

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 12, 1993

SESSION OF 1993

177TH OF THE GENERAL ASSEMBLY

No. 56

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER PRO TEMPORE (PHYLLIS MUNDY) PRESIDING

##### PRAYER

REV. CLYDE W. ROACH, Chaplain of the House of Representatives, from Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

Gracious God our Father, giver of every good and perfect gift, sanctify us with Your truth and saturate our hearts with Your great love. Grant that we will ever walk in the light of Your divine presence and be blessed with Your compassion, which cares for us despite our weakness, cowardice, and self-love.

We thank You for the discipline of life, for the endurance learnt through disappointment and drudgery; for our work, which is its own reward; and for difficulties, which are the material of victory.

"O God, flood our paths with light; turn our eyes to where the skies are full of promise; tune our hearts to brave music; give us the sense of comradeship with heroes and common folk of every age and time; quicken our spirits that we may be able to encourage the souls of everyone who journeys with us on the road of life."

In Your dear name we pray. Amen.

##### PLEDGE OF ALLEGIANCE

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

##### JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Thursday, October 7, 1993, will be postponed until printed. The Chair hears no objection.

##### LEAVES OF ABSENCE

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

The Chair recognizes Mr. Fee.

Mr. FEE. Thank you, Madam Speaker.

The gentleman from Philadelphia, Mr. WILLIAMS, for today, and the gentleman from Bucks, Mr. CORRIGAN, for the week.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Without objection, leaves of absence are granted.

The Chair recognizes Mr. Perzel.

Mr. PERZEL. Thank you, Madam Speaker.

We ask for a leave of absence for the week for the gentleman from Lycoming, Mr. BUSH, and for the gentleman from Delaware for the week, Mr. CIVERA.

The SPEAKER pro tempore. Without objection, leaves of absence are granted.

##### MASTER ROLL CALL

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

The following roll call was recorded:

##### PRESENT—197

Acosta	Fee	Lynch	Santoni
Adolph	Fichter	Maitland	Sather
Allen	Fleagle	Manderino	Saurman
Argall	Flick	Markosek	Saylor
Armstrong	Freeman	Marsico	Scheetz
Baker	Gamble	Masland	Schuler
Barley	Gannon	Mayernik	Scrimenti
Battisto	Geist	McCall	Semmel
Bebko-Jones	George	McGeehan	Serafini
Belardi	Gerlach	McNally	Smith, B.
Belfanti	Gigliotti	Melio	Smith, S. H.
Birmelin	Gladeck	Merry	Snyder, D. W.
Bishop	Godshall	Michlovic	Staback
Blaum	Gordner	Micozzie	Stairs
Boyes	Gruitza	Mihalich	Steelman
Brown	Gruppo	Miller	Steighner
Bunt	Haluska	Mundy	Steil
Butkovitz	Hanna	Murphy	Stern
Buxton	Harley	Nailor	Stetler
Caltagirone	Hasay	Nickol	Stish
Cappabianca	Hennessey	Nyce	Strittmatter
Carn	Herman	O'Brien	Sturla
Carone	Hershey	O'Donnell	Surra
Cawley	Hess	Olasz	Tangretti
Cessar	Hughes	Oliver	Taylor, E. Z.
Chadwick	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tigue
Cohen, L. I.	James	Petrone	Tomlinson
Cohen, M.	Jarolin	Pettit	Trelio

Colafella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Cowell	Keller	Pitts	Uliana
Coy	Kenney	Platts	Vance
Curry	King	Preston	Van Horne
Daley	Kirkland	Raymond	Veon
DeLuca	Krebs	Reber	Vitali
Dempsey	Kukovich	Reinard	Waugh
Dent	LaGrotta	Richardson	Wogan
Dermody	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	DeWeese,
Fajt	Levdansky	Rubley	Speaker
Fargo	Lloyd	Rudy	
Farmer	Lucyk	Ryan	

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

Bush	Civera	Corrigan	Williams
------	--------	----------	----------

LEAVES ADDED—1

Tomlinson

CALENDAR

RESOLUTIONS

Mr. BOYES called up HR 164, PN 2637, entitled:

A Resolution providing for a select committee to make arrangements for the commemoration of the Battle of the Bulge.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Acosta	Fee	Maitland	Santoni
Adolph	Fichter	Manderino	Sather
Allen	Fleagle	Markosek	Saurman
Argall	Flick	Marsico	Saylor
Armstrong	Freeman	Masland	Scheetz
Baker	Gamble	Mayernik	Schuler
Barley	Gannon	McCall	Scrimenti
Battisto	Geist	McGeehan	Semmel
Bebko-Jones	George	McNally	Serafini
Belardi	Gerlach	Melio	Smith, B.
Belfanti	Gigliotti	Merry	Smith, S. H.
Birmelin	Gladeck	Michlovic	Snyder, D. W.
Bishop	Godshall	Micozzie	Staback
Blaum	Gordner	Mihalich	Stairs
Boyes	Gruitza	Miller	Steelman
Brown	Gruppo	Mundy	Steighner
Bunt	Haluska	Murphy	Steil
Butkovitz	Hanna	Nailor	Stern
Buxton	Harley	Nickol	Stetler
Callagiron	Hasay	Nyce	Stish
Cappabianca	Herman	O'Brien	Strittmatter
Carn	Hess	O'Donnell	Sturla

Carone	Hughes	Olasz	Surra
Cawley	Hutchinson	Oliver	Tangretti
Cessar	Itkin	Perzel	Taylor, E. Z.
Chadwick	Jadlowiec	Pesci	Taylor, J.
Clark	James	Petrarca	Thomas
Clymer	Jarolin	Petrone	Tigue
Cohen, L. I.	Josephs	Pettit	Tomlinson
Cohen, M.	Kaiser	Phillips	Trello
Colafella	Kasunic	Piccola	Trich
Colaizzo	Keller	Pistella	True
Cornell	Kenney	Pitts	Tulli
Cowell	King	Platts	Uliana
Coy	Kirkland	Preston	Vance
Curry	Krebs	Raymond	Van Horne
Daley	Kukovich	Reber	Veon
DeLuca	LaGrotta	Reinard	Vitali
Dempsey	Laub	Richardson	Waugh
Dent	Laughlin	Rieger	Wogan
Dermody	Lawless	Ritter	Wozniak
Donatucci	Lederer	Roberts	Wright, D. R.
Druce	Lee	Robinson	Wright, M. N.
Durham	Leh	Roebuck	Yandrisevits
Egolf	Lescovitz	Rohrer	Yewcic
Evans	Levdansky	Rooney	Zug
Fairchild	Lloyd	Rubley	
Fajt	Lucyk	Rudy	DeWeese,
Fargo	Lynch	Ryan	Speaker
Farmer			

NAYS—0

NOT VOTING—2

Hennessey	Hershey
-----------	---------

EXCUSED—4

Bush	Civera	Corrigan	Williams
------	--------	----------	----------

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

\*\*\*

Mr. ITKIN called up SR 43, PN 1673, entitled:

A Concurrent Resolution directing the Joint State Government Commission to study on an ongoing basis legislative proposals involving certain areas of domestic relations law and creating a task force.

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

The following roll call was recorded:

YEAS—196

Acosta	Fichter	Maitland	Santoni
Adolph	Fleagle	Manderino	Sather
Allen	Flick	Markosek	Saurman
Armstrong	Freeman	Marsico	Saylor
Baker	Gamble	Masland	Scheetz
Barley	Gannon	Mayernik	Schuler
Battisto	Geist	McCall	Scrimenti
Bebko-Jones	George	McGeehan	Semmel
Belardi	Gerlach	McNally	Serafini
Belfanti	Gigliotti	Melio	Smith, B.
Birmelin	Gladeck	Merry	Smith, S. H.
Bishop	Godshall	Michlovic	Snyder, D. W.

Blaum	Gordner	Micozzie	Staback
Boyes	Gruitza	Mihalich	Stairs
Brown	Gruppo	Miller	Steelman
Bunt	Haluska	Mundy	Steighner
Butkovitz	Hanna	Murphy	Steil
Buxton	Harley	Nailor	Stern
Caltagirone	Hasay	Nickol	Stetler
Cappabianca	Hennessey	Nyce	Stish
Carn	Herman	O'Brien	Strittmatter
Carone	Hershey	O'Donnell	Sturla
Cawley	Hess	Olasz	Surra
Cessar	Hughes	Oliver	Tangretti
Chadwick	Hutchinson	Perzel	Taylor, E. Z.
Clark	Itkin	Pesci	Taylor, J.
Clymer	Jadlowiec	Petrarca	Thomas
Cohen, L. I.	James	Petrone	Tigue
Cohen, M.	Jarolin	Pettit	Tomlinson
Colaella	Josephs	Phillips	Trello
Colaizzo	Kaiser	Piccola	Trich
Cornell	Kasunic	Pistella	True
Cowell	Keller	Pitts	Tulli
Coy	Kenney	Platts	Uliana
Curry	King	Preston	Vance
Daley	Kirkland	Raymond	Van Horne
DeLuca	Krebs	Reber	Veon
Dempsey	Kukovich	Reinard	Vitali
Dent	LaGrotta	Richardson	Waugh
Dermody	Laub	Rieger	Wogan
Donatucci	Laughlin	Ritter	Wozniak
Druce	Lawless	Roberts	Wright, D. R.
Durham	Lederer	Robinson	Wright, M. N.
Egolf	Lee	Roebuck	Yandrisevits
Evans	Leh	Rohrer	Yewcic
Fairchild	Lescovitz	Rooney	Zug
Fajt	Levdansky	Rubley	
Fargo	Lloyd	Rudy	DeWeese,
Farmer	Lucyk	Ryan	Speaker
Fee	Lynch		

NAYS—0

NOT VOTING—1

Argall

EXCUSED—4

Bush Civera Corrigan Williams

The question was determined in the affirmative, and the resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

**THE SPEAKER (H. WILLIAM DeWEESE)  
PRESIDING**

The SPEAKER. For what purpose does the gentlelady from Philadelphia, Mrs. Lederer, rise?

Mrs. LEDERER. Mr. Speaker, may I ask that HR 186 remain open for other signers.

The SPEAKER. The lady's request is in order and will be adhered to.

HR 186 will rest at the clerk's desk after it is considered and will be available for additional sponsorship.

**RULES SUSPENDED**

The SPEAKER. On HR 186, the Chair recognizes the majority leader.

Mr. ITKIN. Mr. Speaker, I move for an immediate suspension of the rules in order that HR 186 may be considered.

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

The following roll call was recorded:

YEAS—197

Acosta	Fee	Lynch	Santoni
Adolph	Fichter	Maitland	Sather
Allen	Fleagle	Manderino	Saurman
Argall	Flick	Markosek	Saylor
Armstrong	Freeman	Marsico	Scheetz
Baker	Gamble	Mastland	Schuler
Barley	Gannon	Mayernik	Scrimenti
Battisto	Geist	McCall	Semmel
Bebko-Jones	George	McGeehan	Serafini
Belardi	Gerlach	McNally	Smith, B.
Belfanti	Gigliotti	Melio	Smith, S. H.
Birmelin	Gladeck	Merry	Snyder, D. W.
Bishop	Godshall	Michlovic	Staback
Blaum	Gordner	Micozzie	Stairs
Boyes	Gruitza	Mihalich	Steelman
Brown	Gruppo	Miller	Steighner
Bunt	Haluska	Mundy	Steil
Butkovitz	Hanna	Murphy	Stern
Buxton	Harley	Nailor	Stetler
Caltagirone	Hasay	Nickol	Stish
Cappabianca	Hennessey	Nyce	Strittmatter
Carn	Herman	O'Brien	Sturla
Carone	Hershey	O'Donnell	Surra
Cawley	Hess	Olasz	Tangretti
Cessar	Hughes	Oliver	Taylor, E. Z.
Chadwick	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tigue
Cohen, L. I.	James	Petrone	Tomlinson
Cohen, M.	Jarolin	Pettit	Trello
Colaella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Cowell	Keller	Pitts	Uliana
Coy	Kenney	Platts	Vance
Curry	King	Preston	Van Horne
Daley	Kirkland	Raymond	Veon
DeLuca	Krebs	Reber	Vitali
Dempsey	Kukovich	Reinard	Waugh
Dent	LaGrotta	Richardson	Wogan
Dermody	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajt	Levdansky	Rubley	DeWeese,
Fargo	Lloyd	Rudy	Speaker
Farmer	Lucyk	Ryan	

NAYS—0

NOT VOTING—0

EXCUSED—4

Bush Civera Corrigan Williams

A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

RESOLUTION

The SPEAKER. On the resolution, HR 186, the Representative from Erie County, Linda Bebko-Jones, calls up the resolution, which the clerk will read.

The following resolution was read:

House Resolution No. 186

A RESOLUTION

Designating the month of October 1993 as "Polish-American Month" in Pennsylvania.

WHEREAS, Polish immigrants, people of Polish extraction and people of Polish heritage have contributed immensely to the richness of Pennsylvania culture; and

WHEREAS, The Polish struggle for freedom in Europe is admired, and should be, by all Polish-Americans in Pennsylvania; and

WHEREAS, All Pennsylvanians are grateful for the contribution of Poland and its citizens to our Commonwealth, therefore be it

RESOLVED, That the House of Representatives proclaim the month of October 1993 as "Polish-American Month" in Pennsylvania.

Linda Bebko-Jones  
 Stanley J. Jarolin  
 Italo S. Cappabianca  
 Ruth C. Rudy  
 John N. Wozniak  
 Herman Mihalich  
 Thomas F. Yewcic  
 Joseph A. Petrarca  
 Thomas M. Tigue  
 Ronald I. Buxton  
 Gaynor Cawley  
 Martin L. Laub  
 Richard D. Olasz  
 Frank J. Gigliotti  
 Thomas J. Fee  
 John R. Gordner  
 Edward G. Staback  
 Karl W. Boyes  
 Matthew E. Baker  
 Jim Lynch  
 Ronald R. Cowell  
 Joseph F. Markosek  
 Robert E. Nyce  
 David J. Mayernik  
 John W. Fichter  
 Matthew N. Wright  
 David G. Argall  
 Timothy L. Pesci  
 Gregory C. Fajt  
 Charles W. Dent  
 Ralph Kaiser  
 H. William DeWeese  
 Dick L. Hess  
 P. Michael Sturla  
 Joseph W. Battisto

George T. Kenney, Jr.  
 Richard J. Cessar  
 William Russell Robinson  
 Thomas C. Petrone  
 Jere W. Schuler  
 Ronald S. Marsico  
 Frank J. Pistella  
 Michael R. Veon  
 Bruce Smith

On the question,  
 Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Acosta	Fee	Maitland	Santoni
Adolph	Fichter	Manderino	Sather
Allen	Fleagle	Markosek	Saurman
Argall	Flick	Marsico	Saylor
Armstrong	Freeman	Masland	Scheetz
Baker	Gamble	Mayernik	Schuler
Barley	Gannon	McCall	Scrimenti
Battisto	Geist	McGeehan	Semmel
Bebko-Jones	George	McNally	Serafini
Belardi	Gerlach	Melio	Smith, B.
Belfanti	Gigliotti	Merry	Smith, S. H.
Birmelin	Gladeck	Michlovic	Snyder, D. W.
Bishop	Godshall	Micozzie	Staback
Blaum	Gordner	Mihalich	Stairs
Boyes	Gruitza	Miller	Steelman
Brown	Gruppo	Mundy	Steighner
Bunt	Haluska	Murphy	Steil
Butkovitz	Hanna	Nailor	Stern
Buxton	Harley	Nickol	Stetler
Caltagirone	Hasay	Nyce	Stish
Cappabianca	Hennessey	O'Brien	Strittmatter
Carn	Herman	O'Donnell	Sturla
Carone	Hershey	Olasz	Surra
Cawley	Hess	Oliver	Tangretti
Cessar	Hughes	Perzel	Taylor, E. Z.
Chadwick	Hutchinson	Pesci	Taylor, J.
Clark	Itkin	Petrarca	Thomas
Clymer	Jadlowiec	Petrone	Tigue
Cohen, L. I.	James	Pettit	Tomlinson
Cohen, M.	Jarolin	Phillips	Trello
Colafiglia	Josephs	Piccola	Trich
Colaizzo	Kaiser	Pistella	True
Cornell	Kasunic	Pitts	Tulli
Cowell	Keller	Platts	Uliana
Coy	Kenney	Preston	Vance
Curry	King	Raymond	Van Horne
Daley	Krebs	Reber	Veon
DeLuca	Kukovich	Reinard	Vitali
Dempsey	LaGrotta	Richardson	Waugh
Dent	Laub	Rieger	Wogan
Dermody	Laughlin	Ritter	Wozniak
Donatucci	Lawless	Roberts	Wright, D. R.
Druce	Lederer	Robinson	Wright, M. N.
Durham	Lee	Roebuck	Yandrisevits
Egolf	Leh	Rohrer	Yewcic
Evans	Lescovitz	Rooney	Zug
Fairchild	Levdansky	Rubley	
Fajt	Lloyd	Rudy	DeWeese,
Fargo	Lucyk	Ryan	Speaker
Farmer	Lynch		

NAYS—0

## NOT VOTING—1

Kirkland

## EXCUSED—4

Bush

Civera

Corrigan

Williams

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

**ANNOUNCEMENT BY MR. S. H. SMITH**

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

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

For the purpose of making an announcement.

