

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, FEBRUARY 1, 1995

SESSION OF 1995

179TH OF THE GENERAL ASSEMBLY

No. 11

### HOUSE OF REPRESENTATIVES

The House convened at 9:05 a.m., e.s.t.

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

#### PRAYER

The SPEAKER. Without objection, the prayer from today's special session will be printed in today's regular session Journal.

HON. JERRY BIRMELIN, member of the House of Representatives and guest chaplain, offered the following prayer:

Shall we pray:

Our Heavenly Father, we do thank You for this opportunity to do Your business here this morning.

We read in Your holy script that government, a creation that You have made for mankind's purpose, is to reward those that do good and to punish those that do evil.

Help us, Father, to work within those parameters. Help us to understand the importance of that which we do. Might we be led and guided by You in all that we say, do, and think.

For it is in Your name we pray. Amen.

#### PLEDGE OF ALLEGIANCE DISPENSED WITH

The SPEAKER. Without objection, the Pledge of Allegiance will be dispensed with.

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, January 31, 1995, will be postponed until printed. The Chair hears no objection.

#### LEAVES OF ABSENCE AND MASTER ROLL CALL

The SPEAKER. The leaves of absence granted in today's special session will also be granted in the regular session, and the master roll call taken in today's special session will also be the master roll call for the regular session.

The Chair hears no objection.

### CALENDAR

#### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 7, PN 149**, entitled:

An Act amending the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, further defining "administrative regulation" in relation to the Department of Environmental Resources.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

#### YEAS-199

Adolph	Evans	Maitland	Sather
Allen	Fairchild	Major	Saylor
Argall	Fajt	Manderino	Schroder
Armstrong	Fargo	Markosek	Schuler
Baker	Farmer	Marsico	Scriminti
Bard	Feese	Masland	Semmel
Barley	Fichter	Mayernik	Serafini
Battisto	Fleagle	McCall	Shaner
Bebko-Jones	Flick	McGeehan	Shoehan
Belardi	Gannon	McGill	Smith, B.
Belfanti	Geist	Melio	Smith, S. H.
Birmelin	George	Merry	Snyder, D. W.
Bishop	Gigliotti	Michlovic	Staback
Blaum	Gladeck	Micozzie	Stairs
Boscola	Godshall	Mihalich	Steelman
Boyes	Gordner	Miller	Steil
Brown	Gruitza	Mundy	Stern
Browne	Gruppo	Nailor	Stetler
Bunt	Habay	Nickol	Stish
Butkovitz	Haluska	Nyce	Strittmatter
Buxton	Hanna	O'Brien	Sturla
Caltagirone	Harhart	Olasz	Surra
Cappabianca	Hasay	Oliver	Tangretti
Carn	Hennessey	Perzel	Taylor, E. Z.
Carone	Herman	Pesci	Taylor, J.
Cawley	Hershey	Petrarca	Thomas
Chadwick	Hess	Petrone	Tigue
Civera	Horsey	Pettit	Travaglio
Clark	Hutchinson	Phillips	Trello
Clymer	Itkin	Piccola	Trich
Cohen, L. I.	Jadlowiec	Pistella	True
Cohen, M.	James	Pitts	Tulli

Colafella	Jarolin	Platts	Vance
Conti	Josephs	Preston	Van Horne
Cornell	Kaiser	Ramos	Veon
Corpora	Keller	Raymond	Walko
Corrigan	Kenney	Readshaw	Washington
Cowell	King	Reber	Waugh
Coy	Kirkland	Reinard	Williams
Curry	Kukovich	Richardson	Wogan
Daley	LaGrotta	Rieger	Wozniak
DeLuca	Laughlin	Roberts	Wright, D. R.
Dempsey	Lawless	Robinson	Wright, M. N.
Dent	Lederer	Roebuck	Yewcic
Dermoddy	Leh	Rohrer	Youngblood
DeWeese	Lescovitz	Rooney	Zimmerman
DiGirolamo	Levdansky	Rubley	Zug
Donatucci	Lloyd	Rudy	
Druce	Lucyk	Sainato	Ryan,
Durham	Lynch	Santoni	Speaker
Egolf			

