2904 (relating to permit fees) shall be multiplied by the time period selected by the applicant and remitted at the time of application for the permit. Except when an application for a permit is rejected, all fees shall be nonrefundable."

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

The SPEAKER. Mr. Zimmerman, would you briefly describe your amendment?

Mr. ZIMMERMAN. Thank you, Mr. Speaker.

What this amendment does is, over a period of up to 3 years when you apply for a permit or a hunting license or any kind of license, it is multiplied by the 1-year price. So there are no bargains there, just conveniences for this amendment.

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

The following roll call was recorded:

YEAS—199

- | | | | |
|-----------|-----------|-----------|-----------|
| Adolph | Evans, J. | Maitland | Schroder |
| Allen | Fairchild | Major | Schuler |
| Argall | Feese | Manderino | Scrimenti |
| Armstrong | Fichter | Mann | Semmel |
| Baker, J. | Fleagle | Markosek | Shaner |

Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayernik	Smith, S. H.
Barley	Frankel	McCall	Solobay
Barrar	Freeman	McGeehan	Staback
Bastian	Gabig	McGill	Stairs
Bebko-Jones	Gannon	McIlhattan	Steelman
Belardi	Geist	McIlhinney	Steil
Belfanti	George	McNaughton	Stern
Benninghoff	Godshall	Melio	Stetler
Birmelin	Gordner	Metcalfe	Stevenson, R.
Bishop	Grucela	Michlovic	Stevenson, T.
Blaum	Gruitza	Micozzie	Strittmatter
Boyes	Habay	Miller, R.	Sturla
Browne	Haluska	Miller, S.	Surra
Bunt	Hanna	Mundy	Tangretti
Butkovitz	Harhai	Myers	Taylor, E. Z.
Buxton	Harhart	Nailor	Taylor, J.
Caltagirone	Harper	Nickol	Thomas
Cappelli	Hasay	O'Brien	Tigue
Casorio	Hennessey	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
Corrigan	Kaiser	Preston	Washington
Costa	Keller	Raymond	Waters
Coy	Kenney	Readshaw	Watson
Creighton	Kirkland	Reinard	Williams, C.
Cruz	Krebs	Rieger	Williams, J.
Curry	LaGrotta	Robinson	Wilt
Dailey	Laughlin	Roebuck	Wogan
Daley	Lawless	Rohrer	Wojnaroski
Dally	Lederer	Rooney	Wright
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker
Evans, D.			

NAYS-0

NOT VOTING-0

EXCUSED-3

Cappabianca	Cornell	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?

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-199

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Cappabianca	Cornell	Roberts
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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.

GUESTS INTRODUCED

The SPEAKER. We have with us today, seated to the left of the Chair, four authors who earlier today were book signing in the East Wing Building in celebration of the 1-year anniversary

of the gift shop. This was part of a program provided by the Historical and Museum Commission. From Ireland, Patrick Campbell, who is author of "A Molly Maguire Story" is the title of his book. Mr. Campbell, would you please rise. Eric McKeever, author of "Tales of the Mine Country." These books, as you have probably figured out by now, are books on the coal industry and the coal counties of Pennsylvania. The third author, Dr. Kenneth Wolensky, is the coauthor of "The Knox Mine Disaster." Doctor. And the last author is kind of a special person for me. She works in my office. She wrote a book, "Tribute to O'Hara and Other Stories," which I saw to it that the members of the coal caucus all received a copy of it, and she is here with us today — Christine Goldbeck. Would you rise please.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 732, PN 816**, entitled:

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

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?

Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Would the prime sponsor of the bill stand for interrogation?

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

Mr. ADOLPH. Thank you.

Mr. Speaker, HB 732, which I am a cosponsor of and support, but recently at a meeting back in Delaware County with DELARC (Delaware County Association for Retarded Citizens), they had concerns regarding the patients. Will this legislation prevent a patient in a mental institute or one of these facilities from leaving and going into a community living arrangement? Could you please explain that?