Mr. Speaker, I just wanted to remind the members of a meeting tomorrow morning for those that are interested in the PennDOT decentralized pilot project that is undergoing. I had sent a memo out. The meeting is at 8:30 tomorrow morning in room 60. It is open to all members and/or staff that are interested in an update on what is going on with PennDOT and the decentralized program. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman for the announcement.

**DEMOCRATIC CAUCUS**

The SPEAKER. The Chair recognizes the gentleman, Mr. Coy, for a caucus announcement. Mr. Coy is recognized.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, it is necessary for the Democratic members to caucus on a number of issues, some of which will be voted when we come back to session today, some of which will be held until tomorrow. So I would like to have a meeting of the Democratic Caucus commencing at 1:30 in the majority caucus room, with the expectation that we could return to the floor by 3 o'clock; caucus at 1:30 and hope to return to the floor by 3 o'clock for further votes today.

**REPUBLICAN CAUCUS**

The SPEAKER. Mr. Geist from Blair County is recognized.

Mr. GEIST. Thank you, Mr. Speaker.

The Republicans will likewise caucus at 1:30, and if Mr. Coy can finish up his business by 3 o'clock, so can we. So we will see you on the floor.

The SPEAKER. The Chair thanks the gentleman.

**GUESTS INTRODUCED**

The SPEAKER. Randy and Roe Klobetanz of Blair County are in the hall of the House today as Representative Jerry Stern's guests. They are to the left of the Speaker. Would they please rise and be recognized, along with Representative Jerry Stern.

**RULES COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the majority leader, who calls for an immediate meeting of the House Rules Committee at the majority leader's podium. Mr. Itkin calls for a Rules Committee meeting immediately at the majority leader's podium.

**GUESTS INTRODUCED**

The SPEAKER. The Chair would also like to recognize in the hall of the House a group of members of the United Mine Workers of America from District 4, from southwestern Pennsylvania, Greene County and Fayette County, the districts of Representatives Kasunic, Roberts, DeWeese, Trich, Colaizzo, and others. Ladies and gentlemen, please welcome members of the United Mine Workers of America.

**LABOR RELATIONS COMMITTEE MEETING**

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

Mr. BELFANTI. Thank you, Mr. Speaker.

At the appropriate time, I wish to be recognized to remind the members of the Labor Relations Committee about a meeting.

The SPEAKER. This would be an appropriate time, and the gentleman is recognized.

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

I would like to remind the members of the House Labor Relations Committee that at the call of whatever break, the first break we have here on the floor, we will be meeting briefly in room 39E; room 39E at the break. Thank you.

The SPEAKER. The Chair thanks the gentleman.

**GUESTS INTRODUCED**

The SPEAKER. The Chair would like to welcome the guests of Representative George Kenney. They are from Philadelphia, and they are members of the B'nai B'rith group from that city. The Chair would welcome them to the hall of the House.

**RECESS**

The SPEAKER. The House will stand in recess until 3 o'clock. Both caucuses will meet immediately in their respective conference rooms.

**RECESS EXTENDED**

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

**AFTER RECESS**

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

**THE SPEAKER PRO TEMPORE  
(GREGORY C. FAJT) PRESIDING**

**APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER pro tempore. There will be an immediate meeting of the Appropriations Committee in the minority caucus room.

**RESOLUTION REPORTED  
FROM COMMITTEE**

**HR 183, PN 2632** By Rep. ITKIN

A Resolution designating October 23 through 31, 1993, as "Red Ribbon Week."

RULES.

**BILL REMOVED FROM TABLE**

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

Mr. ITKIN. Mr. Speaker, I move that HB 1243 be removed from the table.

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

**BILL RECOMMITTED**

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

Mr. ITKIN. Mr. Speaker, I move that HB 1243 be recommitted to the Appropriations Committee.

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

**ADDITIONS AND DELETIONS OF SPONSORS**

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

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

**BILLS REREPORTED FROM COMMITTEE**

**HB 411, PN 1170** By Rep. EVANS

An Act amending the act of February 9, 1984 (P.L.3, No.2), known as the Deputy Sheriffs' Education and Training Act, further providing for the Deputy Sheriffs' Education and Training Account.

**APPROPRIATIONS.**

**HB 1956, PN 2643 (Amended)**

By Rep. EVANS

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for the form and implementation of a power of attorney and for

declarations governing life-sustaining treatment; and providing for anatomical gifts.

**APPROPRIATIONS.**

**BILLS ON SECOND CONSIDERATION**

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

**HB 411, PN 1170; and HB 1956, PN 2643.**

**LEAVE OF ABSENCE**

The SPEAKER pro tempore. The Chair returns to leaves of absence and places Representative TOMLINSON on leave for the day.

**GUEST INTRODUCED**

The SPEAKER pro tempore. The Chair recognizes that Rebecca Rosenberg from the 148th District is the guest page today of Representative Lita Cohen. Welcome to the House floor, Rebecca.

**RULES SUSPENDED**

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

Mr. ITKIN. Mr. Speaker, I move that the rules of the House be suspended so that the House may consider HR's 187, 188, and 189.

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

The following roll call was recorded:

**YEAS—189**

Acosta	Fee	Lucyk	Sather
Adolph	Fichter	Lynch	Saurman
Allen	Fleagle	Maitland	Saylor
Argall	Flick	Manderino	Scheetz
Armstrong	Freeman	Markosek	Schuler
Baker	Gamble	Marsico	Scrimenti
Barley	Gannon	Masland	Semmel
Battisto	Geist	Mayernik	Serafini
Bebko-Jones	George	McCall	Smith, B.
Belardi	Gerlach	McGeehan	Smith, S. H.
Belfanti	Gigliotti	McNally	Snyder, D. W.
Birmelin	Gladeck	Melio	Staback
Bishop	Godshall	Merry	Stairs
Blaum	Gordner	Michlovic	Steelman
Boyes	Gruitza	Micozzie	Steighner
Brown	Gruppo	Mihalich	Steil
Bunt	Haluska	Miller	Stern
Buxton	Hanna	Mundy	Stetler
Caltagirone	Harley	Murphy	Stish
Cappabianca	Hasay	Nailor	Strittmatter
Cam	Hennessey	Nickol	Sturla
Carone	Herman	Nyce	Surra
Cawley	Hershey	O'Brien	Tangretti
Cessar	Hess	Olasz	Taylor, E. Z.
Chadwick	Hughes	Oliver	Taylor, J.

Clark	Hutchinson	Perzel	Thomas
Clymer	Itkin	Pesci	Tigue
Cohen, L. I.	Jadlowiec	Petrarca	Trello
Cohen, M.	James	Petrone	Trich
Colafella	Jarolin	Pettit	True
Colaizzo	Kaiser	Phillips	Tulli
Cornell	Kasunic	Piccola	Uliana
Cowell	Keller	Pistella	Vance
Coy	Kenney	Pitts	Van Horne
Dalcy	King	Platts	Veon
DeLuca	Kirkland	Preston	Vitali
Dempsey	Krebs	Raymond	Waugh
Dent	Kukovich	Reber	Wogan
Dermody	LaGrotta	Reinard	Wozniak
Donatucci	Laub	Rieger	Wright, D. R.
Druce	Laughlin	Roberts	Wright, M. N.
Durham	Lawless	Robinson	Yandrisevits
Egolf	Lederer	Rohrer	Yewcic
Evans	Lee	Rooney	Zug
Fairchild	Leh	Rublely	
Fajt	Lescovitz	Rudy	DeWeese, Speaker
Fargo	Levdansky	Ryan	
Farmer	Lloyd	Santoni	

NAYS—0

NOT VOTING—7

Butkovitz	Josephs	Richardson	Roebuck
Curry	O'Donnell	Ritter	

EXCUSED—5

Bush	Corrigan	Tomlinson	Williams
Civera			

A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

**FILMING PERMISSION**

The SPEAKER pro tempore. The Chair wishes to advise the members that he has given permission to John Sanks of WPVI, channel 6, for filming with audio on the floor of the House during the proceedings on HB 144.

**RESOLUTIONS**

The SPEAKER pro tempore. The gentlelady, Representative Cohen, calls up HR 187, which will be read by the clerk.

The following resolution was read:

**House Resolution No. 187**

A RESOLUTION

Proclaiming Thursday, November 18, 1993, as "Great American Smokeout Day" in Pennsylvania.

WHEREAS, Men and women of all ages who smoke run a greater chance of premature death than those who do not; and

WHEREAS, Smoking has been implicated in cancers of the mouth, pharynx, larynx, esophagus, pancreas, cervix, kidney and bladder; and

WHEREAS, There will be an estimated 170,000 new cases of lung cancer in 1993 and 149,000 cancer-related deaths; and

WHEREAS, Each day 3,000 teenagers in the United States become regular smokers; and

WHEREAS, Seventy-five percent of all teenage smokers come from homes where parents smoke; and

WHEREAS, As part of its efforts to eliminate this menace to the public health, the American Cancer Society encourages all smokers to give up smoking for one 24-hour period each year; and

WHEREAS, This event, known as the "Great American Smokeout," is held on the third Thursday of November each year; therefore be it

RESOLVED, That the House of Representatives proclaim Thursday, November 18, 1993, as "Great American Smokeout Day" in Pennsylvania.

- Lita Indzel Cohen
- Patricia H. Vance
- Patricia Carone
- Herman Mihalich
- Jim Lynch
- Victor John Lescovitz
- Mark B. Cohen
- Thomas W. Dempsey
- Timothy L. Pesci
- Larry O. Sather
- T. J. Rooney
- J. Scot Chadwick
- Peter J. Zug
- Teresa E. Brown
- John W. Fichter
- George T. Kenney, Jr.
- Susan Laughlin
- Fred A. Trello
- Martin L. Laub

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Acosta	Fee	Lynch	Ryan
Adolph	Fichter	Maitland	Santoni
Allen	Fleagle	Manderino	Sather
Argall	Flick	Markosek	Saurman
Armstrong	Freeman	Marsico	Saylor
Baker	Gamble	Masland	Scheetz
Barley	Gannon	Mayernik	Schuler
Battisto	Geist	McCall	Scrimenti
Bebko-Jones	George	McGeehan	Semmel
Belardi	Gerlach	McNally	Serafini
Belfanti	Gigliotti	Melio	Smith, B.
Birmelin	Gladeck	Merry	Smith, S. H.
Bishop	Godshall	Michlovic	Snyder, D. W.
Blaum	Gordner	Micozzie	Staback
Boyes	Gruitza	Mihalich	Stairs
Brown	Gruppo	Miller	Steelman
Bunt	Haluska	Mundy	Steighner
Butkovitz	Hanna	Murphy	Steil
Buxton	Harley	Nailor	Stern
Caltagirone	Hasay	Nickol	Stetler
Cappabianca	Hennessey	Nyce	Stish
Carn	Herman	O'Brien	Strittmatter
Carone	Hershey	O'Donnell	Sturla
Cawley	Hess	Olasz	Surra
Cessar	Hughes	Oliver	Tangretti
Chadwick	Hutchinson	Perzel	Taylor, E. Z.
Clark	Itkin	Pesci	Taylor, J.
Clymer	Jadlowiec	Petrarca	Thomas
Cohen, L. I.	James	Petrone	Tigue
Cohen, M.	Jarolin	Pettit	Trello
Colafella	Josephs	Phillips	Trich

Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Cowell	Keller	Pitts	Uliana
Coy	Kenney	Platts	Vance
Curry	King	Preston	Van Horne
Daley	Kirkland	Raymond	Veon
DeLuca	Krebs	Reber	Vitali
Dempsey	Kukovich	Reinard	Waugh
Dent	LaGrotta	Richardson	Wogan
Dermody	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajt	Levdansky	Rubley	DeWeese,
Fargo	Lloyd	Rudy	Speaker
Farmer	Lucyk		

NAYS—0

NOT VOTING—0

EXCUSED—5

Bush	Corrigan	Tomlinson	Williams
Civera			

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

\*\*\*

The SPEAKER pro tempore. The gentleman, Mr. Platts, calls up HR 188, which will be read by the clerk.

The following resolution was read:

House Resolution No. 188

A RESOLUTION

Recognizing October as "Car Care Month" in Pennsylvania.

WHEREAS, National Car Care Month is a nationwide effort by businesses, civic groups, the government and the media to focus motorists' attention on the need to maintain their cars; and

WHEREAS, October was chosen because it is an ideal time for motorists to get their cars ready before winter strikes; and

WHEREAS, Many automobile owners do not realize that maintenance is less costly than a major repair, that small problems get bigger when they are neglected and that a motorist faces towing charges, huge repair bills and poor performance from his vehicle; and

WHEREAS, Over 2,600 deaths occur each year because of car neglect, nearly 100,000 disabling injuries happen every year, 11 people are injured every hour and one person dies every three hours due to accidents which could have been prevented; and

WHEREAS, In terms of money, the cost to society is over \$2 billion each year due to car neglect; over \$650 million are lost each year in wages; medical expenses because of these accidents run another \$200 million; insurance administration costs are almost \$500 million a year; and the cost of motor vehicle property damage amounts to nearly \$750 million each year; and

WHEREAS, The Environmental Protection Agency estimates that 515 million gallons of gasoline are being wasted annually just because people are driving on low tires; EPA tests also show that simple carburetor adjustments could save the environment in two ways by raising fuel economy from 2.5% to 9.2%, saving a nonrenewable resource, and by reducing hydrocarbon emissions 40% and carbon monoxide 58%; therefore be it

RESOLVED, That the House of Representatives recognize October as "Car Care Month" in Pennsylvania to join in the national observance of this important public campaign to enhance civic awareness regarding car care.

- Todd R. Platts
- Thomas M. Tighe
- William Russell Robinson
- Mario J. Civera, Jr.
- Albert W. Pettit
- Thomas W. Druce
- Frank J. Gigliotti
- John R. Gardner
- Jim Lynch
- Victor John Lescovitz
- Mark B. Cohen
- Peter J. Zug
- Timothy L. Pesci
- Kevin Blaum
- George T. Kenney, Jr.
- T. J. Rooney
- Lynn B. Herman
- Robert M. Tomlinson
- Fred A. Trello
- John W. Fichter
- Michael L. Waugh

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Acosta	Fee	Lynch	Ryan
Adolph	Fichter	Maitland	Santoni
Allen	Fleagle	Manderino	Sather
Argall	Flick	Markosek	Saurman
Armstrong	Freeman	Marsico	Saylor
Baker	Gamble	Masland	Scheetz
Barley	Gannon	Mayernik	Schuler
Battisto	Geist	McCall	Scrimenti
Bebko-Jones	George	McGeehan	Semmel
Belardi	Gerlach	McNally	Serafini
Belfanti	Gigliotti	Melio	Smith, B.
Birmelin	Gladeck	Merry	Smith, S. H.
Bishop	Godshall	Michlovic	Snyder, D. W.
Blaum	Gordner	Micozzie	Staback
Boyes	Gruitza	Mihalich	Stairs
Brown	Gruppo	Miller	Steelman
Bunt	Haluska	Mundy	Steighner
Butkovitz	Hanna	Murphy	Steil
Buxton	Harley	Nailor	Stern
Caltagirone	Hasay	Nickol	Stetler
Cappabianca	Hennessey	Nyce	Stish
Carn	Herman	O'Brien	Strittmatter
Carone	Hershey	O'Donnell	Sturla
Cawley	Hess	Olasz	Surra
Cessar	Hughes	Oliver	Tangretti
Chadwick	Hutchinson	Perzel	Taylor, E. Z.
Clark	Itkin	Pesci	Taylor, J.
Clymer	Jadlowiec	Petrarca	Thomas
Cohen, L. I.	James	Petrone	Tighe
Cohen, M.	Jarolin	Pettit	Trello
Colafella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Cowell	Keller	Pitts	Uliana
Coy	Kenney	Platts	Vance
Curry	King	Preston	Van Horne
Daley	Kirkland	Raymond	Veon
DeLuca	Krebs	Reber	Vitali

Dempsey	Kukovich	Reinard	Waugh
Dent	LaGrotta	Richardson	Wogan
Dermody	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajt	Levdansky	Rubley	DeWeese,
Fargo	Lloyd	Rudy	Speaker
Farmer	Lucyk		

NAYS—0

NOT VOTING—0

EXCUSED—5

Bush	Corrigan	Tomlinson	Williams
Civera			

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

\* \* \*

The SPEAKER pro tempore. The gentleman, Mr. Maitland, calls up HR 189, which the clerk will read.

The following resolution was read:

**House Resolution No. 189**

**A RESOLUTION**

Designating the day of October 16, 1993, as "Take Pride in Adams County Day" in Pennsylvania.

WHEREAS, Adams County was created by an act of the General Assembly which was signed by Governor Thomas McKean on January 22, 1800; and

WHEREAS, Adams County was named after United States President John Adams; and

WHEREAS, Adams County embraces 521 square miles of the most beautiful and productive land in this Commonwealth; and

WHEREAS, Adams County was settled by peoples of diverse ethnic origin who, over the years, created a rich community of factories and farms, roads and towns, local governments, churches and schools and social customs unique to the area; and

WHEREAS, Adams County was host to one of the greatest and most terrible battles in our Civil War; and

WHEREAS, Adams County maintains a vibrant economy centered on agriculture and tourism, the two most important industries in this Commonwealth today; and

WHEREAS, Adams County's natural beauty, economic opportunity, quality schools, transportation network and friendly and caring people have made the county one of the fastest growing counties in all of Pennsylvania; therefore be it

RESOLVED, That the House of Representatives designate October 16, 1993, as "Take Pride in Adams County Day" in Pennsylvania and recognize the outstanding contributions made by the citizens of Adams County to this Commonwealth from the date of the arrival of the first settler in 1718 to the present day.