Boyes	Gordner	Mundy	Stern
Brown	Gruitza	Nailor	Stetler
Browne	Gruppo	Nickol	Stish
Bunt	Habay	Nyce	Strittmatter
Butkovitz	Haluska	O'Brien	Sturla
Buxton	Hanna	Olasz	Surra
Caltagirone	Harhart	Oliver	Tangretti
Cappabianca	Hasay	Perzel	Taylor, E. Z.
Carn	Hennessey	Pesci	Taylor, J.
Carone	Herman	Petrarca	Thomas
Cawley	Hershey	Petrone	Tigue
Chadwick	Hess	Pettit	Travaglio
Civera	Horsey	Phillips	Trello
Clark	Hutchinson	Piccola	Trich
Clymer	Itkin	Pistella	True
Cohen, L. I.	Jadlowiec	Pitts	Tulli
Cohen, M.	James	Platts	Vance
Colafella	Jarolin	Preston	Van Horne
Conti	Josephs	Ramos	Veon
Cornell	Kaiser	Raymond	Vitali
Corpora	Keller	Readshaw	Walko
Corrigan	Kenney	Reber	Washington
Cowell	King	Reinard	Waugh
Coy	Kirkland	Richardson	Williams
Curry	Kukovich	Rieger	Wogan
Daley	LaGrotta	Roberts	Wozniak
DeLuca	Laughlin	Robinson	Wright, D. R.
Dempsey	Lawless	Roebuck	Wright, M. N.
Dent	Lederer	Rohrer	Yewcic
Dermoddy	Leh	Rooney	Youngblood
DeWeese	Lescovitz	Rubley	Zimmerman
DiGirolamo	Levdansky	Rudy	Zug
Donatucci	Lloyd	Sainato	
Druce	Lucyk	Santoni	Ryan,
Durham	Lynch	Sather	Speaker
Egolf	Maitland		

NAYS-1

Vitali

NOT VOTING-0

EXCUSED-3

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

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

RESOLUTION PURSUANT TO RULE 35

Mr. ITKIN called up HR 43, PN 509, entitled:

A Resolution requiring a study to determine the feasibility of creating a voluntary residential school program.

On the question,  
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-200

Adolph	Evans	Major	Saylor
Allen	Fairchild	Manderino	Schroder
Argall	Fajt	Markosek	Schuler
Armstrong	Fargo	Marsico	Scrimenti
Baker	Farmer	Masland	Semmel
Bard	Feese	Mayermik	Serafini
Barley	Fichter	McCall	Shaner
Battisto	Fleagle	McGeehan	Sheehan
Bebko-Jones	Flick	McGill	Smith, B.
Belardi	Gannon	Melio	Smith, S. H.
Belfanti	Geist	Merry	Snyder, D. W.
Birmelin	George	Michlovic	Staback
Bishop	Gigliotti	Micozzie	Stairs
Blaum	Gladeck	Mihalich	Steelman
Boscola	Godshall	Miller	Steil

NAYS-0

NOT VOTING-0

EXCUSED-3

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

RESOLUTION

Mr. M. N. WRIGHT called up HR 34, PN 401, entitled:

A Resolution directing the House of Representatives to conduct a study of the number of vehicles being operated without insurance and/or registrations on Pennsylvania's highways and the risk that is posed for the citizens of this Commonwealth.

On the question,  
Will the House adopt the resolution ?

Mr. REINARD offered the following amendment No. A0490:

Amend Title, page 1, line 1, by inserting after "Directing"  
the Transportation Committee of

Amend Resolution, page 2, lines 19 through 29, by striking out "Speaker" in line 19, all of lines 20 through 28 and "problem and the possible need for legislative action" in line 29 and inserting

Transportation Committee to conduct a study of the number of vehicles being operated without insurance and/or registrations on Pennsylvania's highways and the risk that is posed for the citizens of this Commonwealth, and the possible need for legislative action to address the problem

Amend Third Resolve Clause, page 3, line 1, by striking out "committee" and inserting

Transportation Committee

Amend Third Resolve Clause, page 3, line 3, by striking out "Each member of the committee" and inserting

The chairman of the Transportation Committee

Amend Fourth Resolve Clause, page 3, line 6, by striking out "committee" and inserting

Transportation Committee

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Bucks.

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, what this amendment attempts to do is place into the resolution, in place of a special select committee made up of members of the House Insurance and Transportation Committees, language which will direct that all the actions of the resolution be conducted by the existing and standing House Transportation Committee.