The SPEAKER. Mr. Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

That is a very good question and one that perhaps has been the most misunderstood question in HB 732. I tried to explain it in my memo, but let me get directly to the heart of the bill and refer you to section 6 of the bill, which is on the last page, page 6: "Patients. Nothing in this act shall prevent a patient from entering or leaving a facility in accordance with law."

I believe, Mr. Speaker, that myself and the other 167 cosponsors firmly believe that we need to take a look at closings of MH/MR (mental health/mental retardation) facilities, and also, I believe all of us believe that we have to take a look at issues in the community such as have been raised pertaining to funding and the Auditor General's report and other reports to show that there are problems there. But I can assure you that the wording is in the legislation. There are the U.S. Supreme Court decisions and also State court decisions

which would ensure that a person, if they are willing and able and want to be in the community, I believe that they have every right to be there.

Mr. ADOLPH. Thank you, Mr. Speaker.

The SPEAKER. Mr. Preston.

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

I want to commend Mr. Fairchild on this piece of legislation, and I guess having served under three different Governors, I have watched, in my own personal opinion, what I felt were cost reductions and taking people who are physically and mentally challenged, and a lot of us, and especially in Allegheny County, over the years have fought for putting people out, what we call out on the street just from a reassessment through a different executive order. This gives us a little bit of protection in our legislative districts where we have to be served notice, where public hearings will be able to be held, and those people who are in these institutions will have a right to be able to be represented and be able to be heard.

This bill is a long time coming. I am really happy that we are able to see this happen. Hopefully the Governor, we will get it very fast to the Governor and be able to sign it before more people we see out on our streets possibly should not be, where we will be able to have some say-so when they want to close down some of these State hospitals.

Thank you very much, and I encourage a vote for HB 732.

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—198

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
Corrigan	Josephs	Preston	Washington
Costa	Kaiser	Raymond	Waters
Coy	Keller	Readshaw	Watson

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

NAYS—1

Kenney

NOT VOTING—0

EXCUSED—3

Cappabianca Cornell 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.

SUPPLEMENTAL CALENDAR C

RESOLUTIONS PURSUANT TO RULE 35

Mr. SOLOBAY called up **HR 199, PN 1781**, entitled:

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

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Cappabianca Cornell Roberts

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

* * *

Mr. HERMAN called up **HR 201, PN 1782**, entitled:

A Resolution commending The Pennsylvania State University men's ice hockey team on winning the ACHA national championship.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

Boyes	Habay	Miller, R.	Sturla
Browne	Haluska	Miller, S.	Surra
Bunt	Hanna	Mundy	Tangretti
Butkowitz	Harhai	Myers	Taylor, E. Z.
Buxton	Harhart	Nailor	Taylor, J.
Caltagirone	Harper	Nickol	Thomas
Cappelli	Hasay	O'Brien	Tigue
Casorio	Hennessey	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
Corrigan	Kaiser	Preston	Washington
Costa	Keller	Raymond	Waters
Coy	Kenney	Readshaw	Watson
Creighton	Kirkland	Reinard	Williams, C.
Cruz	Krebs	Rieger	Williams, J.
Curry	LaGrotta	Robinson	Wilt
Dailey	Laughlin	Roebuck	Wogan
Daley	Lawless	Rohrer	Wojnaroski
Dally	Lederer	Rooney	Wright
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker
Evans, D.			

ADJOURNMENT

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

Hearing none, the Chair recognizes the lady from Bucks County, Mrs. Watson.

Mrs. WATSON. Mr. Speaker, I move that this House do now adjourn until Wednesday, May 2, 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 2:25 p.m., e.d.t., the House adjourned.

NAYS—0

NOT VOTING—0

EXCUSED—3

Cappabianca Cornell Roberts

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

RULES COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Perzel, calls for an immediate meeting of the Rules Committee.

**RESOLUTION REPORTED
FROM COMMITTEE**

HR 165, PN 1633

By Rep. PERZEL

A Resolution authorizing and directing the Subcommittee on Cities, Counties - First Class of the Urban Affairs Committee to conduct an investigation into the problems relating to school violence and possession of weapons in the Philadelphia School District.

RULES.

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.