Stephen R. Maitland  
 Steven R. Nickol  
 Arthur D. Hershey  
 Italo S. Cappabianca  
 Victor John Lescovitz  
 Timothy L. Pesci  
 T. J. Rooney

Larry O. Sather  
 George T. Kenney, Jr.  
 Peter J. Zug  
 Albert H. Masland  
 Martin L. Laub  
 Susan Laughlin  
 Herman Mihalich  
 Patrick E. Fleagle  
 John W. Fichter  
 Michael L. Waugh

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

Acosta	Fee	Maitland	Santoni
Adolph	Fichter	Manderino	Sather
Allen	Fleagle	Markosek	Saurman
Argall	Flick	Marsico	Saylor
Armstrong	Freeman	Masland	Scheetz
Baker	Gannon	Mayernik	Schuler
Barley	Geist	McCall	Scrimanti
Battisto	George	McGeehan	Semmel
Belardi	Gerlach	McNally	Serafini
Belfanti	Gigliotti	Melio	Smith, B.
Birmelin	Gladeck	Merry	Smith, S. H.
Bishop	Godshall	Michlovic	Snyder, D. W.
Blaum	Gordner	Micozzie	Staback
Boyes	Gruitza	Mihalich	Stairs
Brown	Gruppo	Miller	Steelman
Bunt	Haluska	Mundy	Steighner
Butkovitz	Hanna	Murphy	Steil
Buxton	Harley	Nailor	Stern
Caltagirone	Hasay	Nickol	Stetler
Cappabianca	Hennessey	Nyce	Stish
Cam	Herman	O'Brien	Strittmatter
Carone	Hershey	O'Donnell	Sturla
Cawley	Hess	Olasz	Surra
Cessar	Hughes	Oliver	Tangretti
Chadwick	Hutchinson	Perzel	Taylor, E. Z.
Clark	Itkin	Pesci	Taylor, J.
Clymer	Jadlowiec	Petrarca	Thomas
Cohen, L. I.	James	Petrone	Tigue
Cohen, M.	Jarolin	Pettit	Trello
Colafrella	Kaiser	Phillips	Trich
Colaizzo	Kasunic	Piccola	True
Cornell	Keller	Pistella	Tulli
Cowell	Kenney	Pitts	Uliana
Coy	King	Platts	Vance
Curry	Kirkland	Preston	Van Horne
Daley	Krebs	Raymond	Veon
DeLuca	Kukovich	Reber	Vitali
Dempsey	LaGrotta	Reinard	Waugh
Dent	Laub	Richardson	Wogan
Dermody	Laughlin	Rieger	Wozniak
Donatucci	Lawless	Ritter	Wright, D. R.
Druce	Lederer	Roberts	Wright, M. N.
Durham	Lee	Robinson	Yandrisevits
Egolf	Leh	Roebuck	Yewcic
Evans	Lescovitz	Rohrer	Zug
Fairchild	Levdansky	Rooney	
Fajt	Lloyd	Rubley	DeWeese,
Fargo	Lucyk	Rudy	Speaker
Farmer	Lynch	Ryan	

NAYS—0

Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajt	Levdansky	Rubley	DeWeese,
Fargo	Lloyd	Rudy	Speaker
Farmer	Lucyk		

NAYS—0

NOT VOTING—0

EXCUSED—5

Bush	Corrigan	Tomlinson	Williams
Civera			

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

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

\* \* \*

The House proceeded to third consideration of **HB 1214, PN 2636**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for the recognition of the Pennsylvania Geographic Alliance; and imposing powers and duties on the Secretary of Education.

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

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

The question is, shall the bill pass finally?

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

YEAS—196

Acosta	Fee	Lynch	Ryan
Adolph	Fichter	Maitland	Santoni
Allen	Fleagle	Manderino	Sather
Argall	Flick	Markosek	Saurman
Armstrong	Freeman	Marsico	Saylor
Baker	Gamble	Masland	Scheetz
Barley	Gannon	Mayermik	Schuler
Battisto	Geist	McCall	Scriminti
Bebko-Jones	George	McGeehan	Semmel
Belardi	Gerlach	McNally	Serafini
Belfanti	Gigliotti	Melio	Smith, B.
Birmelin	Giladeck	Merry	Smith, S. H.
Bishop	Godshall	Michlovic	Snyder, D. W.
Blaum	Gordner	Micozzie	Staback
Boyes	Gruitza	Mihalich	Stairs
Brown	Gruppo	Miller	Steelman
Bunt	Haluska	Mundy	Steighner
Butkovitz	Hanna	Murphy	Steil
Buxton	Harley	Nailor	Stern

Caltagirone	Hasay	Nickol	Stetler
Cappabianca	Hennessey	Nyce	Stish
Carn	Herman	O'Brien	Strittmatter
Carone	Hershey	O'Donnell	Sturla
Cawley	Hess	Olasz	Surra
Cessar	Hughes	Oliver	Tangretti
Chadwick	Hutchinson	Perzel	Taylor, E. Z.
Clark	Itkin	Pesci	Taylor, J.
Clymer	Jadlowiec	Petrarca	Thomas
Cohen, L. I.	James	Petrone	Tigue
Cohen, M.	Jarolin	Pettit	Trello
Colaella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Cowell	Keller	Pitts	Uliana
Coy	Kenney	Platts	Vance
Curry	King	Preston	Van Home
Daley	Kirkland	Raymond	Veon
DeLuca	Krebs	Reber	Vitali
Dempsey	Kukovich	Reinard	Waugh
Dent	LaGrotta	Richardson	Wogan
Dermody	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajt	Levdansky	Rubley	DeWeese,
Fargo	Lloyd	Rudy	Speaker
Farmer	Lucyk		

NAYS—0

NOT VOTING—0

EXCUSED—5

Bush	Corrigan	Tomlinson	Williams
Civera			

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 690, PN 754**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for the form of official primary ballots; providing for funding of certain Statewide elections; limiting certain contributions; imposing powers and duties on the Department of State; and providing penalties.

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

**BILL TABLED**

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

Mr. ITKIN. Mr. Speaker, I move that HB 690, PN 754, be tabled.

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

\* \* \*

The House proceeded to third consideration of **SB 1099**, **PN 1255**, entitled:

An Act amending Title 9 (Burial Grounds) of the Pennsylvania Consolidated Statutes, further providing for initial deposits by existing cemetery companies and for periodic deposits.

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

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

The question is, shall the bill pass finally?

The Chair recognizes Representative Allen.

Mr. ALLEN. Mr. Speaker, will someone stand for interrogation on this bill?

The SPEAKER pro tempore. Is there anyone in the House who volunteers to serve for interrogation on SB 1099?

Mr. ALLEN. Mr. Speaker, may I speak on final passage?

The SPEAKER pro tempore. I am sorry; Mr. Allen, would you please repeat your question?

Mr. ALLEN. Since there is not anyone who wants to stand for interrogation, Mr. Speaker, may I speak on final passage?

The SPEAKER pro tempore. The Chair has been informed that Representative Veon is on his way to the House floor to serve for interrogation on this bill.

The House will be at ease for a couple minutes.

For what purpose does the gentleman, Mr. Buxton, rise?

Mr. BUXTON. I will attempt to be interrogated in the absence of Mr. Veon.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Representative Allen may proceed.

The Chair also recognizes that Representative Veon is in the hall of the House. Perhaps you can both stand for interrogation.

The gentleman, Mr. Allen, may proceed.

Mr. ALLEN. Mr. Speaker, my concern is on page 2 of the bill, and it is not what appears in the bill but what does not appear in the bill, and that is any time limits on the construction for the mausoleums or columbariums.

Mr. BUXTON. Mr. Speaker, the gentleman is right that there has been no time limit established for the construction period of crypts or mausoleums. However, in discussions with the Pennsylvania Cemetery Association, it was agreed upon that separate legislation would be put together to address this issue in another statute. We feel that it is inappropriate to amend Title 9, which this bill amends on perpetual care, with any time period involved. So therefore, legislation will be

introduced very shortly to address the time period issue of construction.

Mr. ALLEN. Thank you, Mr. Speaker.

Mr. Speaker, may I speak on final passage?

The SPEAKER pro tempore. The gentleman is in order.

Mr. ALLEN. Mr. Speaker, I am going to oppose this bill today, because without a time limit, I believe it is unfair to the consumers of this State.

If I purchase a mausoleum and there is no time limit on when the construction is going to take place and I pass away 6 months or a year later and that mausoleum is still not constructed, where are you going to put me?

That is my statement. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Representative Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, I just want to prevent any confusion that may arise from the previous interrogation and comments from my colleague from Schuylkill County.

The members of the House have before them SB 1099, which deals with increasing the amount of money that gets placed into the perpetual care fund by cemeteries in Pennsylvania. The reference that was made by my colleague previously deals with an amendment that was not introduced to this piece of legislation.

Mr. Speaker, how many times in this House are there opportunities for amendments to legislation but never get done? I mean, it would be crazy for us to start considering voting against bills because amendments were not introduced to them.

The issue of construction of mausoleums is not contained in SB 1099 because it has nothing to do with funding for mausoleums. It only has to do with the amount of money that gets placed into the perpetual care fund.

This is a good consumer piece of legislation because it guarantees the proper maintenance of the facilities for people who are laid to rest, and I think we should support this fully. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the Representative from Beaver County, Representative Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I think it would be worthwhile for the members to understand that this is one of the rare occasions, on a bill of this kind, that there is an agreement between the Cemetery Association and the Funeral Directors Association.

I want to commend the gentleman, Mr. Buxton, for putting a lot of time into this issue over the last couple of weeks, bringing both of those parties to the table, getting a specific agreement on this bill, and in return, the gentleman, Mr. Buxton, will be prime-sponsoring a followup bill that addresses many of the concerns of the Funeral Directors Association. I think you will have plenty of opportunity to deal with those concerns in that bill.

I would ask for an affirmative vote on a bill, again, on the rare occasion where both the Funeral Directors Association and the Cemetery Association are not opposed to SB 1099. I would ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes, for the second time, Representative Allen.

Mr. ALLEN. Mr. Speaker, speaking on final passage again, the point I am trying to make, I am not worried about the Cemetery Association; I am not worried about the Funeral Directors Association; I am worried about the consumer who is purchasing the mausoleum or the columbarium. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—159

Acosta	Fichter	Manderino	Sather
Argall	Fleagle	Markosek	Saurman
Armstrong	Freeman	Marsico	Saylor
Baker	Gamble	Masland	Scheetz
Barley	Gannon	Mayernik	Schuler
Battisto	Geist	McCall	Scrimenti
Bebko-Jones	George	McGeehan	Semmel
Belardi	Gigliotti	McNally	Serafini
Belfanti	Gladeck	Melio	Smith, B.
Birmelin	Godshall	Michlovic	Snyder, D. W.
Bishop	Gordner	Mihalich	Staback
Blaum	Gruitza	Miller	Stairs
Bunt	Gruppo	Mundy	Steelman
Butkovitz	Haluska	Murphy	Steighner
Buxton	Hanna	Nickol	Stetler
Caltagirone	Harley	Nyce	Stish
Cam	Hennessey	O'Brien	Sturla
Carone	Hughes	O'Donnell	Surra
Cawley	Itkin	Olasz	Tangretti
Cessar	Jadlowiec	Oliver	Taylor, E. Z.
Chadwick	James	Pesci	Taylor, J.
Clymer	Jarolin	Petrarca	Tigue
Cohen, L. I.	Josephs	Petrone	Trich
Cohen, M.	Kaiser	Piccola	True
Colafrilla	Kasunic	Pistella	Tulli
Colaizzo	Keller	Pitts	Uliana
Cornell	Kenney	Platts	Vance
Cowell	Kirkland	Preston	Van Home
Coy	Krebs	Reinard	Veon
Curry	Kukovich	Richardson	Vitali
Daley	LaGrotta	Rieger	Waugh
DeLuca	Laub	Ritter	Wozniak
Dempsey	Laughlin	Roberts	Wright, D. R.
Dent	Lawless	Robinson	Wright, M. N.
Dermody	Lederer	Roebuck	Yandrisevits
Donatucci	Lescovitz	Rooney	Yewcic
Druce	Levdansky	Rublely	Zug
Egolf	Lloyd	Rudy	
Evans	Lucyk	Ryan	DeWeese,
Fajt	Maitland	Santoni	Speaker
Fee			

NAYS—37

Adolph	Flick	Leh	Reber
Allen	Gerlach	Lynch	Rohrer

Boyes	Hasay	Merry	Smith, S. H.
Brown	Herman	Micozzie	Steil
Cappabianca	Hershey	Nailor	Stern
Clark	Hess	Perzel	Strittmatter
Durham	Hutchinson	Pettit	Thomas
Fairchild	King	Phillips	Trello
Fargo	Lee	Raymond	Wogan
Farmer			

NOT VOTING—0

EXCUSED—5

Bush	Corrigan	Tomlinson	Williams
Civera			

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

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

\* \* \*

The House proceeded to third consideration of **SB 845, PN 1530**, entitled:

An Act amending the act of July 1, 1981 (P. L. 191, No. 57) entitled, as amended, "Register of Wills Fee Law," providing for the establishment and modification of fees; and providing for the imposition of an additional fee.

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

**BILL REVERTED TO  
PRIOR PRINTER'S NUMBER**

The SPEAKER pro tempore. The Chair recognizes Representative Mayernik.

Mr. MAYERNIK. Thank you, Mr. Speaker.

At this time I would like to make a motion to revert to the prior printer's number, which would be PN 1471.

By reverting to PN 1471, it would eliminate the language "...with the approval of a majority of the county commissioners." I have been in contact with the commissioners association, and I have documentation that they have no objection to reverting to the prior printer's number, as well as I have documentation and a letter from the three commissioners of Allegheny County, who also agreed to return to the prior printer's number.

By returning to the prior printer's number, we would permit the register of wills to request or petition the president judge to increase, decrease, or to assess the fees, and the president judge could then approve or disapprove. This would not permit the judge to act on their own sua sponte to increase or decrease the fees, but they would only be permitted upon request—and I want to make that clear for the record because I know there are some members who have been concerned about that—only upon request of the register of wills would the fees then be changed.

So I would ask for an affirmative vote to return to the prior printer's number.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The SPEAKER pro tempore. The Chair recognizes Representative Merry on the motion.

Mr. MERRY. Mr. Speaker, this is an agreed-to motion to revert to a prior printer's number.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Representative Hess.

Mr. HESS. Mr. Speaker, I would like to interrogate the maker of the bill.

The SPEAKER pro tempore. The Chair informs the member that it is a Senate bill.

Mr. HESS. Mr. Mayernik, then; Representative Mayernik.

The SPEAKER pro tempore. The Chair recognizes that request and sees that Mr. Mayernik is willing to stand for interrogation, and the gentleman may proceed.

Mr. HESS. Thank you, Mr. Speaker.

In your analysis of the bill, Mr. Speaker, I just want to make things clear for the record. The county commissioners have nothing to do with setting the fees for the register of wills, recorder of deeds' office. Am I not correct?

Mr. MAYERNIK. In the green sheet, the analysis of the bill would be to the PN 1530. By reverting to prior PN 1471, then your statement would be correct, Mr. Speaker, that the commissioners would not have any say-so nor approve or disapprove anything dealing with the increases or decreases. It would be solely up to the register of wills to petition or request the president judge for approval.

Mr. HESS. In other words then, the register of wills, the recorder of deeds, would have to petition the president judge for an increase or a decrease before the judge could make any rulings and they would have to agree upon that.

Mr. MAYERNIK. That is an accurate statement, sir.

Mr. HESS. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the motion, those voting in favor to revert to the prior printer's number will vote "aye"; those opposed will vote "no."