In my personal opinion, the use of these select committees should be somewhat limited if there is a House standing committee that can perform the actions. In my opinion, there is nothing under HR 34 which the House Transportation Committee could not do as a full standing committee, and I would request the assistance of the House in passing this amendment.

The SPEAKER. The Chair thanks the gentleman.

### LEAVE OF ABSENCE CANCELED

The SPEAKER. Prior to taking the vote, the gentleman, Mr. Krebs, is on the floor of the House. His name will be removed from the leave of absence list.

### CONSIDERATION OF HR 34 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Wright.

Mr. M. N. WRIGHT. Thank you, Mr. Speaker.

I have to kind of go on what the resolution does. My intent was, I have had a lot of problems in my community, constituents bringing the issue to me of drivers that are driving without insurance or driving without registration or driving without a license and all those types of problems.

Currently, our law enforcement departments really just write tickets and let the operators get right back in the cars and drive away. Many constituents, in fact myself, I have constituents that come to my office seeking help because they have a suspended license, and of course, they just drove into the office themselves.

So I tried to pursue how we could better enforce, in trying to research the problem of uninsured drivers, why they are driving without insurance and how we can have better enforcement. I came up with a lot of-

The SPEAKER. The gentleman will yield.

Conferences on the floor will please break up.

The gentleman may proceed.

Mr. M. N. WRIGHT. Thank you, Mr. Speaker.

In trying to determine what the possibilities are to rectify this situation, I could not come up with any possibilities that did not have some other negative side effects. So what I wanted to do, this is a resolution, and the resolution basically says to put together a small select group of members, three from the Insurance Committee and three from the Transportation Committee, to come together and, for the next 6 months, to study - be able to hold hearings and to study; bring in the Department of Transportation, the Department of Insurance, insurance businesses, the community law enforcement departments, et cetera; take in recommendations of how to solve these problems - and then come back and report to the legislature about the recommendations.

This resolution does not hold any teeth. This resolution does not mandate that the recommendations shall be acted on. All it does is this small group of people, three from both committees, shall get together to make recommendations and report back to us.

One of the concerns that has been brought up by my fellow Representative is that these are mostly law enforcement issues, which is true. Potentially if we sit back, they probably are basically law enforcement, which would be probably a transportation issue, but if this little select group is going to at least ask the Insurance Department or ask the insurance businesses to come in and testify to get their recommendations, I thought it was appropriate to at least have some members of the Insurance Committee sitting there that it could also ask intelligent questions and also respond to the report.

I actually do not support the amendment. I am not adamantly opposed to it. I believe I am going to get my study. What the issue is is do you want just the Transportation Committee to study the uninsured and the problems related to it, or do you want the Insurance and the Transportation Committees? My resolution is the Transportation Committee and the Insurance Committee together. The amendment says it is just a Transportation Committee issue.

Ultimately, I think we are going to get a study. The members are going to have to decide which way they want it done. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Blaum of Luzerne County.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Reinard amendment.

I may be wrong, but I think last session we tried to keep to a minimum this whole thing of select committees. We have numerous standing committees covering all sorts of jurisdictions, and certainly the Transportation Committee, I mean, this is an issue which is appropriate to them. This is an issue that I think members want to get on the Transportation Committee so they can sink their teeth into and not have special committees created which take some of that jurisdiction away from them.

Last session, for example, I can remember the Aging and Youth Committee. We worked very closely with the Education Committee on some issues that affected kids, and members who were interested, not two or three who were specially selected, but anybody who was interested could meet with the members of the Education Committee, or the Appropriations Committee, or the Health and Welfare Committee, as these issues began to cross the jurisdictions of some committees. It forces the chairmen, the subcommittee chairmen, and the rank-and-file members to work closely together. I think that is what Representative Reinard is trying to do, is to maintain the

integrity of our committee system, and I have always supported that and will try to ask the House to adhere to that, to keep the integrity of the standing committees intact, not to create this special committee, which may or may not require additional staff, which may or may not require additional money to operate and fund.

So I think Representative Reinard is on the right track. I think it is in keeping with what we tried to do last session, and I support the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the Reinard amendment, the Chair recognizes the gentleman from Bucks, Mr. Wright, for the second time on the question.

Mr. M. N. WRIGHT. Thank you, Mr. Speaker.

I agree and I understand the concept of trying to keep it within one committee, but unfortunately, I believe this general issue transcends across two different committee responsibilities. I am not too sure the body wants the Transportation Committee nosing into the insurance field, too, but my original concept here is that because it crosses both issues, then this committee, this little select group, which is just a research group, which is not anticipated to spend any additional funds, shall have members from both departments, from both areas, Insurance and Transportation, because I do not think the Insurance members want to be looking into transportation issues and I do not think the Transportation members want to be looking into insurance issues.

Now, if you want, it could be broken up and it could be given to both committees separately, but I do not think it is going to accomplish anything in its sense. I think it is only smart to let both groups do it together, make some recommendations - they are just recommendations - and spit it out, and then we will decide what to do from there. Thank you.

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

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

I rise to support Matt Wright on this. If we commit this just to the Transportation Committee, I think it goes beyond the expertise of the committee, and if we are going to do it, we should do it Matt's way.

If this amendment goes in-I am urging you to vote against the amendment-if the amendment goes in, then I would urge you to vote against the resolution or ask Matt to withdraw the resolution, and then we can just go about the business of doing it that way.

Thank you very much.

The SPEAKER. The Chair recognizes the gentleman, Mr. Reinard, for the second time on the question.

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, I do not want to beat a dead horse here, but the only aspect, the only language in this resolution that deals with anything dealing with insurance at all is a line that says, in Philadelphia there are less people insured than elsewhere, and, Mr. Speaker, the House Insurance Committee in the two times that it dealt with automobile insurance reform in the last 12 years has more than enough testimony as to why there are uninsured drivers in the city of Philadelphia. The first and most prominent reason is cost, and we recognized that when we amended Act 6 and provided alternative choices for people in talking what types of coverages they want.

Also, you have another underlying reason. There are a lot of people that, quite frankly, will not get a valid driver's license, will be driving without valid insurance, and will not have a registration card. We cannot stop these things, but the House Insurance Committee's

expertise in this little select committee cannot give us much more than this.

The SPEAKER. Will the gentleman yield.

The major conference at the majority leader's station must break up. The conferences in the rear of the House-

The Chair recognizes the gentleman. Sorry I broke it up.

On the question of the adoption of the amendment, the gentleman, Mr. Taylor, seeks recognition. The gentleman may proceed.

Mr. TAYLOR. Thank you, Mr. Speaker.

Will the maker of the amendment stand for a brief period of interrogation, Mr. Speaker?

The SPEAKER. The gentleman consents to interrogation. You may proceed.

Mr. TAYLOR. And frankly, Mr. Speaker, I am not sure if this is better put to the maker of the amendment or the maker of the resolution. But what would prevent both committees from looking into this matter jointly?

I know it is a very important issue to all of us in Philadelphia, and I know we handled a lot of matters jointly with a variety of committees last session. Would there be any prohibition against the full committees of both Transportation and Insurance looking into this?

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker it is my understanding, in conversations yesterday with the majority chairman of the House Insurance Committee, the House Insurance Committee will be looking into the issue of uninsured drivers again this term as well as reviewing all of the aspects of Act 6 and whether it is working or not.

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

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, I support the amendment, and I do so in terms along the lines that the gentleman, Mr. Taylor, just mentioned.

I believe there is and there are areas that both committees can be looking into, but I support the amendment specifically because I agreed earlier with what Mr. Blaum said. We need, I think, to concentrate on the committee structure in the House of Representatives, and this idea of establishing a select committee to study everything under the sun, I think this is one of those ideas.

Now, very frankly, much of the information that would be garnered in this committee study is probably information that either PennDOT or someone has, or the Insurance Department, that they would bring to the committee, but I do not see that there is much need for a legislative select committee to discuss and to look into this matter.

We ought to rely on the staff that we have of the committee system that is in place, whichever committee, and if it is matters that two or three committees can look at jointly, then fine. But I think we should resist this idea of naming a select committee for every issue under the sun, and I think this is one of those matters.