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

The following roll call was recorded:

YEAS—196

Acosta	Fee	Lynch	Ryan
Adolph	Fichter	Maitland	Santoni
Allen	Fleagle	Manderino	Sather
Argall	Flick	Markosek	Saurman
Armstrong	Freeman	Marsico	Saylor
Baker	Gamble	Masland	Scheetz
Barley	Gannon	Mayernik	Schuler
Battisto	Geist	McCall	Scrimenti

Bebko-Jones	George	McGeehan	Semmel
Belardi	Gerlach	McNally	Serafini
Belfanti	Gigliotti	Melio	Smith, B.
Birmelin	Gladeck	Merry	Smith, S. H.
Bishop	Godshall	Michlovic	Snyder, D. W.
Blaum	Gordner	Micozzie	Staback
Boyes	Gruitza	Mihalich	Stairs
Brown	Gruppo	Miller	Steelman
Bunt	Haluska	Mundy	Steighner
Butkovitz	Hanna	Murphy	Steil
Buxton	Harley	Nailor	Stern
Caltagirone	Hasay	Nickol	Stetler
Cappabianca	Hennessey	Nyce	Stish
Carn	Herman	O'Brien	Strittmatter
Carone	Hershey	O'Donnell	Sturla
Cawley	Hess	Olasz	Surra
Cessar	Hughes	Oliver	Tangretti
Chadwick	Hutchinson	Perzel	Taylor, E. Z.
Clark	Itkin	Pesci	Taylor, J.
Clymer	Jadlowiec	Petrarca	Thomas
Cohen, L. I.	James	Petrone	Tigue
Cohen, M.	Jarolin	Pettit	Trello
Colafella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Cowell	Keller	Pitts	Uliana
Coy	Kenney	Platts	Vance
Curry	King	Preston	Van Home
Daley	Kirkland	Raymond	Veon
DeLuca	Krebs	Reber	Vitali
Dempsey	Kukovich	Reinard	Waugh
Dent	LaGrotta	Richardson	Wogan
Dermody	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajt	Levdansky	Rublely	DeWeese,
Fargo	Lloyd	Rudy	Speaker
Farmer	Lucyk		

NAYS—0

NOT VOTING—0

EXCUSED—5

Bush	Corrigan	Tomlinson	Williams
Civera			

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

Acosta	Fee	Lynch	Ryan
Adolph	Fichter	Maitland	Santoni
Allen	Fleagle	Manderino	Sather
Argall	Flick	Markosek	Saurman
Armstrong	Freeman	Marsico	Saylor
Baker	Gamble	Masland	Scheetz
Barley	Gannon	Mayernik	Schuler
Battisto	Geist	McCall	Scrimenti
Bebko-Jones	George	McGeehan	Semmel
Belardi	Gerlach	McNally	Serafini
Belfanti	Gigliotti	Melio	Smith, B.
Birmelin	Gladeck	Merry	Smith, S. H.
Bishop	Godshall	Michlovic	Snyder, D. W.
Blaum	Gordner	Micozzie	Staback
Boyes	Gruitza	Mihalich	Stairs
Brown	Gruppo	Miller	Steelman
Bunt	Haluska	Mundy	Steighner
Butkovitz	Hanna	Murphy	Steil
Buxton	Harley	Nailor	Stern
Caltagirone	Hasay	Nickol	Stetler
Cappabianca	Hennessey	Nyce	Stish
Carn	Herman	O'Brien	Strittmatter
Carone	Hershey	O'Donnell	Sturla
Cawley	Hess	Olasz	Surra
Cessar	Hughes	Oliver	Tangretti
Chadwick	Hutchinson	Perzel	Taylor, E. Z.
Clark	Itkin	Pesci	Taylor, J.
Clymer	Jadlowiec	Petrarca	Thomas
Cohen, L. I.	James	Petrone	Tigue
Cohen, M.	Jarolin	Pettit	Trello
Colafrilla	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Cowell	Keller	Pitts	Uliana
Coy	Kenney	Platts	Vance
Curry	King	Preston	Van Home
Daley	Kirkland	Raymond	Veon
DeLuca	Krebs	Reber	Vitali
Dempsey	Kukovitch	Reinard	Waugh
Dent	LaGrotta	Richardson	Wogan
Dermody	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajt	Levdansky	Rubley	DeWeese,
Fargo	Lloyd	Rudy	Speaker
Farmer	Lucyk		

NAYS—0

NOT VOTING—0

EXCUSED—5

Bush	Corrigan	Tomlinson	Williams
Civera			

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

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

\* \* \*

The House proceeded to third consideration of **HB 144, PN 2420**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for the suspension and expulsion of pupils.

On the question,

Will the House agree to the bill on third consideration?

Mr. ITKIN offered the following amendments No. A4125:

Amend Sec. 1 (Sec. 1318), page 2, by inserting between lines 18 and 19

(2) The provisions of this subsection shall not supersede a school district's responsibility to make provision for a student's education under 22 Pa. Code § 12.6 (relating to exclusions from school).

Amend Sec. 1 (Sec. 1318), page 2, line 19, by striking out "(2)" and inserting

(3)

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the majority leader, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, this amendment clarifies that a school district continues to be responsible for providing an education to the expelled student under existing regulations providing for alternative education programs.

The regulation reference in the amendment provides that students who are less than 17 years of age are still subject to the compulsory school attendance law even though expelled, and they must be provided an education.

According to the regulation, the initial responsibility rests with the student's parents to place the student in another school. However, if the parents are unable or unwilling to provide an alternative form of education for that child, then it falls on the school district to insure that that student is provided with an alternative form of education and an alternative educational environment.

We want to make sure that although we want to send a strong message to those students who would carry weapons into school that we will not tolerate it, on the other hand we want to insure that students understand that they will not be free to walk around the streets unsupervised and that we will demand that the compulsory attendance laws of this State be enforced, and this amendment to HB 144 will accomplish that objective. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the Representative from Northampton County, Representative Nyce.

Mr. NYCE. Thank you, Mr. Speaker.

Would the maker of the amendment stand for interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will. Representative Nyce may proceed.

Mr. NYCE. Thank you, Mr. Speaker.

Mr. Speaker, could you please explain to me why the amendment is necessary in light of the existing School Code requirements to continue a student's education once expelled?

Mr. ITKIN. Mr. Speaker, we are not sure that this amendment is necessary, but there was some question when we discussed this measure in our caucus about what would happen to the student upon expulsion. We also believe that obviously this is a statute and could in fact supersede a regulation. We want to make sure that that regulation as it is now embodied in our school laws and rules would stay there with respect to expelling a student and that the student would still be required to receive an appropriate education.

Mr. NYCE. Mr. Speaker, could you please explain to me if there are any differences in the language or interpretation of this amendment as it would compare to the current School Code, if any exists.

Mr. ITKIN. No, the amendment would not alter the current School Code, of course, but it is my understanding that with the passage of the bill, the school district would be required or the school would be required to expel a student where now, I guess, the discretion rests with the schools.

Mr. NYCE. Mr. Speaker, I have finished my interrogation. May I speak on the amendment?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. NYCE. Thank you, Mr. Speaker.

I certainly understand the intent of the maker of the amendment. However, I believe the existing School Code is clear as to the intent and the need to continue the education of any student expelled under current conditions let alone these new conditions that we would be mandating under this bill, and I would not want to send a mixed message to any school director or any administrator to further confuse the issue of continuing the education of a student which may be contradictory.

I would urge the members of the House to vote against the amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—122

Acosta	Fajt	Levdansky	Ryan
Armstrong	Fee	Lucyk	Santoni
Barley	Freeman	Manderino	Sather
Battisto	Gamble	Markosek	Saurman
Bebko-Jones	Gannon	Mayernik	Saylor
Belardi	Geist	McCall	Staback
Belfanti	George	McGeehan	Stairs
Blaum	Gigliotti	McNally	Steelman
Boyes	Gruitza	Melio	Steighner
Bunt	Haluska	Michlovic	Stern
Butkovitz	Harley	Micozzie	Stetler
Buxton	Hennessey	Mihalich	Strittmatter
Caltagirone	Herman	Mundy	Sturla
Cappabianca	Hess	Murphy	Surra
Carn	Hughes	O'Donnell	Tangretti

Cessar	Itkin	Olasz	Thomas
Clymer	James	Oliver	Trello
Cohen, L. I.	Jarolin	Pesci	Trich
Cohen, M.	Josephs	Petrarca	True
Colafrella	Kaiser	Petrone	Van Horne
Colaizzo	Kasunic	Phillips	Veon
Cornell	Keller	Piccola	Vitali
Cowell	King	Pistella	Wogan
Coy	Kirkland	Preston	Wozniak
Curry	Krebs	Reber	Wright, D. R.
Daley	Kukovich	Rieger	Wright, M. N.
DeLuca	LaGrotta	Ritter	Yandrisevits
Dermody	Laub	Roberts	Zug
Donatucci	Laughlin	Robinson	
Evans	Lederer	Roebuck	DeWeese,
Fairchild	Lescovitz	Rooney	Speaker

NAYS—72

Adolph	Fichter	Lynch	Rudy
Allen	Fleagle	Maitland	Scheetz
Argall	Flick	Marsico	Schuler
Baker	Gerlach	Masland	Schrimenti
Birmelin	Gladeck	Merry	Semuel
Bishop	Godshall	Miller	Serafini
Brown	Gordner	Nailor	Smith, B.
Carone	Gruppo	Nickol	Smith, S. H.
Cawley	Hanna	Nyce	Snyder, D. W.
Chadwick	Hasay	O'Brien	Steil
Clark	Hershey	Perzel	Stish
Dempsey	Hutchinson	Pettit	Taylor, E. Z.
Dent	Jadlowiec	Pitts	Taylor, J.
Druce	Kenney	Platts	Tigue
Durham	Lawless	Raymond	Tulli
Egolf	Lee	Reinard	Uliana
Fargo	Leh	Rohrer	Waugh
Farmer	Lloyd	Rubley	Yewcic

NOT VOTING—2

Richardson	Vance
------------	-------

EXCUSED—5

Bush	Corrigan	Tomlinson	Williams
Civera			

The question was determined in the affirmative, and the amendments were agreed to.

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

Mr. SCHULER offered the following amendments No. A4011:

Amend Sec. 1 (Sec. 1318), page 2, by inserting between lines 22 and 23

(c) School officials shall notify the police department with jurisdiction over that school whenever a student is in possession of a weapon in violation of this section.

Amend Sec. 1 (Sec. 1318), page 2, line 23, by striking out "(c)" and inserting

(d)

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Representative Schuler.

Mr. SCHULER. Thank you, Mr. Speaker.

Simply, my amendment requires that school officials notify the police with jurisdiction in which one of these violations has occurred as far as carrying a weapon.

Under the Crimes Code, section 912, Title 18, carrying a weapon as defined in the bill would be a misdemeanor, and therefore, it seems to me that the police should be notified of this type of an infraction of the criminal code. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Beaver County, Representative Colafella.

Mr. COLAFELLA. Thank you, Mr. Speaker.

I agree with the amendment, and I ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—194

Acosta	Fee	Lynch	Ryan
Adolph	Fichter	Maitland	Santoni
Allen	Fleagle	Manderino	Sather
Argall	Flick	Markosek	Saurman
Armstrong	Freeman	Marsico	Saylor
Baker	Gamble	Masland	Scheetz
Barley	Gannon	Mayernik	Schuler
Battisto	Geist	McCall	Scrimenti
Bebko-Jones	George	McGeehan	Semmel
Belardi	Gerlach	McNally	Serafini
Belfanti	Gigliotti	Melio	Smith, B.
Birmelin	Gladeck	Merry	Smith, S. H.
Bishop	Godshall	Michlovic	Snyder, D. W.
Blaum	Gordner	Micozzie	Staback
Boyes	Gruitza	Mihalich	Stairs
Brown	Gruppo	Miller	Steelman
Bunt	Haluska	Mundy	Steighner
Butkovitz	Hanna	Murphy	Steil
Buxton	Harley	Nailor	Stern
Caltagirone	Hasay	Nickol	Stetler
Cappabianca	Hennessey	Nyce	Stish
Carn	Herman	O'Brien	Strittmatter
Carone	Hershey	O'Donnell	Sturla
Cawley	Hess	Olasz	Surra
Cessar	Hughes	Oliver	Tangretti
Chadwick	Hutchinson	Perzel	Taylor, E. Z.
Clark	Itkin	Pesci	Taylor, J.
Clymer	Jadlowiec	Petrarca	Thomas
Cohen, L. I.	Jarolin	Petrone	Tigue
Cohen, M.	Josephs	Pettit	Trelio
Colafella	Kaiser	Phillips	Trich
Colaizzo	Kasunic	Piccola	True
Cornell	Keller	Pistella	Tulli
Cowell	Kennedy	Pitts	Uliana
Coy	King	Platts	Vance
Curry	Kirkland	Preston	Van Home
Daley	Krebs	Raymond	Veon
DeLuca	Kukovich	Reber	Vitali
Dempsey	LaGrotta	Reinard	Waugh
Dent	Laub	Richardson	Wogan

Dermody	Laughlin	Rieger	Wozniak
Donatucci	Lawless	Ritter	Wright, D. R.
Druce	Lederer	Roberts	Wright, M. N.
Durham	Lee	Robinson	Yandrisevits
Egolf	Leh	Roebuck	Yewcic
Fairchild	Lescovitz	Rohrer	Zug
Fajt	Levdansky	Rooney	
Fargo	Lloyd	Rubley	DeWeese,
Farmer	Lucyk	Rudy	Speaker

NAYS—0

NOT VOTING—2

Evans James

EXCUSED—5

Bush Corrigan Tomlinson Williams  
Civera

The question was determined in the affirmative, and the amendments were agreed to.

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

Mr. ROBINSON offered the following amendments No. A3984:

Amend Sec. 1 (Sec. 1318), page 2, by inserting between lines 22 and 23

(c) Each board of school directors shall develop a policy which addresses the possession of weapons in a school building, on school grounds and in any conveyance providing transportation to or from a public school and which includes, but is not limited to, denying a student who is in unlawful possession of a weapon access to a school or school-related property.

Amend Sec. 1 (Sec. 1318), page 2, line 23, by striking out "(c)" and inserting

(d)

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Allegheny County, Representative Robinson.

Mr. ROBINSON. Thank you, Mr. Speaker.

This amendment gives to school boards the responsibility—  
The SPEAKER pro tempore. Will the gentleman please suspend? Thank you.

Will the gentleman, Mr. Robinson, please approach the podium.

(Conference held at Speaker's podium.)

VOTE CORRECTIONS

Mr. MICHLOVIC. Mr. Speaker?

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

Mr. MICHLOVIC. Mr. Speaker, while we are waiting for those negotiations to take place, I would like to just record my vote on a bill.

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

Mr. MICHLOVIC. Mr. Speaker, on October 4 of this year, I was out of my seat on the final vote for HB 1434. I would like to be recorded in the affirmative.

The SPEAKER pro tempore. The Chair thanks the gentleman and will ask that his comments be put on record.

The Chair recognizes Representative Vance.

Mrs. VANCE. Thank you, Mr. Speaker.

On HB 144, amendment A4125, I wish to be recorded in the negative.

The SPEAKER pro tempore. The Chair thanks the gentlelady and asks that her comments be spread across the record.

The Chair recognizes the gentleman, Representative Maitland.

Mr. MAITLAND. Thank you, sir.

I would like to leave HR 189, the "Take Pride in Adams County Day," open for additional cosponsors.

The SPEAKER pro tempore. The Chair thanks the gentleman and asks anybody else in the House that wants to cosponsor HR 189, that it will be held open.

**CONSIDERATION OF HB 144 CONTINUED**

**AMENDMENTS WITHDRAWN**

The SPEAKER pro tempore. The Chair asks that amendment 3984 be withdrawn.

On the question recurring,

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

Mr. ROBINSON offered the following amendments No. A4034:

Amend Sec. 1 (Sec. 1318), page 2, by inserting between lines 22 and 23

(c) Each board of school directors shall develop a policy which addresses the possession of weapons in a school building, on school grounds and in any conveyance providing transportation to or from a public school and which includes, but is not limited to, denying a student who is in unlawful possession of a weapon access to a school or school-related property.

Amend Sec. 1 (Sec. 1318), page 2, line 23, by striking out "(c)" and inserting

(d)

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes Representative Robinson.

Mr. ROBINSON. Thank you, Mr. Speaker.

This amendment puts the responsibility on school districts to develop a comprehensive policy to address the issue of weapons in school and particularly the issue of access to weapons in school, and it is consistent with the responsibilities that school boards already have.

I think it is an opportunity for us to work cooperatively with our school boards, and I encourage all members to support this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Colafella.

Mr. COLAFELLA. Thank you, Mr. Speaker.

I agree to the amendment. I would appreciate an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Schuler.

Mr. SCHULER. Thank you, Mr. Speaker.

Will the gentleman, the sponsor of the amendment, stand for interrogation, please?

The SPEAKER pro tempore. The gentleman indicates that he will. Representative Schuler may proceed.

Mr. SCHULER. Mr. Speaker, under the Crimes Code, Title 18, section 912, it makes it illegal for the possession of weapons on school property. I am not certain how the gentleman's amendment applies to that statute in the criminal code. It appears as though we may be saying that whatever the policy of that school district will be fine and then in turn supersede the criminal code. If I could have an explanation.

Mr. ROBINSON. Mr. Speaker, the amendment is not intended to supersede any existing law. As the gentleman knows, this particular amendment is not an amendment to the criminal code, so there is no attempt to supersede the criminal code. The amendment is an amendment to a School Code bill.