So I join with Representative Reinard, and I ask for an affirmative vote on his amendment and then get on with the resolution. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS-189

Adolph	Fajt	Manderino	Schuler
Argall	Fargo	Markosek	Scrimenti
Armstrong	Farmer	Marsico	Semmel
Baker	Feese	Masland	Serafini
Battisto	Fichter	Mayernik	Shaner
Bebko-Jones	Fleagle	McCall	Sheehan
Belardi	Flick	McGeehan	Smith, B.
Belfanti	Gannon	McGill	Smith, S. H.
Birmelin	George	Melio	Snyder, D. W.
Bishop	Gigliotti	Merry	Staback
Blaum	Gladeck	Michlovic	Stairs
Boscola	Godshall	Micozzie	Steelman
Boyes	Gordner	Mihalich	Steil
Brown	Gruitza	Miller	Stern
Browne	Gruppo	Mundy	Stetler
Bunt	Habay	Nailor	Stish
Butkovitz	Haluska	Nickol	Strittmatter
Buxton	Hanna	Nyce	Sturla
Caltagirone	Harhart	O'Brien	Surra
Cappabianca	Hasay	Olasz	Tangretti
Carn	Hennessey	Oliver	Taylor, E. Z.
Carone	Herman	Pesci	Taylor, J.
Cawley	Hershey	Petrarca	Thomas
Chadwick	Horshey	Petrone	Tigue
Civera	Hutchinson	Pettit	Travaglio
Clark	Itkin	Piccola	Trello
Clymer	Jadlowiec	Pistella	Trich
Cohen, L. I.	James	Pitts	True
Cohen, M.	Jarolin	Platts	Tulli
Colafella	Josephs	Preston	Vance
Conti	Kaiser	Ramos	Van Horne
Cornell	Keller	Raymond	Veon
Corpora	King	Readshaw	Vitali
Corrigan	Kirkland	Reber	Walko
Cowell	Krebs	Reinard	Washington
Coy	Kukovich	Richardson	Waugh
Curry	LaGrotta	Rieger	Williams
Daley	Laughlin	Roberts	Wogan
DeLuca	Lawless	Robinson	Wozniak
Dempsey	Lederer	Roebuck	Wright, D. R.
Dent	Leh	Rohrer	Yewcic
Dermody	Lescovitz	Rooney	Youngblood
DeWeese	Levdansky	Rubley	Zimmerman
Donatucci	Lloyd	Rudy	Zug
Druce	Lucyk	Sainato	
Durham	Lynch	Santoni	Ryan, Speaker
Egolf	Maitland	Saylor	
Evans	Major	Schroder	

NAYS-12

Allen	DiGirolamo	Hess	Phillips
Bard	Fairchild	Kenney	Sather
Barley	Geist	Perzel	Wright, M. N.

NOT VOTING-0

EXCUSED-2

Colaizzo	Gamble
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The question was determined in the affirmative, and the amendment was agreed to.

On the question,  
Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS-201

Adolph	Evans	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Farmer	Marsico	Semmel
Bard	Feese	Masland	Serafini
Barley	Fichter	Mayernik	Shaner
Battisto	Fleagle	McCall	Sheehan
Bebko-Jones	Flick	McGeehan	Smith, B.
Belardi	Gannon	McGill	Smith, S. H.
Belfanti	Geist	Melio	Snyder, D. W.
Birmelin	George	Merry	Staback
Bishop	Gigliotti	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Nailor	Stish
Bunt	Habay	Nickol	Strittmatter
Butkovitz	Haluska	Nyce	Sturla
Buxton	Hanna	O'Brien	Surra
Caltagirone	Harhart	Olasz	Tangretti
Cappabianca	Hasay	Oliver	Taylor, E. Z.
Carn	Hennessey	Perzel	Taylor, J.
Carone	Herman	Pesci	Thomas
Cawley	Hershey	Petrarca	Tigue
Chadwick	Hess	Petrone	Travaglio
Civera	Horshey	Pettit	Trello
Clark	Hutchinson	Phillips	Trich
Clymer	Itkin	Piccola	True
Cohen, L. I.	Jadlowiec	Pistella	Tulli
Cohen, M.	James	Pitts	Vance
Colafella	Jarolin	Platts	Van Horne
Conti	Josephs	Preston	Veon
Cornell	Kaiser	Ramos	Vitali
Corpora	Keller	Raymond	Walko
Corrigan	Kenney	Readshaw	Washington
Cowell	King	Reber	Waugh
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Richardson	Wogan
Daley	Kukovich	Rieger	Wozniak
DeLuca	LaGrotta	Roberts	Wright, D. R.
Dempsey	Laughlin	Robinson	Wright, M. N.
Dent	Lawless	Roebuck	Yewcic
Dermody	Lederer	Rohrer	Youngblood
DeWeese	Leh	Rooney	Zimmerman
DiGirolamo	Lescovitz	Rubley	Zug
Donatucci	Levdansky	Rudy	
Druce	Lloyd	Sainato	Ryan, Speaker
Durham	Lucyk	Santoni	
Egolf	Lynch	Sather	

NAYS-0

NOT VOTING-0

EXCUSED-2

Colaizzo	Gamble
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The question was determined in the affirmative, and the resolution as amended was adopted.

## BILLS ON THIRD CONSIDERATION

### BILL PASSED OVER

The SPEAKER. The Chair returns to page 1 of today's calendar. Without objection, HB 8 is over for the day.

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The House proceeded to third consideration of **HB 38, PN 244**, entitled:

An Act providing for the maintenance and transfer of certain disciplinary records, for exclusion from attendance and for penalties.

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

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Mr. Cowell.

Mr. COWELL. Mr. Speaker, we are trying to sort through a couple of amendments that just came from the Reference Bureau, and we are working with the majority chair on this. Could we suspend for just about 2 minutes?

The SPEAKER. The House will stand at ease.

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

Ms. SHEEHAN offered the following amendment No. **A0427**:

Amend Sec. 2, page 2, line 16, by inserting after "who" intentionally fails to comply with the requirements of subsection (a) or who

Amend Bill, page 4, by inserting between lines 2 and 3 Section 6. State reimbursement.

(a) General rule.—The Commonwealth shall reimburse school districts all additional costs, including, but not limited to, the development and implementation of the records required under the provisions of this act. Each school district shall document the costs to the Department of Education by September 1 of the school year following the school year for which it is seeking reimbursement. The Department of Education shall have 30 days to verify these expenses. The Governor shall request on an annual basis sufficient funds in the General Fund appropriation request of the Department of Education to cover the cost of this act. Payments under this act shall begin with the 1995-1996 school year. The provisions of this act shall be null and void if reimbursement is not made to school districts pursuant to this act.

(b) Procedure.—School districts shall receive reimbursement payments on the fourth Thursday of October and February. The first payment shall be 50% of the amount owed under subsection (a), and the final payment shall be the balance due to the district.

Amend Sec. 6, page 4, line 3, by striking out "6" and inserting

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

The SPEAKER. On the question, the lady from Montgomery is recognized.

Ms. SHEEHAN. Thank you, Mr. Speaker.

The purpose of this amendment is twofold: first, to assure school districts that the added costs they may incur as a result of the legislation will be reimbursed by the Commonwealth or they will not be required to comply with the mandates; second, the amendment sends a loud and clear signal that the General Assembly has heard the message sent to Harrisburg and Washington in November by the voters, "no more unfunded mandates." The message sent was simple: If you impose additional requirements on local school districts and municipalities, then you must pay for them.

The fiscal note on this amendment clearly states that there may be minimal costs to school districts as a result of this legislation. Requiring the Commonwealth to reimburse districts for even these minimal costs is not only a reasonable action, it is a fiscally responsible one as well.

Last session the House adopted, in a bipartisan manner, this same amendment to the pesticide notification legislation. It was an appropriate amendment then, and I believe it is an appropriate amendment now.

I urge my colleagues to support this fiscally responsible amendment. Thank you.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Mr. Speaker, will the maker of the amendment stand for a brief interrogation?

The SPEAKER. She consents. You may proceed.

Mr. STURLA. Mr. Speaker, the section 6(b) that deals with the outline of when the funds will actually be received by the school district, it is actually about a year and a half after the program has actually taken place. Would there be anything that would prevent the Department of Education from reimbursing on a basis sooner than that if they chose to do so?

Ms. SHEEHAN. I believe not.

Mr. STURLA. Okay. In that case then, could I make a comment on the amendment, please, Mr. Speaker?

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

Mr. STURLA. Mr. Speaker, I rise in support of the Sheehan amendment. I think it does essentially what I was trying to do in two future amendments which I will withdraw, assuming this amendment gets passed, and I urge the legislature's support of this. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I, too, would urge that we approve the Sheehan amendment.

I would like to point out, however, what I consider to be a couple flaws with the amendment that ought to be corrected. I had asked that the maker of the amendment consider these changes, and I understand that she wants to preserve in an absolute way today the principle that the State will reimburse school districts for any additional costs incurred by this legislation, and that is a reasonable point of view.