Mr. SCHULER. All right. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

**YEAS—196**

Acosta	Fee	Lynch	Ryan
Adolph	Fichter	Maitland	Santoni
Allen	Fleagle	Manderino	Sather
Argall	Flick	Markosek	Saurman
Armstrong	Freeman	Marsico	Saylor
Baker	Gamble	Masland	Scheetz
Barley	Gannon	Mayernik	Schuler
Battisto	Geist	McCall	Scrimenti
Bebko-Jones	George	McGeehan	Semmel
Belardi	Gerlach	McNally	Serafini
Belfanti	Gigliotti	Melio	Smith, B.
Birmelin	Gladeck	Merry	Smith, S. H.
Bishop	Godshall	Michlovic	Snyder, D. W.
Blaum	Gordner	Micozzie	Staback
Boyes	Gruitza	Mihalich	Stairs
Brown	Gruppo	Miller	Steelman
Bunt	Haluska	Mundy	Steighner
Butkovitz	Hanna	Murphy	Steil
Buxton	Harley	Nailor	Stern
Callagirone	Hasay	Nickol	Stetler
Cappabianca	Hennessey	Nyce	Stish
Carn	Herman	O'Brien	Strittmatter
Carone	Hershey	O'Donnell	Sturla
Cawley	Hess	Olasz	Surra
Cessar	Hughes	Oliver	Tangretti
Chadwick	Hutchinson	Perzel	Taylor, E. Z.
Clark	Itkin	Pesci	Taylor, J.
Clymer	Jadlowiec	Petrarca	Thomas

Cohen, L. I.	James	Petrone	Tigue
Cohen, M.	Jarolin	Pettit	Trello
Colafella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Cowell	Keller	Pitts	Uliana
Coy	Kenney	Platts	Vance
Curry	King	Preston	Van Horne
Daley	Kirkland	Raymond	Veon
DeLuca	Krebs	Reber	Vitali
Dempsey	Kukovich	Reinard	Waugh
Dent	LaGrotta	Richardson	Wogan
Dermody	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajt	Levdansky	Rubley	DeWeese,
Fargo	Lloyd	Rudy	Speaker
Farmer	Lucyk		

NAYS—0

NOT VOTING—0

EXCUSED—5

Bush	Corrigan	Tomlinson	Williams
Civera			

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Mr. ROBINSON offered the following amendments No. A4080:

Amend Title, page 1, line 5, by inserting after "thereto," prohibiting the possession of weapons on school and school-related property; and

Amend Bill, page 1, lines 9 and 10, by striking out all of said lines and inserting

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a section to read:

Section 113. Possession of Weapons by School Employees Prohibited.—(a) No employe of a public school, intermediate unit or area vocational-technical school, including an independent contractor and its employes, may possess a weapon in a school building, on school grounds or in any public conveyance providing transportation to or from a public school. This prohibition shall not apply to:

(1) School police officers or other law enforcement personnel.

(2) Employes in possession of a weapon in conjunction with a lawful school activity or who possess a weapon for other lawful purposes.

(b) The term "weapon," as used in this section, shall have the meaning specified in section 1318.

Section 2. Section 1318 of the act,

Amend Sec. 2, page 2, line 28, by striking out "2" and inserting

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

The SPEAKER pro tempore. On that question, the Chair recognizes Representative Robinson.

Mr. ROBINSON. Thank you, Mr. Speaker.

This amendment addresses the issue of access of weapons on school property. It prohibits any school employee or anyone who is contracting with a school district from bringing a weapon onto school property or conveying a weapon on school transportation vehicles; another attempt to limit the access of weapons on school property and to more completely address the issue of school violence.

I encourage all members to support this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Colafella.

Mr. COLAFELLA. I am in favor of the amendment. I would appreciate an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—191

Acosta	Fichter	Lynch	Ryan
Adolph	Fleagle	Maitland	Santoni
Allen	Flick	Manderino	Sather
Argall	Freeman	Markosek	Saurman
Armstrong	Gamble	Marsico	Saylor
Baker	Gannon	Masland	Scheetz
Barley	Geist	Mayernik	Schuler
Battisto	George	McCall	Scrimenti
Belardi	Gerlach	McGeehan	Semmel
Belfanti	Gigliotti	McNally	Serafini
Bishop	Gladeck	Melio	Smith, B.
Blaum	Godshall	Merry	Snyder, D. W.
Boyes	Gordner	Michlovic	Staback
Brown	Gruitza	Micozzie	Stairs
Bunt	Gruppo	Mihalich	Steelman
Butkovitz	Haluska	Miller	Steighner
Buxton	Hanna	Mundy	Steil
Caltagirone	Harley	Murphy	Stern
Cappabianca	Hasay	Nailor	Stetler
Carn	Hennessey	Nickol	Stish
Carone	Herman	Nyce	Strittmatter
Cawley	Hershey	O'Brien	Sturla
Cessar	Hess	O'Donnell	Surra
Chadwick	Hughes	Olasz	Tangretti
Clark	Hutchinson	Oliver	Taylor, E. Z.
Clymer	Itkin	Perzel	Taylor, J.
Cohen, L. I.	Jadlowiec	Pesci	Thomas
Cohen, M.	James	Petrarca	Tigue
Colafella	Jarolin	Petrone	Trello
Colaizzo	Josephs	Pettit	Trich
Cornell	Kaiser	Phillips	True
Cowell	Kasunic	Piccola	Tulli
Coy	Keller	Pistella	Uliana
Curry	Kenney	Pitts	Vance
Daley	King	Platts	Van Horne
DeLuca	Kirkland	Preston	Veon
Dempsey	Krebs	Raymond	Vitali
Dent	Kukovich	Reber	Waugh
Dermody	LaGrotta	Reinard	Wogan

Donatucci	Laub	Richardson	Wozniak
Druce	Laughlin	Rieger	Wright, D. R.
Durham	Lawless	Ritter	Wright, M. N.
Egolf	Lederer	Roberts	Yandrisevits
Evans	Lee	Robinson	Yewcic
Fairchild	Lescovitz	Roebuck	Zug
Fajt	Levdansky	Rohrer	
Fargo	Lloyd	Rooney	DeWeese,
Farmer	Lucyk	Rubley	Speaker
Fee			

NAYS—3

Birmelin	Leh	Smith, S. H.
----------	-----	--------------

NOT VOTING—2

Bebko-Jones	Rudy
-------------	------

EXCUSED—5

Bush	Corrigan	Tomlinson	Williams
Civera			

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Mr. LAWLESS offered the following amendments No. A4056:

Amend Sec. 1 (Sec. 1318), page 2, by inserting between lines 22 and 23

(c)(1) Any student expelled under the provisions of subsection (b) shall, prior to reinstatement in the educational program, be required to meet in person with the school principal or his designee. The purpose of this meeting shall be to review the student's violation of this section.

(2) The school principal or his designee shall file a written report of the findings of the meeting with the district superintendent and the board of school directors. This report shall be permanently retained in the student's school file.

Amend Sec. 1 (Sec. 1318), page 2, line 23, by striking out "(c)" and inserting

(d)

On the question,

Will the House agree to the amendments?

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

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, my amendment will be an attempt to report the student's rehabilitation to assure the educational staff that thinking has changed by the student in a positive manner and that the problem has been addressed.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Colafella.

Mr. COLAFELLA. Thank you, Mr. Speaker.

I am in favor of the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—191

Acosta	Fichter	Manderino	Santoni
Adolph	Fleagle	Markosek	Sather
Allen	Flick	Marsico	Saurman
Argall	Freeman	Masland	Saylor
Armstrong	Gamble	Mayernik	Scheetz
Baker	Gannon	McCall	Schuler
Barley	Geist	McGeehan	Scrimenti
Battisto	George	McNally	Semmel
Bebko-Jones	Gerlach	Melio	Serafini
Belardi	Gigliotti	Merry	Smith, B.
Belfanti	Gladeck	Michlovic	Smith, S. H.
Birmelin	Godshall	Micozzie	Snyder, D. W.
Bishop	Gordner	Mihalich	Staback
Blaum	Gruitza	Miller	Stairs
Boyes	Gruppo	Mundy	Steelman
Brown	Haluska	Murphy	Steighner
Bunt	Hanna	Nailor	Steil
Butkovitz	Hasay	Nickol	Stern
Buxton	Hennessey	Nyce	Stetler
Caltagirone	Herman	O'Brien	Stish
Cappabianca	Hershey	O'Donnell	Strittmatter
Carn	Hess	Olasz	Sturla
Carone	Hughes	Oliver	Surra
Cawley	Hutchinson	Perzel	Tangretti
Cessar	Itkin	Pesci	Taylor, E. Z.
Chadwick	Jadlowiec	Petrarca	Taylor, J.
Clark	James	Petrone	Thomas
Clymer	Jarolin	Pettit	Tigue
Cohen, M.	Josephs	Phillips	Trello
Colafella	Kaiser	Piccola	Trich
Colaizzo	Kasunic	Pistella	True
Cornell	Keller	Pitts	Tulli
Cowell	Kenney	Platts	Uliana
Coy	King	Preston	Vance
Curry	Kirkland	Raymond	Van Horne
Daley	Krebs	Reber	Veon
DeLuca	Kukovich	Reinard	Vitali
Dent	LaGrotta	Richardson	Waugh
Dermody	Laub	Rieger	Wogan
Donatucci	Laughlin	Ritter	Wozniak
Druce	Lawless	Roberts	Wright, D. R.
Durham	Lederer	Robinson	Wright, M. N.
Egolf	Lescovitz	Roebuck	Yandrisevits
Evans	Levdansky	Rohrer	Yewcic
Fairchild	Lloyd	Rooney	Zug
Fajt	Lucyk	Rubley	
Fargo	Lynch	Rudy	DeWeese,
Farmer	Maitland	Ryan	Speaker
Fee			

NAYS—5

Cohen, L. I.	Harley	Lee	Leh
Dempsey			

NOT VOTING—0

EXCUSED—5

Bush	Corrigan	Tomlinson	Williams
Civera			

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Mr. SNYDER offered the following amendment No. A4083:

Amend Sec. 1 (Sec. 1318), page 2, lines 24 through 27, by striking out all of said lines and inserting

mean a knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun or rifle.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes Representative Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment limits the definition of "weapon" to the specific items that are mentioned in the bill, such as a knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, or rifle.

What this does, Mr. Speaker, is provide an automatic presumption that possession of any of these particular weapons is qualified to be expelled for the period of time that the legislation is providing for. However, Mr. Speaker, the existing law at the top of page 2 of the bill provides that the school board may also suspend any child for such time as they may determine or may permanently expel that student, and this is the case when any other instrument, such as a brick, a two-by-four, or some other instrument which normally could have another use but may be used as a weapon, could be expelled under those provisions.

Mr. Speaker, the School Boards Association of Pennsylvania is concerned about the broad definition of an instrument and asks for support of this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia County, Representative Richardson.

Mr. RICHARDSON. Mr. Speaker, I would like to rise to ask the sponsor of the amendment for a brief interrogation.

The SPEAKER pro tempore. The gentleman indicates he is willing to be interrogated. The gentleman, Mr. Richardson, may proceed.

Mr. RICHARDSON. I would like to know whether or not in the last amendment that passed, under A4080, where the term "weapon" is defined as specified in section 1318, whether or not the definition of all these instruments of crime that you have here are included in that same subsection?

Mr. SNYDER. Mr. Speaker, I just need some clarification of your question. Amendment 4080 does not specify specific weapons; it just says, "may possess a weapon in a school building." Is that what you are referring to? Oh, okay; in section (b).

Mr. Speaker, that would refer to the amendment that we are considering right now.

Mr. RICHARDSON. I am sorry. I could not hear the gentleman.

Mr. SNYDER. The definition of "weapon" would be what is in this amendment if this amendment is approved.

Mr. RICHARDSON. That 1318 includes these instruments of crime already?

Mr. SNYDER. Mr. Speaker, this bill amends— HB 144 is section 1318, and the proposed language in the legislation provides for a subparagraph (c) which defines "weapon." This amendment would modify the proposed language that is in HB 144. There is no existing language of "weapon" in the School Code currently.

Mr. RICHARDSON. Okay, Mr. Speaker. Then the limited definition in your amendment is my concern.

What about a board with a nail in it? Would that be considered an instrument of crime, a weapon?

Mr. SNYDER. Mr. Speaker, under the proposed definition it very well could be, but that two-by-four with a nail in it could be sitting in the shop class right now, and if someone picks up a two-by-four with a nail in it, under the proposed HB 144, that person, by just possessing that two-by-four with a nail in it, could be subject to expulsion automatically. My amendment would allow things that could be used for other purposes to be defined by the school board itself whether or not it is a weapon rather than the legislature sitting here in Harrisburg trying to determine every single type of occasion in which a weapon may be used.

Mr. Speaker, you probably have a pen in your pocket. That could ultimately be used as a weapon if used effectively by somebody.

Mr. RICHARDSON. Yeah; technically if you were a Golden Glove boxer, that is possible. My concern is that I do not see blackjacks or other instruments of crime, which is why I am concerned with why these particular ones were chosen when weapons means weapons. To mostly everybody that I know in law enforcement, that is already spelled out. That is why I am raising the question.

Mr. SNYDER. Mr. Speaker, I am not the one who is proposing HB 144. It is my understanding that the reason that the definition was placed in here was to copy the definition that is currently in the Crimes Code for a weapon.

Mr. RICHARDSON. And this is what is in the Crimes Code.

Mr. SNYDER. It is my understanding that this is the definition that is used in the Crimes Code, Mr. Speaker. However, when it is used in the Crimes Code, it is used under a different context, particularly when it is used with intent to use this type of instrument.

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

I have no more questions. I would like to speak on the amendment.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. RICHARDSON. Mr. Speaker, I think it is a very dangerous precedent, the bill is a very dangerous precedent to start with, and I just think that now we open up Pandora's box with respect to, if we are not talking about trying to define each instrument of crime, then why do we need the amendment in the first place? It seems to me that it is a basic contradiction

to raise the point that we should insert "mean a knife"—and I do not know what "mean a knife" is—"cutting instrument, cutting tool, nunchaku, firearm, shotgun or rifle." If all those are weapons, the concern is that I do not know if the amendment is properly drafted, and I would like to raise the question to the Chair now, what is the terminology "mean"—m-e-a-n—"a knife"?

The SPEAKER pro tempore. The Chair has been advised that the gentleman's question is not an appropriate question for the Chair but is an appropriate question for the gentleman, Mr. Snyder, since he is the author of the amendment.

Mr. SNYDER. Mr. Speaker, do you care for me to respond?

Mr. RICHARDSON. Mr. Speaker, I would submit then that if this is the definition being inserted, the amendment is drawn incorrectly, and I would raise the question to the Chair.

The SPEAKER pro tempore. The gentleman's comments are noted and we will respond momentarily.

The Chair is informed that on the face of the amendment, the amendment appears to be drawn correctly, and we are looking specifically at page 2, lines 24 through 27, of HB 144. On the face, the amendment appears to be drawn correctly.

Mr. RICHARDSON. Well then, I would ask the Chair that perhaps maybe they could help us understand what we have done. If we are taking "The term 'weapon,' as used in this section, shall include, but not be limited to," the next word after "inserting," by striking out all of said lines and inserting, "mean"—m-e-a-n—"a knife," when this section says "any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle..." that that section then would indicate that if this is new language, then explain to me what "mean a knife" means, because I think it is drafted incorrectly.

The SPEAKER pro tempore. It is the interpretation of the Chair that the amendment as drawn up by Mr. Snyder is more restrictive than the amendment that currently exists in HB 144 but that as far as what the gentleman, Mr. Snyder, means by the words "knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun or rifle" is up for the gentleman, Mr. Richardson, to ascertain from the maker of the amendment, Mr. Snyder, and not a decision of the Chair.

Mr. RICHARDSON. Thank you very much.

I personally do not have another question for the gentleman. I would just indicate for the record that if after "inserting," if you are only saying "inserting a knife," then fine, but I think that the word "mean" indicates something else in a different connotation. Therefore, I would oppose the amendment.

But I think it is drafted incorrectly. If you are just getting at "a knife, a cutting instrument," I understand what he is trying to limit it to in terms of restriction of the amendment, but the words underlined do not indicate that "mean" means something, unless a person is mean or you are speaking to someone meaning something that speaks to a definite definition, and I thought that perhaps maybe that may have been drawn incorrectly at the Reference Bureau.

On those reasons, Mr. Speaker, I think that you have an incorrect amendment, and I would ask for a negative vote on the amendment, plus I am opposed to it anyway.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Beaver County, Representative Colafella.

Mr. COLAFELLA. Thank you, Mr. Speaker.

I agree to the amendment. I think what Representative Snyder has done in this amendment is to take out some incongruities. For example, if two kids were fighting in the playground and one of them happened to have a brick, it would definitely be up to the school board to be able to look at this matter a little more carefully.

For those reasons I support the amendment, and I would appreciate an affirmative vote on the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Nyce.

Mr. NYCE. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment?

The SPEAKER pro tempore. The gentleman indicates that he will stand for interrogation. Representative Nyce may proceed.

Mr. NYCE. Mr. Speaker, in order to clarify exactly what the intent of the amendment is, would you please explain to me the purpose of the amendment?

Mr. SNYDER. Mr. Speaker, the intent of the amendment is to specifically define the word "weapon," in quotes, to specific items that are listed in my amendment. The previous speaker from Philadelphia's question, Mr. Speaker, was trying to imply that the words, quote, "mean a" are an adjective to the word "knife." The bill basically would read, with the amendment, that section (c) would say, "The term 'weapon,' as used in this section, shall mean a knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun or rifle." It is any type of knife, not any definition that the one speaker was trying to get at to mean what does a "mean a knife" mean.

Mr. NYCE. Thank you, Mr. Speaker.

That ends my interrogation. May I speak on the amendment?

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

Mr. NYCE. Thank you, Mr. Speaker.