However, the way the language currently reads in the amendment, I would suggest that in paragraph (a), where it suggests that "the provisions of this act shall be null and void if reimbursement is not made to school districts pursuant to this act," that language really is too broad. That language would make provisions of this act null and void which have absolutely nothing to do with any meaningful costs that would be incurred by a school district. For instance, the way that language reads now, that language in the bill that would require a parent to notify a school district to which their son or daughter is

moving that their son or daughter is or has been suspended in their earlier school district for some violence against another student or violence against property of the school district, that language would be made null and void because the State might not be reimbursing a school district for a totally different section of the bill.

I would just urge that before this becomes law—and I hope this will become law this year, as soon as possible—that we in the House and our colleagues in the Senate revisit that particular language so that we more clearly relate the principle of reimbursement to that section of the law that actually may cause school districts to incur some additional minimal costs.

But with that comment having been made, I would urge that we support the amendment.

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Schuler.

Mr. SCHULER. Thank you, Mr. Speaker.

I rise in support of the Sheehan amendment. As you remember, last year in HB 144 we did put in this amendment. It was a good amendment then, it is a good amendment now, and I ask the members to support the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-199

Adolph	Fairchild	Maitland	Saylor
Allen	Fajt	Major	Schroder
Argall	Fargo	Manderino	Schuler
Armstrong	Farmer	Markosek	Scrimenti
Baker	Feese	Marsico	Semmel
Bard	Fichter	Masland	Serafini
Barley	Fleagle	Mayermik	Shaner
Battisto	Flick	McCall	Sheehan
Bebko-Jones	Gannon	McGeehan	Smith, B.
Belardi	Geist	McGill	Smith, S. H.
Belfanti	George	Melio	Snyder, D. W.
Birmelin	Gigliotti	Merry	Staback
Bishop	Gladeck	Michlovic	Stairs
Blaum	Godshall	Micozzie	Steelman
Boscola	Gordner	Mihalich	Steil
Boyes	Gruitza	Miller	Stern
Brown	Gruppo	Mundy	Stetler
Browne	Habay	Nailor	Stish
Burt	Haluska	Nickol	Strittmatter
Butkovitz	Hanna	Nyce	Sturla
Buxton	Harhart	O'Brien	Surra
Caltagirone	Hasay	Olasz	Tangretti
Cappabianca	Hennessey	Perzel	Taylor, E. Z.
Carn	Herman	Pesci	Taylor, J.
Carone	Hershey	Petrarca	Thomas
Cawley	Hess	Petrone	Tigue
Chadwick	Horsey	Pettit	Travaglio
Civera	Hutchinson	Phillips	Trello
Clark	Itkin	Piccola	Trich
Clymer	Jadlowiec	Pistella	True
Cohen, L. I.	James	Pitts	Tulli
Cohen, M.	Jarolin	Platts	Vance
Colafella	Josephs	Preston	Van Horne
Conti	Kaiser	Ramos	Veon
Cornell	Keller	Raymond	Vitali
Corpora	Kenney	Readshaw	Walko
Corrigan	King	Reber	Washington
Cowell	Kirkland	Reinard	Waugh
Coy	Krebs	Richardson	Williams

Curry	Kukovich	Rieger	Wogan
Daley	LaGrotta	Roberts	Wozniak
DeLuca	Laughlin	Robinson	Wright, D. R.
Dempsey	Lawless	Roebuck	Wright, M. N.
Dent	Lederer	Rohrer	Yewcic
Dermody	Leh	Rooney	Youngblood
DeWeese	Lescovitz	Rubley	Zimmerman
DiGirolamo	Levdansky	Rudy	Zug
Druce	Lloyd	Sainato	
Durham	Lucyk	Santoni	Ryan,
Egolf	Lynch	Sather	Speaker
Evans			

NAYS-0

NOT VOTING-2

Donatucci Oliver

EXCUSED-2

Colaizzo Gamble

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

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

Mr. STAIRS offered the following amendment No. **A0316**:

Amend Sec. 5, page 3, line 11, by striking out "any" and inserting all

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

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

Mr. STAIRS. Thank you, Mr. Speaker.

I offer this amendment 0316, a technical amendment that corrects a Reference Bureau drafting error, and it strikes out "any" and inserts "all." Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the amendment, does the gentleman, Mr. Cowell, seek recognition?