Mr. Speaker, the purpose of the amendment is clear in my mind to establish those utensils, if you want to call them that, or items that would be considered a "weapon." It does not preclude any school board from reaching beyond that definition under the circumstances described by previous speakers. It would clearly identify those weapons which, if you bring one to a school, will cause you to be expelled. It does not inhibit, in my opinion, further expulsion for other weapons that may be deemed inappropriate by a school board under other circumstances. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—185

Acosta	Farmer	Lloyd	Santoni
Adolph	Fee	Lucyk	Sather
Allen	Fichter	Lynch	Saurman
Argall	Fleagle	Maitland	Saylor
Armstrong	Flick	Manderino	Scheetz
Baker	Freeman	Markosek	Schuler
Barley	Gamble	Marsico	Scrimenti
Battisto	Gannon	Masland	Semmel
Bebko-Jones	Geist	Mayernik	Serafini
Belardi	George	McCall	Smith, B.
Belfanti	Gerlach	McGeehan	Smith, S. H.
Birmelin	Gigliotti	McNally	Snyder, D. W.
Blaum	Gladeck	Melio	Stairs
Boyes	Godshall	Merry	Stelman
Brown	Gordner	Michlovic	Steighner
Bunt	Gruitza	Micozzie	Steil
Butkovitz	Gruppo	Miller	Stern
Buxton	Haluska	Mundy	Stetler
Callagirone	Hanna	Murphy	Stish
Cappabianca	Harley	Nailor	Strittmatter
Carn	Hasay	Nickol	Sturla
Carone	Hennessey	Nyce	Surra
Cawley	Herman	O'Brien	Tangretti
Cessar	Hershey	O'Donnell	Taylor, E. Z.
Chadwick	Hess	Olasz	Taylor, J.
Clark	Hughes	Perzel	Thomas
Clymer	Hutchinson	Petrarca	Trello
Cohen, L. I.	Itkin	Petrone	Trich
Cohen, M.	Jadlowiec	Pettit	True
Colafella	Jarolin	Phillips	Tulli
Colaizzo	Kaiser	Piccola	Uliana
Cornell	Kasunic	Pistella	Vance
Cowell	Keller	Pitts	Van Home
Coy	Kenney	Platts	Veon
Daley	King	Preston	Vitali
DeLuca	Kirkland	Raymond	Waugh
Dempsey	Krebs	Reber	Wogan
Dent	Kukovich	Reinard	Wozniak
Dermody	LaGrotta	Rieger	Wright, D. R.
Donatucci	Laub	Ritter	Wright, M. N.
Druce	Laughlin	Roberts	Yandrisevits
Durham	Lawless	Robinson	Yewcic
Egolf	Lederer	Rohrer	Zug
Evans	Lee	Rooney	
Fairchild	Leh	Rublely	DeWeese,
Fajt	Lescovitz	Rudy	Speaker
Fargo	Levdansky	Ryan	

NAYS—11

Bishop	Josephs	Pesci	Staback
Curry	Mihalich	Richardson	Tigue
James	Oliver	Roebuck	

NOT VOTING—0

EXCUSED—5

Bush	Corrigan	Tomlinson	Williams
Civera			

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. ARGALL offered the following amendments No. A4096:

Amend Title, page 1, line 5, by inserting after "for" school holidays and for

Amend Bill, page 2, line 28, by striking out all of said line and inserting

Section 2. Section 1502 of the act, amended January 24, 1966 (1965 P.L.1508, No.529), is amended to read:

Section 1502. Days Schools not to be Kept Open.—No school shall be kept open on any Saturday for the purpose of ordinary instruction, except when Monday is fixed by the board of school directors as the weekly holiday, or on Sunday, Memorial Day, Fourth of July, [or] Christmas or New Year's Day nor shall any school be kept open in any district during the time of holding the teachers' institute for such district. Whenever Memorial day shall be on a Sunday, the following Monday shall be a holiday.

Section 3. This act shall take effect as follows:

(1) The amendment of section 1318 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 amendments?

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

Mr. ARGALL. Mr. Speaker, I am pleased to introduce this amendment along with my two cosponsors, Representative Miller and Representative Santoni, on behalf of the Schuylkill Valley School District in Berks County.

In the past year, Schuylkill Valley students were required to go to school, because of a teachers strike, on New Year's Day. As you might suspect, their attendance was rather low, and we would like to add New Year's Day to one of the days — Christmas and Memorial Day being the other two; I think also the Fourth of July — as dates on which school is not permitted to be in session under the terms of the School Code.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Colafella.

Mr. COLAFELLA. I am agreeable to the amendment. I would appreciate an affirmative vote.

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

The following roll call was recorded:

YEAS—196

Acosta	Fee	Lynch	Ryan
Adolph	Fichter	Maitland	Santoni
Allen	Fleagle	Manderino	Sather
Argall	Flick	Markosek	Saurman
Armstrong	Freeman	Marsico	Saylor
Baker	Gamble	Masland	Scheetz
Barley	Gannon	Mayernik	Schuler
Battisto	Geist	McCall	Scrimenti
Bebko-Jones	George	McGeehan	Semmel
Belardi	Gerlach	McNally	Serafini
Belfanti	Gigliotti	Melio	Smith, B.

Birmelin	Gladeck	Mery	Smith, S. H.
Bishop	Godshall	Michlovic	Snyder, D. W.
Blaum	Gordner	Micozzie	Staback
Boyes	Gruitza	Mihalich	Stairs
Brown	Gruppo	Miller	Steelman
Bunt	Haluska	Mundy	Steighner
Butkovitz	Hanna	Murphy	Steil
Buxton	Harley	Nailor	Stern
Caltagirone	Hasay	Nickol	Stetler
Cappabianca	Hennessey	Nyce	Stish
Carn	Herman	O'Brien	Strittmatter
Carone	Hershey	O'Donnell	Sturla
Cawley	Hess	Olasz	Surra
Cessar	Hughes	Oliver	Tangretti
Chadwick	Hutchinson	Perzel	Taylor, E. Z.
Clark	Itkin	Pesci	Taylor, J.
Clymer	Jadlowiec	Petrarca	Thomas
Cohen, L. I.	James	Petrone	Tigue
Cohen, M.	Jarolin	Pettit	Trello
Colaella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Cowell	Keller	Pitts	Uliana
Coy	Kenney	Platts	Vance
Curry	King	Preston	Van Home
Daley	Kirkland	Raymond	Veon
DeLuca	Krebs	Reber	Vitali
Dempsey	Kukovich	Reinard	Waugh
Dent	LaGrotta	Richardson	Wogan
Dermody	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajt	Levdansky	Rubley	DeWeese,
Fargo	Lloyd	Rudy	Speaker
Farmer	Lucyk		

NAYS—0

NOT VOTING—0

EXCUSED—5

Bush	Corrigan	Tomlinson	Williams
Civera			

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

**AMENDMENT A4080 RECONSIDERED**

The SPEAKER pro tempore. The Chair recognizes Mr. Godshall, who moves that the vote by which amendment 4080 to HB 144, PN 2420, passed on today's date be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—195

Acosta	Fee	Lucyk	Rudy
Adolph	Fichter	Lynch	Ryan
Allen	Fleagle	Maitland	Santoni
Argall	Flick	Manderino	Sather
Armstrong	Freeman	Markosek	Saylor
Baker	Gamble	Marsico	Scheetz
Barley	Gannon	Masland	Schuler
Battisto	Geist	Mayernik	Scrimenti
Bebko-Jones	George	McCall	Semmel
Belardi	Gerlach	McGeehan	Serafini
Belfanti	Gigliotti	McNally	Smith, B.
Birmelin	Gladeck	Melio	Smith, S. H.
Bishop	Godshall	Merry	Snyder, D. W.
Blaum	Gordner	Michlovic	Staback
Boyes	Gruitza	Micozzie	Stairs
Brown	Gruppo	Mihalich	Steelman
Bunt	Haluska	Miller	Steighner
Butkovitz	Hanna	Mundy	Steil
Buxton	Harley	Murphy	Stern
Caltagirone	Hasay	Nailor	Stetler
Cappabianca	Hennessey	Nickol	Stish
Carn	Herman	Nyce	Strittmatter
Carone	Hershey	O'Brien	Sturla
Cawley	Hess	O'Donnell	Surra
Cessar	Hughes	Olasz	Tangretti
Chadwick	Hutchinson	Oliver	Taylor, E. Z.
Clark	Itkin	Perzel	Taylor, J.
Clymer	Jadlowiec	Pesci	Thomas
Cohen, L. I.	James	Petrarca	Tigue
Cohen, M.	Jarolin	Petrone	Trello
Colaella	Josephs	Pettit	Trich
Colaizzo	Kaiser	Phillips	True
Cornell	Kasunic	Piccola	Tulli
Cowell	Keller	Pistella	Uliana
Coy	Kenney	Pitts	Vance
Curry	King	Platts	Van Home
Daley	Kirkland	Preston	Veon
DeLuca	Krebs	Raymond	Vitali
Dempsey	Kukovich	Reber	Waugh
Dent	LaGrotta	Reinard	Wogan
Dermody	Laub	Richardson	Wozniak
Donatucci	Laughlin	Rieger	Wright, D. R.
Druce	Lawless	Ritter	Wright, M. N.
Durham	Lederer	Roberts	Yandrisevits
Egolf	Lee	Robinson	Yewcic
Evans	Leh	Roebuck	Zug
Fairchild	Lescovitz	Rohrer	
Fajt	Levdansky	Rooney	DeWeese,
Fargo	Lloyd	Rubley	Speaker
Farmer			

NAYS—0

NOT VOTING—1

Saurman

EXCUSED—5

Bush	Corrigan	Tomlinson	Williams
Civera			

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

On the question recurring,

Will the House agree to the amendments?

The clerk read the following amendments No. A4080:

Amend Title, page 1, line 5, by inserting after "thereto," "prohibiting the possession of weapons on school and school-related property; and

Amend Bill, page 1, lines 9 and 10, by striking out all of said lines and inserting

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a section to read:

Section 113. Possession of Weapons by School Employees Prohibited.—(a) No employe of a public school, intermediate unit or area vocational-technical school, including an independent contractor and its employes, may possess a weapon in a school building, on school grounds or in any public conveyance providing transportation to or from a public school. This prohibition shall not apply to:

(1) School police officers or other law enforcement personnel.

(2) Employes in possession of a weapon in conjunction with a lawful school activity or who possess a weapon for other lawful purposes.

(b) The term "weapon," as used in this section, shall have the meaning specified in section 1318.

Section 2. Section 1318 of the act,

Amend Sec. 2, page 2, line 28, by striking out "2" and inserting

3

On the question recurring,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the amendment to HB 144, amendment No. A4080, the Chair recognizes Representative Lescovitz.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

Will the gentleman, Mr. Robinson, please stand for a brief interrogation on amendment 4080 to HB 144?

The SPEAKER pro tempore. The gentleman, Mr. Robinson, indicates that he will stand for interrogation on amendment A4080, and the gentleman, Mr. Lescovitz, may proceed.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

Mr. Speaker, you are making specific exemptions by your amendment in the School Code for individuals who would now be permitted to carry firearms: school police officers or other law enforcement personnel; employees in possession of a weapon in conjunction with a lawful school activity and who possess a weapon for other lawful purposes.

My question is, if I am an individual who has a lawful permit to carry a firearm in a particular county and now one evening I cross a school park or go into a school building for an event and I have a lawful permit to carry that firearm, will I be in violation of the, I guess, School Code in this act if I am doing so?

Mr. ROBINSON. Mr. Speaker, the answer to that is no.

Mr. LESCOVITZ. Okay. Mr. Speaker, underneath the bill itself, I do believe that there is some provision which would permit that. Do you know where that provision is in the bill? Or maybe I can ask the prime sponsor of the legislation that.

Mr. ROBINSON. Mr. Speaker, the purpose of the amendment is to restrict school employees and those who contract with the school district. It is not intended to supersede any law that allows a person to legally carry a firearm or a weapon. I believe that other law covers the situation that you

are referring to and that in the situation that you refer to, you would not be subject to this particular amendment.

Mr. LESCOVITZ. Okay. Mr. Speaker, then what you are saying is that this law amending the School Code would not supersede the criminal statute which is on the books permitting me to carry my firearm if I have a permit to do so then.

Mr. ROBINSON. No, it would not. In fact, Mr. Speaker, in the amendment itself it very specifically authorizes persons on school property to have weapons. It specifically would authorize, for example, a pistol club or a rifle club to engage in activities on school property. That would be authorized. So there is no attempt here to restrict the legal use of weapons.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Representative Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, on the issue that is under discussion, I think it is important to recognize that HB 144 as it is before us does not create a new crime. It simply speaks to the issue of penalties if a student has a weapon in school. Representative Robinson added some other language that in addition to the original language that said that a student who is caught with a weapon in school shall be expelled, he has made it clear that school employees will not bring weapons onto school property.

The issue of whether or not there is a crime here really is addressed in the Crimes Code, and I would refer those who might be interested to the Crimes Code, section 912, which already says that "A person commits a misdemeanor of the first degree if he possesses a weapon in the buildings of, on the grounds of, or in any conveyance providing transportation to or from any elementary or secondary publicly-funded educational institution,..." et cetera. That is where the crime is actually articulated, in the Crimes Code.

So Representative Robinson's amendment, in my opinion, is quite acceptable, and it does not change the rights of other persons, these nonemployees, to carry or to not carry weapons onto school property. So I would urge that we support the Robinson amendment once again.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

I would like to interrogate first Representative Cowell, if I may, please.

The SPEAKER pro tempore. The gentleman indicates that he is willing to stand for interrogation. Representative Godshall may proceed.

Mr. GODSHALL. We had a discussion prior to this interrogation, and there is one part of the amendment that still has me confused, Mr. Speaker. Item No. (1), which is people excluded under the amendment, says, "School police officers or other law enforcement personnel." Now, clearly I believe "other law enforcement personnel" really does not deal with school police officers. Then it further goes on to say, or "Employes...." So if the gentleman is correct in his statement that this only deals with school personnel, then why the

language “or other law enforcement personnel”? Would that not be our ordinary police – municipal police, State police, et cetera?

Mr. COWELL. Mr. Speaker, when I said that the language deals only with school employees, I was speaking to that clause No. (2) that says that this prohibition will not apply to “Employes in possession of a weapon...,” et cetera. But there is a clear exception to the prohibition provided for “School police officers or other law enforcement personnel.” So in effect, the language does not apply to them because of the exception that Representative Robinson has provided in that clause (1).

Mr. GODSHALL. Again, my question is, if we are only dealing with school personnel, as I believe our previous discussion had indicated we were, why then are we saying we are going to exclude “other law enforcement personnel” but we are not going to exclude people that have a right-to-carry permit who may just innocently walk across some parking lot sometime in the evening? This is where the point of confusion, I think, comes in, and if not, I can refer to Representative Robinson.

Mr. COWELL. Mr. Speaker, with all due respect, I do not know why that extra clause is in there. I would be quite satisfied with the amendment and think that it did its work if it simply said “School police officers.” I do not think that the “or other law enforcement personnel” hurts anything, but Representative Robinson may have a different view or may be able to state a different purpose.

Mr. GODSHALL. Okay. That concludes my interrogation of Representative Cowell. I would like to further interrogate Representative Robinson.

The SPEAKER pro tempore. The gentleman, Mr. Robinson, indicates he is willing to stand for interrogation, and the gentleman may proceed.

Mr. GODSHALL. The question I had asked of Representative Cowell, we are including in there “other law enforcement personnel,” which goes beyond the scope of school employees. Could you give me an explanation as to your intent?

Mr. ROBINSON. When HB 144, Mr. Speaker, was being considered, there was some concern that in our attempt to allow school boards to address this problem, we might restrict the school district and its personnel by not allowing them or prohibiting them from calling local police officials to the school or onto school property. The language that you are referring to is an attempt to make it clear to everyone that there is no attempt here to restrict those persons who are authorized to enforce the law to come onto school property either under existing law or under any rule or regulation that the school board might impose.

As far as I am concerned, Representative Cowell has adequately explained this. That extra language, if you want to call it that, in no way harms the amendment and in no way harms the bill, but it is an indication that we do respect the right of our police officers to come onto school property and

the right of school boards to ask them to come onto school property.

Mr. Speaker, also, it should be noted that you might have a municipal officer who is not a police officer who might be contracting with the school district or in some relationship with the school district, so the language is designed to clarify. As I mentioned before, the amendment is not intended to restrict the rights of those who are legally authorized to have weapons. It is not intended to restrict those persons who are legally authorized to have weapons, whether they be police officers or individuals who are so licensed who might inadvertently come upon school property.

Mr. GODSHALL. Thank you, Mr. Speaker.

That concludes my interrogation, and I would just like to make a comment, please.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

I think the explanation given by Representative Robinson is a very rational explanation, and my concern was the fact where we did have school police officers, school employees, and other law enforcement personnel, the fact that other people were eliminated might mean that they were covered under this legislation. He has explained that this is not the case. People that are lawfully licensed and/or lawfully have a permit to carry are not covered under this legislation. I can accept that explanation, and I thank the Representative very much.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Colafella.

Mr. COLAFELLA. I support the amendment, and I would appreciate an affirmative vote.

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

The following roll call was recorded:

#### YEAS—196

Acosta	Fee	Lynch	Ryan
Adolph	Fichter	Maitland	Santoni
Allen	Fleagle	Manderino	Sather
Argall	Flick	Markosek	Saurman
Armstrong	Freeman	Marsico	Saylor
Baker	Gamble	Masland	Scheetz
Barley	Gannon	Mayernik	Schuler
Battisto	Geist	McCall	Scrimanti
Bebko-Jones	George	McGeehan	Semmel
Belardi	Gerlach	McNally	Serafini
Belfanti	Gigliotti	Melio	Smith, B.
Birmelin	Gladeck	Merry	Smith, S. H.
Bishop	Godshall	Michlovic	Snyder, D. W.
Blaum	Gordner	Micozzie	Staback
Boyes	Gruitza	Mihalich	Stairs
Brown	Gruppo	Miller	Steelman
Bunt	Haluska	Mundy	Steighner
Butkovitz	Hanna	Murphy	Steil
Buxton	Harley	Nailor	Stern
Callagirone	Hasay	Nickol	Stetler
Cappabianca	Hennessey	Nyce	Stish
Carn	Herman	O'Brien	Strittmatter
Carone	Hershey	O'Donnell	Sturla
Cawley	Hess	Olasz	Surra

Cessar	Hughes	Oliver	Tangretti
Chadwick	Hutchinson	Perzel	Taylor, E. Z.
Clark	Itkin	Pesci	Taylor, J.
Clymer	Jadlowiec	Petrarca	Thomas
Cohen, L. I.	James	Petrone	Tigue
Cohen, M.	Jarolin	Pettit	Trello
Colafella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Cowell	Keller	Pitts	Uliana
Coy	Kenney	Platts	Vance
Curry	King	Preston	Van Horne
Daley	Kirkland	Raymond	Veon
DeLuca	Krebs	Reber	Vitali
Dempsey	Kukovich	Reinard	Waugh
Dent	LaGrotta	Richardson	Wogan
Dermody	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajt	Levdansky	Rubley	DeWeese,
Fargo	Lloyd	Rudy	Speaker
Farmer	Lucyk		

NAYS—0

NOT VOTING—0

EXCUSED—5

Bush	Corrigan	Tomlinson	Williams
Civera			

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, would the prime sponsor please stand for a brief interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will. Representative Clymer may proceed.

Mr. CLYMER. Mr. Speaker, one of the things that we constantly hear in our districts is about mandates and trying to get prior approval of bills that impact on education, whether they be in discipline or on the academics. My question to the prime sponsor is, does this bill have the support of the administrators in education, in public education? Have you made contact to make sure that they know that this proposal is forthcoming and that they can live with a bill that we will pass?

Mr. COLAFELLA. Mr. Speaker, not only the administrators but the teachers, parents, and employees in this Commonwealth that I have talked to are very much in favor of this legislation. Teachers and parents and students, employees, cafeteria workers, are fearful today when their children go to school, and they are very much—

Mr. CLYMER. Mr. Speaker, did I hear the word “school boards” in there? School boards?

Mr. COLAFELLA. School board people as well.

Mr. CLYMER. Thank you, Mr. Speaker. That is the end of the interrogation.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady, Representative Miller.

Mrs. MILLER. Mr. Speaker, may I please interrogate the prime sponsor of this legislation?

The SPEAKER pro tempore. The gentleman indicates that he will stand for interrogation. Representative Miller may proceed.

Mrs. MILLER. A question for clarification. In the event that the expulsion is applied to a student who is in his or her senior year and they are closer than the 20 days required before their graduation date, how will this impact their graduation from high school?

Mr. COLAFELLA. Mr. Speaker, if that student is caught with a weapon prior to 20 days before the graduation, that student is out, period; that student will not graduate.

Mrs. MILLER. Mr. Speaker, with the adoption of Representative Itkin’s amendment, then do I understand that this is the school district’s responsibility to provide further education, a GED (general educational development), et cetera, until this person receives their diploma?

Mr. COLAFELLA. Well, according to the State school regulations, yes, the school district has the responsibility of providing an alternative program, which in this case would probably be a home study program in order for this youngster to graduate.

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

On final passage, I just would like to express my concern that as drafted this legislation is not clear in how we are going to handle the graduating seniors. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes Representative Richardson.

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

Mr. Speaker, I rise to oppose HB 144 on final passage, and I want the prime sponsor of the bill, Representative Colafella, to know, Mr. Speaker, that there are some major concerns with this piece of legislation. It is nothing that has to do with the gentleman and his sincerity and his commitment to wanting to deal with the problem of violence within the schools, but it seems to me that we must point out that there are some very basic concerns that are being raised here.

Number one, in the criminal justice system, which has already been set forth in the criminal code, there are already provisions that deal with firearms and what should take place as a result of those firearms with law and mandates set down

so that if any of these particular not only juveniles but also adults wind up in a situation where they are in school and happen to be over the age of 18 and are carrying firearms, there is already a 5-year mandatory law that is set forth for those individuals carrying them.

If the attempt is to try to raise suspicion and put some concern in the hands of the powers that be inside the school district to try to make them understand that we are in back of them and support them with their efforts to try to remove students from the schools who are carrying these weapons, then all the other considerations that go into why youngsters are carrying weapons, what is the purpose of it — some are carrying it for self-defense; some are carrying it because they want to actually take some violence out against somebody else; others are doing it because it is the “hip” thing to do; some are doing it because they do not know what to do, but because somebody sold them a gun, it looks okay for them to carry one. I think that in this period of time when we are talking about violence, we need to broaden our horizons and scope on how we want to deal with this whole violence issue and the whole collective matter.

To piecemeal continuously and to react to the public that says that I want my child to go to school; I think something needs to happen because these youngsters are carrying weapons to school, there is no question in my mind, you are absolutely right. But I know that this piecemeal effort, in terms of trying to deal with getting a response by not only school officials but local officials and local leaders and community groups and home school associations that are constantly working on this thing day in and day out, must understand that until we are able to go after the root cause of crime and the problems dealing in our community, we will continue to come up with these kinds of piecemeal approaches. It seems to me that we owe a bigger responsibility to our community at large to go after and tackle how we deal with these youngsters in the schools who in fact are carrying weapons.

I think it is a mistake, for an example, to talk about certain instruments of crime and not include even a blackjack inside this legislation. When you talk about new weapons of today and how one can be hurt, baseball bats carry a tremendous amount of blows and pressure that can take one's life and certainly hurt somebody.

I think that the whole question of all these parameters that we are talking about today needs to be focused in a way that allows people to sit down and rationally come up with decisions on what needs to be done as opposed to just reacting to something that seems to be okay because it is the right thing to do and because so many people say, let us do something, and here is a reaction, and therefore, because it sounds okay, this legislation will pass.

I am not going to vote for it in that vein, Mr. Speaker. I think that the public needs to know that there are some thought processes given to this legislature and the fact that we owe that much to those individuals involved. We never know what the circumstances may be, but to say to a child that we are going to kick him out a full semester for carrying a weapon, in most

instances they do not care anyway. I mean, the problem that we have, Mr. Speaker, is the fact that if the youngsters cared today, if we had a real handle on crime, Mr. Speaker, and we were so interested in crime, then we would understand that locking them up would be a deterrent to crime. It has not stopped them yet. In fact, in some cases you are going to find youngsters find themselves in a position so they can bring a weapon to school so they can be kicked out of school so they do not have to be taught, and it seems to me that if that is the answer to this new generation that we are dealing with in response to the problem that we have, then we are going to continue to fail as we are doing now, and we are failing miserably. We have more youngsters locked up than we do in the institutions of higher learning. Therefore, we are not winning the battle. We have more youngsters who have been killed in the streets as a result of violence by guns and family members killing family members and family members killing community members that have not resulted in anything that will result in a positive reaction to the problem.

Mr. Speaker, I think for all of those reasons, that until we get a real serious handle on looking at the problems that deal in our community, we could talk about this all day and you are never going to find the eradication of crime. That is why the death penalty does not work, because there has been no deterrent to crime. There has been no deterrent to the death penalty, and no one stops killing just because you said you are going to give them the electric chair or you are going to inject them with something that is going to kill them. That has not stopped crime and has not stopped the number of deaths, which have increased. You talked about building seven new prisons. That has not spawned stopping crime.

So until we deal with those kinds of issues that impact directly on the community in which we are dealing with—and that is whether it is urban, suburban, or rural—we are kidding ourselves, and this legislation is no way, shape, or form the answer to resolving that problem in the school community when in fact this is stemming from the community as a whole, where the whole community needs to be involved because they are the ones that are at stake as well. They could not get the weapons in the school if there was not fear in the community first before they got to school. They only spend 5 hours in school; 19 hours are spent back home in the community. And if you understand that, then you understand that the real fear and intimidation is what is done in the community, and until we clean up our streets and until we are willing to put some time and money behind looking at jobs and employment and security in trying to deal with helping support those efforts within the community, then we are just playing games, and you can go back to your respective districts and tell people that you voted for this today, but guaranteed, that is not going to stop any kid from carrying a gun tomorrow.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Nyce.

Mr. NYCE. Thank you, Mr. Speaker.

I would like to commend Representative Colafella for introducing this legislation.

One of the things that we face today is this terrible crime committed with guns in our schools, and we could ignore the issue and we could not pass this bill, not mandating circumstances under which we expel kids from schools, but I believe we need to protect the rights of those students who behave in a civil manner in our schools, and if we can send one message back to our schools and to the kids that attend those schools every day, it is simply this: If you bring a gun to school, you are out. You do not get a second chance; you do not get alternative conditions; you do not get to come in and whine and cry before the school board. If you bring a weapon to school, you are out.

If we do this, we will protect the other students in the school who do not have to wonder the very next day whether that same student has come back to school with a gun or a knife, who may take retribution against another student who may have brought it to the attention of the administrator or the police that that student had a gun in school. It is unacceptable to have weapons in school. It is the one controlled environment that all of us here in this room can have some force and some impact upon. We cannot control what goes on on the streets, but when we are in a controlled environment like a school, we have every right and every obligation to protect the other students.

I think it is well founded. It does not limit the rights of local school boards to go beyond this definition of "weapons." They can still expel students under any condition where there is a fight or an attack of any kind on a teacher or another student.

This is intended to send a message. If you bring a gun or a weapon into a school setting, on a school bus, or on school property, you are out; you are gone; you are finished. Yes, we still have an obligation to educate those students, but they will not be threatening other students or teachers for the balance of that year.

I hope that all of my peers in the House will support this legislation. As a former school director, I am not in favor of mandates, but we must take action to prevent weapons from coming to our schools. This is one thing that we can do and we should do. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Schuler.

Mr. SCHULER. Thank you, Mr. Speaker.

I, too, rise in support of HB 144.

I have spent 27 years in the classroom. Now, I have never been confronted with a weapon, but there have been circumstances in other schools where this has become a problem, and I think under the present day we hear a lot of commination about education. But one of our problems in education is the failure to provide an environment conducive to education. When we have students walking the halls with pistols and rifles or any other means of causing a problem, I think it is about time we stop and say that is enough. We have to provide an environment for our students, and most importantly, the safety of our students.

I hear the School Boards Association, and I am just as much concerned about mandates and costs as they are; I am a taxpayer also, but I think when it comes down to the safety of the students who want to get an education, that should come first and foremost. I find it very difficult to go along with the arguments about the mandates and the cost. What would be the alternative? Let us suppose one of these young people brings a weapon to school and someone is shot and killed or wounded. What might the lawsuits be in that case? I think the alternative there is to get that person out of the school and keep them out.

I support HB 144, and I think the gentleman, Mr. Colafella, has a very good bill here. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, it would seem that what we are trying to do is to rewrite the Crimes Code with regard to a violation in the public school system. If an individual has some kind of a weapon under this description on the first day of school, he is going to be expelled for the entire year, and if someone else 21 days before the end of school has a weapon, he is going to be suspended or expelled for 21 days. Mr. Speaker, what message then do we send to our children? What message do we talk about in terms of justice and equity and fairness in sentencing?

Mr. Speaker, we are faced with a serious situation, and I think, as Representative Richardson has so eloquently stated, the problem is not carrying weapons to school; the problem is societal and one that we have to address. If we think that by simply saying that anyone who carries a weapon into school is going to stop the violence, even in the schools, when they know that if they take a weapon and use it on someone, they are going to be penalized by the Crimes Code as it exists today, these are not people that are motivated by the same kinds of things that motivate, hopefully, you and I.

What we need to do, in the first place, is to recognize that schools right at the moment have the control possibilities and potential. The law exists for them to take the same action that we are commanding they take. What we are doing is taking away any kinds of options that they might want to use in terms of dealing with these kids in a positive way. Why are we not talking about some kind of psychological treatment rather than just taking and sending someone in to tutor them? Why are we not recognizing that we have here a student who for some reason has a real problem, and it is not the problem that he wants to get into school more than anything else in the world, and by golly, if he carries a weapon in, we are not going to let him be there. That is not where he wants to be, and it is not a deterrent.

Let us look at what causes kids to carry weapons to school. Let us deal with them when we find that this is the behavior that they are going to be using, and let us find an answer rather than a Band-Aid to a societal problem that we have. Right now our schools can deal with the presence of weapons, but they have not been able to deal with the greater problems, and that is what we should be looking at — why are kids

carrying weapons to school and what can we do about it? Punishment is not far enough. It is a Band-Aid.

I would suggest that we vote against this bill and look seriously into this problem of violence both in our schools and on our streets. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HB 144.

I realize that no single piece of legislation is going to cure the problems of violence in our society. However, with respect to schools, we owe it to the majority of children who go to school to learn. And I know; I have talked to children who are intimidated, in rural areas, by the atmosphere of fear that pervades many schools because they think they hear about students with weapons in schools. So we owe it to those children who want to learn to send a strong message out there that we are not going to tolerate weapons in schools.

Let us pass HB 144. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady, Representative Cohen.

Mrs. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 144.

It is well documented that I am thoroughly opposed to the presence of weapons in schools, either brought to the schools by students, employees, or anyone. We must keep weapons out of the schools.

I would agree with all of the speakers that have preceded me — we have a dangerous and difficult situation in the schools now. We must deal with the weapons and prohibit them in any way we can. However, HB 144 simply does not deal properly with the issue. Our recourse is through the criminal justice system, through the courts, not by expulsion. Expulsion is a negative way to deal with this problem; it is another unfunded mandate. It is taking recourse away from the local school districts and not permitting them to deal with this situation as they deem necessary.

The proper way to deal with weapons in the schools is through the courts and the criminal justice system, not through expulsion. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentlelady and recognizes Representative Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I rise to oppose HB 144.

If we lived in a perfect world, then perhaps the solution set forth here would work, but unfortunately, we do not, and the solution set forth in this legislation clearly will not work. The bill assumes that suspension in and of itself is a penalty that means something to many students. In fact, it does not. Experience suggests, my experience suggests that some students, even now, see suspension as not a punishment but a benefit, because it allows them out of the school in a situation where they are not supervised, where they can run the streets, where they can do what they want to do without any fear of parental response, and it allows them to do those things that

that school is designed to train them not to do. So suspension in and of itself offers no solution.

Further, if you listened to the arguments in favor of the bill, you would assume that the real danger here lies only in the school building. The reality is that students who carry weapons oftentimes carry weapons not because they are threatened in school but because they are threatened outside the school, and so what this bill does is take the people with the weapons, put them outside the school where they are an even greater threat to those students who want to get back and forth from home to school every day and who fear those who are on the streets with weapons who threaten their very existence.

This bill does little to solve the problems of improving schools. It does nothing to address the critical needs of violence in our society. This sends a message; it sends a message only that it offers a simplistic solution to a complex problem. It does not work; it will not work. It offers very little that will deal with the key issue of a violent society, a society which is a breakdown of parental authority, a society in which there is a challenge to the existence of schools and to the idea that schools are something that are to be cherished and neutral in a society where you go to learn.

If this bill did that, then I would vote for it. It does not do that, and I would urge you not to vote for HB 144.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Dent.

Mr. DENT. Thank you, Mr. Speaker.

I would like to briefly interrogate the maker of the bill, Mr. Colafella.

The SPEAKER pro tempore. The gentleman indicates that he is willing to be interrogated, and Mr. Dent may proceed.

Mr. DENT. Mr. Speaker, just last week at the high school I attended 15 years ago there was an incident, a major disturbance. Baseball bats were used; there were injuries, according to press accounts. Under the amended version of this bill, would a baseball bat used against other students be a condition for an expulsion from a public school system?

Mr. COLAFELLA. It is not covered by the mandate, but the school district always has this opportunity. Mr. Speaker, that is one of the reasons why I was in favor of Representative Snyder's amendment, which clarified that, because it is not one of the particular items considered a dangerous weapon, but Representative Snyder addresses the particular question that you had and that is why I was in favor of it.

Mr. DENT. Okay.

May I comment on the bill?

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

Mr. DENT. Thank you, Mr. Speaker.

I rise in strong support of this legislation.

Violence in schools is perhaps one of the most pressing issues for those of us who live in urban areas. Violence in schools is undermining the efficacy of the public school system. It is time that we start protecting the rights of the children who want to learn and that we show little or no

tolerance for those who want to be disruptive and indeed violent.

Again, I would just urge all my colleagues to think very seriously about this issue. It is one of concern to all of our parents in our communities, and again I urge a "yes" vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Gordner.

Mr. GORDNER. Thank you, Mr. Speaker.

I rise in opposition to HB 144 for two primary reasons.

A secondary reason that I rise in opposition to it is the requirement, which was confirmed with the Itkin amendment, that requires the school boards to provide the education throughout this year of expulsion. If a kid or a young person is expelled on September 2 or September 3, there is going to be a mandate there that education be provided to that child outside the school throughout the entire year, which is going to put burdens personally on my school districts.

But the primary reason that I rise in opposition to this is because of the mandatory requirement that the young person be expelled for the entire academic year. As one who is generally opposed to mandatory sentences—and I think that is something we realized on the sentencing front—we should start looking at cases on a case-by-case basis and not have mandatory minimum requirements. Here we are imposing a mandatory requirement in this bill of an automatic expulsion for the rest of the academic year. What we need to do is let our local school boards decide on a case-by-case basis. As someone who, as an attorney, was involved in the criminal justice system, I saw how it is important that we allow judges, we allow school boards to decide matters on a case-by-case basis. All cases are not the same. There are different reasons why someone may consider bringing a gun in a school district, and by requiring that there be an expulsion for the remainder of the school year, you are not allowing anyone, anyone, to be allowed to examine that case on a particular basis.

Just in general, I am aware of a juvenile case back in my district where the person brought a gun, an unloaded gun, to defend a person of another race than him from other people who had been picking on the both of them. That person had never had any record prior to that, and he was apprehended. Under this language, if he was in the school district, he would have been expelled for the remainder of the year. In real life, he was dealt with by the juvenile authorities; he was dealt with by the school district; and within a month or so, he was able to come back to school and complete his school year and has done well since and has graduated from that school. Under HB 144, he would have been expelled for the entire year and would have been a problem and may have created a worse situation.

So the primary reason I oppose this is, I believe the school boards, just as I do with criminal sentences, should decide these on a case-by-case basis, and I would urge you to oppose HB 144.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Leh.

Mr. LEH. Thank you, Mr. Speaker.

It is not my intent to question the motives of my good friend on the other side of the aisle. However, I would like to inform this body that this summer I was fortunate enough to chair a task force on which we looked at school violence.

During this task force hearing, we heard the testimony from both the principals and school superintendents, local law enforcement personnel, psychologists, caseworkers, whatever, and the one message that they were loud and clear about is, no State mandates. We are capable of dealing with this situation; we are dealing with this situation. Tell the State not to micromanage our affairs. We are capable of handling it.

It is for those reasons that I am going to oppose HB 144, and I would ask my colleagues to do likewise. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Uliana.

Mr. ULIANA. Thank you, Mr. Speaker.

I rise to strongly support this piece of legislation.

I live two blocks from a large inner-city public high school and I see many kids going to school each day, going to school who want to learn, and I support this legislation for those kids who go to school who want to learn. They do not deserve to have to sit next to a thug bringing a weapon to school, bringing a gun, a knife, a bat. That disrupts the learning process and works against those children whom the school system is most there to help.

Mr. Speaker, I urge all of the members of this body, when they go to vote, to vote for those children, those children who want to learn and want to do well so that they do not have to sit next to somebody who brings a gun, a knife, or a bat to school and be intimidated and have that learning process disrupted. Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady, Representative Steelman.

Ms. STEELMAN. Thank you, Mr. Speaker.

Will the maker of the bill stand for a brief interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Colafella, indicates that he will, and the gentlelady may proceed.

Ms. STEELMAN. Thank you.

Mr. Speaker, to recapitulate a point that has been brought up a couple of times in the discussion already, it is already within the power of the school board in any district to suspend a student for any period of time or to expel a student for inappropriate behavior in school, is it not?

Mr. COLAFELLA. Yes, it is, Mr. Speaker.

Ms. STEELMAN. In that case, are there school districts in which students have brought guns or other weapons to school and the school board has not dealt appropriately with the situation? Is that why we need this bill?

Mr. COLAFELLA. Mr. Speaker, the reason why I have introduced this legislation is because people back home who work at the schools have told me that it is time for this legislature to do something, and we should do something. We should do something to alleviate the fears that people have

who work at schools. We should do it for the children who go to school and want to learn every day, and for those reasons, I cannot rationalize any reason at all why we should be concerned about a youngster who takes a gun to school. Our responsibility should be to take care of the people and the kids who are in school and do not have a gun. Those are the kids that we should be concerned about today, and for those reasons I have introduced this legislation.

Ms. STEELMAN. And that is why I am attempting to explore why it is that school boards are not already acting to expel these students from schools. Are there such incidents occurring in the Commonwealth?

Mr. COLAFELLA. I think that a number of school boards have imposed some minor penalties for individuals who are caught with serious weapons, but I think that we as leaders in this State, who are responsible for the education that this State has set up by our Constitution, encumbers us to do something serious about it. I think we need to be sturdy. I think we need to send a message out to the people of Pennsylvania that we mean business and we intend to do something about it by expelling a youngster for the rest of the school year, and quite frankly, I do not think the penalty is as strong as some people may think it is, because quite frankly, we are lucky today in Pennsylvania that there have not been a rash of killings in schools with youngsters carrying weapons, and I think we have been lucky, and I think it is time we had better do something about it.

Ms. STEELMAN. Have you made any attempt to determine why school boards have not expelled students who are caught with weapons in schools?

Mr. COLAFELLA. I did not say that school boards have not done anything with youngsters who have been found with weapons in school. I did not say that.

Ms. STEELMAN. No, but what you did say, if I understood you correctly, was that school boards are instituting only minor penalties and that you felt that therefore we needed to override the authority of school boards and impose statewide law.

Mr. COLAFELLA. I think the laws that have been imposed by some school districts in this State are not strong enough. I think that the punishment that is in this particular legislation is appropriate, and for that reason, that is the reason why I introduced the legislation.

Ms. STEELMAN. How many incidents of students bringing weapons into schools and being discovered occurred in the past year?

Mr. COLAFELLA. I do not know.

Ms. STEELMAN. Would you have an estimate?

Mr. COLAFELLA. No, I do not. What I do know, though, is what my constituents back home tell me, and that is, they are concerned about the problems of weapons being brought to school.

Ms. STEELMAN. Assuming that some number of students bring weapons to schools and that these students will be expelled, how much, approximately, would it cost a given school district to provide an alternative educational experience

for a student who has been expelled, assuming that his parents cannot find an alternative school for him?

Mr. COLAFELLA. Mr. Speaker, first of all, it is very difficult to answer that because we do not have a reporting system, but under current law and our regulations, whenever a school district suspends or expels any student, they are required under current law to provide that kind of education.

In addition, this Commonwealth, our taxpayers provide from this legislature \$5 billion to the schools of Pennsylvania, and the parents and the taxpayers of Pennsylvania do not expect us to expend \$5 billion so that we can be concerned about youngsters who carry weapons to school. They want us to expend \$5 billion so that we can take care of youngsters who want to learn in school.

Ms. STEELMAN. Thank you, Mr. Speaker.

That concludes my interrogation. I would like to say a few words on the subject of the bill, if I may.

The SPEAKER pro tempore. The Representative is in order and may proceed.

Ms. STEELMAN. Thank you.

I agree with Representative Colafella that we have a responsibility to provide for the safety of children in the Pennsylvania schools. Unfortunately, I think that HB 144 only goes part of the way toward doing that.

A number of speakers have raised the concern that if students who carry weapons are expelled from school, that the school district still has the financial responsibility for them, and despite the fact that we are providing significant subsidies to the public schools of Pennsylvania, there is reason to believe, based on the information that most of us get from our school districts, that they do not have a great deal of money sitting around to provide alternative programs for students who are disruptive.

I think that it is a bad decision on our part to require schools to do something that we all agree they ought to do — that is, remove dangerous and disruptive students from the classroom — without providing the schools with the resources that they may find absolutely essential when it comes to providing both for alternative programs for those students and providing for a decent basic education for the students who remain in the classrooms that we have tried to make safe.

I hope, if we pass this bill, that when we consider school funding in our next budget round, that those who vote for the bill will be prepared to put their money where their mouths are. Thank you.

The SPEAKER pro tempore. The Chair thanks Representative Steelman and recognizes Representative Reber.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, I want to preface my remarks by saying that there is absolutely no doubt in my mind that each and every member of this General Assembly, regardless of how they have spoken today relative to the merits or the lack thereof of this piece of legislation, regardless of how they may vote on any subsequent motions or on final passage when that vote comes, is totally and unalterably opposed to the use conduct surrounding weapons in our schools. For anybody to go in any

other direction or to draw any other conclusion from this debate is, in my mind, criminal of any individual that would make such an argument to the contrary.

Let me say this, Mr. Speaker: My concern may have been extremely or significantly diminished if the Stairs amendment, the Stairs amendment, amendment 4084, had been adopted. For that matter, it was not offered so it could not be adopted, but I think the concept embodied in the Stairs amendment, a fail-safe, if you will, a provision for due process in the adjudicatory stage of whether there has been a violation of the intent of this legislation, is fatally lacking in the procedural aspects and the mechanics of this bill.

Mr. Speaker, I am very, very concerned about a lot of scenarios where a per se violation is going to vest under the language in this bill as it is drafted, when in fact there was never any intent whatsoever that the particular instrument, the particular weapon, if you will, was ever intended to be brought on the grounds of a school for a violation.

Now, what am I talking about? Mr. Speaker, we have deer hunting season coming up upon us very quickly. Many, many, many high school students may very well be out in the wee hours of the morning deer hunting and lock in the trunk of their car their particular rifle when they go to school. They pull into a school parking lot. There is a rear-end collision in the parking lot, the trunk springs open, and the visible rifle is then seen, and an expulsion proceeding must follow, as I read this legislation.

Mr. Speaker, I do not think it is farfetched to suggest that a student may be given the keys to the family car and the particular parent may very well have a small Swiss army knife on that key chain. The student puts it in his pocket when he gets out of the car at school, goes to gym class. In the course of changing for that gym class, the ring of keys with the small pocketknife falls out in plain view of the school gym teacher. An expulsion proceeding follows, and as a per se offense, there is no opportunity for a defense under this legislation to be carried out.

Mr. Speaker, I think we have a concept here that certainly is worthy of consideration, but I think this particular piece of legislation, as drafted and passed from the Education Committee, is procedurally flawed.

**MOTION TO RECOMMIT**

Mr. REBER. Accordingly, Mr. Speaker, I would move to recommit this bill to the Judiciary Committee so that necessary due process considerations could be placed into the bill to give it the true intent that I think the sponsors desire.

I would so move to recommit to Judiciary.

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

The SPEAKER pro tempore. On the motion, the Chair recognizes the gentleman, Mr. Colafella.

Mr. COLAFELLA. Mr. Speaker, I urge the members to vote "no" on recommitment.

This bill is a very, very simple bill, and sometimes when we do something simple here, people have a difficult time. This is a very simple bill. We simply want kids out of school if they bring a weapon, and I would ask very much that you vote "no" on recommitment.

The SPEAKER pro tempore. On the motion to recommit, the Chair recognizes Representative Nyce.

Mr. NYCE. Mr. Speaker, if the purpose of the motion to recommit is as explained by the previous or the next-to-previous speaker, that issue has been addressed in the bill, and it says that if a student has a weapon for any other lawful purpose, he is not to be expelled.

So I ask the previous speaker to look at that section of the bill on page 2, line 19, because it does not apply when a student has a weapon for a lawful purpose. Thank you.

I urge the members to not recommit.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

**YEAS—49**

Acosta	Fichter	Kukovich	Roebuck
Baker	Flick	Laub	Rohrer
Birmelin	Geist	Lee	Rubley
Cappabianca	Gerlach	Leh	Sather
Carn	Godshall	Lynch	Saurman
Clark	Gordner	Maitland	Saylor
Clymer	Hennessey	Manderino	Snyder, D. W.
Cohen, I. I.	Hershey	Merry	Stern
DeLuca	Hess	Nickol	Taylor, E. Z.
Dempsey	Hughes	Oliver	Van Horne
Donatucci	Jadlowiec	Reber	Vitali
Fairchild	James	Richardson	Waugh
Fargo			

**NAYS—146**

Adolph	Fleagle	McCall	Schuler
Allen	Freeman	McGeehan	Scrimenti
Argall	Gamble	McNally	Semmel
Armstrong	Gannon	Melio	Serafini
Barley	George	Michlovic	Smith, B.
Battisto	Gigliotti	Micozzie	Smith, S. H.
Bebko-Jones	Gladeck	Mihalich	Staback
Belardi	Gruitza	Miller	Stairs
Belfanti	Gruppo	Mundy	Steelman
Blaum	Haluska	Murphy	Steighner
Boyes	Hanna	Nailor	Steil
Brown	Harley	Nyce	Stetler
Bunt	Hasay	O'Brien	Stish
Butkovitz	Herman	O'Donnell	Strittmatter
Buxton	Hutchinson	Olasz	Sturla
Caltagirone	Itkin	Perzel	Surra
Carone	Jarolin	Pesci	Tangretti
Cawley	Josephs	Petrarca	Taylor, J.
Cessar	Kaiser	Petrone	Thomas
Chadwick	Kasunic	Pettit	Tigue
Cohen, M.	Keller	Phillips	Trello
Colafella	Kenny	Piccola	Trich
Colaizzo	King	Pistella	True
Cornell	Kirkland	Pitts	Tulli
Cowell	Krebs	Platts	Uliana

Coy	LaGrotta	Preston	Vance
Curry	Laughlin	Raymond	Veon
Daley	Lawless	Reinard	Wogan
Dent	Lederer	Rieger	Wozniak
Dermody	Lescovitz	Ritter	Wright, D. R.
Druce	Levdansky	Roberts	Wright, M. N.
Durham	Lloyd	Robinson	Yandrisevits
Egolf	Lucyk	Rooney	Yewcic
Evans	Markosek	Rudy	Zug
Fajt	Marsico	Ryan	
Farmer	Masland	Santoni	DeWeese,
Fee	Mayernik	Scheetz	Speaker

NOT VOTING—1

Bishop

EXCUSED—5

Bush	Corrigan	Tomlinson	Williams
Civera			

The question was determined in the negative, and the motion was not agreed to.

On the question recurring,  
Shall the bill pass finally?

The SPEAKER pro tempore. On final passage, the Chair recognizes the gentleman, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, the issue of violence in schools and in the community can be and is indeed a very complicated issue, but there is no reason why the issue of guns in school needs to be made out as a complicated issue. It is not. It certainly need not be characterized that way.

Representative Colafella, to his credit, has crafted legislation that attempts to change the atmosphere of the school and attitudes about guns in school. It seems to deliver a clear message that we are going to have zero tolerance of guns in schools. There is no good reason to bring the weapon to school — not to protect yourself, not to show off, not to intimidate somebody, not to hurt somebody — and if we can do that, we will go a long way to improving the atmosphere of the school so that kids are not afraid to go to school and parents are not afraid to send their children to any public school in the Commonwealth.

HB 144 is not a panacea, but it does begin to address a significant problem and it sends a very significant message, a very clear message: no guns in school in Pennsylvania.

I urge that we approve HB 144.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—160

Adolph	Fichter	Mayernik	Schuler
Allen	Fleagle	McCall	Scrimenti
Argall	Flick	McGeehan	Semmel
Armstrong	Freeman	McNally	Scrafinj
Baker	Gamble	Melio	Smith, B.

Barley	Gannon	Michlovic	Smith, S. H.
Battisto	Geist	Micozzie	Snyder, D. W.
Bebko-Jones	George	Mihalich	Staback
Belardi	Gerlach	Miller	Stairs
Belfanti	Gigliotti	Mundy	Steighner
Blaum	Gladeck	Murphy	Stern
Boyes	Godshall	Nailor	Stetler
Bunt	Gruitza	Nyce	Stish
Butkovitz	Gruppo	O'Brien	Strittmatter
Buxton	Haluska	O'Donnell	Sturla
Caltagirone	Hanna	Olasz	Surra
Cappabianca	Harley	Perzel	Tangretti
Cawley	Hasay	Pesci	Taylor, E. Z.
Cessar	Herman	Petrarca	Taylor, J.
Chadwick	Hess	Petrone	Thomas
Clark	Hutchinson	Pettit	Tigue
Clymer	Itkin	Phillips	Trello
Cohen, M.	Jarolin	Piccola	Trich
Colafella	Kaiser	Pistella	True
Colaizzo	Kasunic	Pitts	Tulli
Cornell	Keller	Platts	Uliana
Cowell	Kenney	Preston	Vance
Coy	King	Raymond	Van Horne
Daley	Kirkland	Reinard	Veon
DeLuca	LaGrotta	Ritter	Vitali
Dempsey	Laub	Roberts	Wogan
Dent	Laughlin	Robinson	Wozniak
Dermody	Lawless	Roebuck	Wright, D. R.
Donatucci	Lederer	Rooney	Wright, M. N.
Druce	Lescovitz	Rudy	Yandrisevits
Durham	Levdansky	Ryan	Yewcic
Evans	Lloyd	Santoni	Zug
Fairchild	Lucyk	Sather	
Fajt	Manderino	Saylor	DeWeese,
Farmer	Markosek	Scheetz	Speaker
Fee	Marsico		

NAYS—36

Acosta	Fargo	Kukovich	Reber
Birmelin	Gordner	Lee	Richardson
Bishop	Hennessey	Leh	Rieger
Brown	Hershey	Lynch	Rohrer
Cam	Hughes	Maitland	Rubley
Carone	Jadlowiec	Masland	Saurman
Cohen, L. I.	James	Merry	Steelman
Curry	Josephs	Nickol	Steil
Egolf	Krebs	Oliver	Waugh

NOT VOTING—0

EXCUSED—5

Bush	Corrigan	Tomlinson	Williams
Civera			

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 SPEAKER pro tempore. Members are reminded to please save their amendments for tomorrow's session.

And also for the information of the members, more importantly, there will be no further votes today.

**HOUSE BILL  
INTRODUCED AND REFERRED**

**No. 2168** By Representative ITKIN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for persons authorized to direct traffic.

Referred to Committee on TRANSPORTATION, October 12, 1993.

**BILLS AND RESOLUTIONS PASSED OVER**

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

**ADJOURNMENT**

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

Mr. STERN. Mr. Speaker, I move that this House do now adjourn until Wednesday, October 13, 1993, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:23 p.m., e.d.t., the House adjourned.