Mr. COWELL. Mr. Speaker, I would just urge that we approve the amendment. It corrects a mistake that was made by the Reference Bureau, and it causes the bill now, with the amendment, to reflect what was approved by the Education Committee.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-201

Adolph	Evans	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Farmer	Marsico	Semmel
Bard	Feese	Masland	Serafini
Barley	Fichter	Mayermik	Shaner
Battisto	Fleagle	McCall	Sheehan
Bebko-Jones	Flick	McGeehan	Smith, B.
Belardi	Gannon	McGill	Smith, S. H.
Belfanti	Geist	Melio	Snyder, D. W.
Birmelin	George	Merry	Staback
Bishop	Gigliotti	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Nailor	Stish
Bunt	Habay	Nickol	Strittmatter
Butkovitz	Haluska	Nyce	Sturla
Buxton	Hanna	O'Brien	Surra
Caltagirone	Harhart	Olasz	Tangretti
Cappabianca	Hasay	Oliver	Taylor, E. Z.
Carn	Hennessey	Perzel	Taylor, J.
Carone	Herman	Pesci	Thomas
Cawley	Hershey	Petrarca	Tigue
Chadwick	Hess	Petrone	Travaglio
Civera	Horshey	Pettit	Trello
Clark	Hutchinson	Phillips	Trich
Clymer	Itkin	Piccola	True
Cohen, L. I.	Jadlowiec	Pistella	Tulli
Cohen, M.	James	Pitts	Vance
Colafella	Jarolin	Platts	Van Horne
Conti	Josephs	Preston	Veon
Cornell	Kaiser	Ramos	Vitali
Corpora	Keller	Raymond	Walko
Corrigan	Kenney	Readshaw	Washington
Cowell	King	Reber	Waugh
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Richardson	Wogan
Daley	Kukovich	Rieger	Wozniak
DeLuca	LaGrotta	Roberts	Wright, D. R.
Dempsey	Laughlin	Robinson	Wright, M. N.
Dent	Lawless	Roebuck	Yewcic
Dermody	Lederer	Rohrer	Youngblood
DeWeese	Leh	Rooney	Zimmerman
DiGirolamo	Lescovitz	Rubley	Zug
Donatucci	Levdansky	Rudy	
Druce	Lloyd	Sainato	Ryan,
Durham	Lucyk	Santoni	Speaker
Egolf	Lynch	Sather	

NAYS-0

NOT VOTING-0

EXCUSED-2

Colaizzo	Gamble
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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. STAIRS offered the following amendment No. A0411:

Amend Sec. 2, page 2, line 6, by inserting after "age"  
or older

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

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

Mr. STAIRS. Thank you, Mr. Speaker.

I stand again to offer a technical amendment change. It is amendment 411, and the amendment clarifies that the sworn statement must be filed by a parent of a minimum compulsory school-age child or older, and I would appreciate this technical change in this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

As explained by Representative Stairs, this is technical, it is necessary, and it ought to be approved.

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

The following roll call was recorded:

YEAS-201

Adolph	Evans	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Farmer	Marsico	Semmel
Bard	Feese	Masland	Serafini
Barley	Fichter	Mayermik	Shaner
Battisto	Fleagle	McCall	Sheehan
Bebko-Jones	Flick	McGeehan	Smith, B.
Belardi	Gannon	McGill	Smith, S. H.
Belfanti	Geist	Melio	Snyder, D. W.
Birmelin	George	Merry	Staback
Bishop	Gigliotti	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Nailor	Stish
Bunt	Habay	Nickol	Strittmatter
Butkovitz	Haluska	Nyce	Sturla
Buxton	Hanna	O'Brien	Surra
Caltagirone	Harhart	Olasz	Tangretti
Cappabianca	Hasay	Oliver	Taylor, E. Z.
Carn	Hennessey	Perzel	Taylor, J.
Carone	Herman	Pesci	Thomas
Cawley	Hershey	Petrarca	Tigue
Chadwick	Hess	Petrone	Travaglio
Civera	Horshey	Pettit	Trello
Clark	Hutchinson	Phillips	Trich
Clymer	Itkin	Piccola	True
Cohen, L. I.	Jadlowiec	Pistella	Tulli
Cohen, M.	James	Pitts	Vance
Colafella	Jarolin	Platts	Van Horne
Conti	Josephs	Preston	Veon
Cornell	Kaiser	Ramos	Vitali
Corpora	Keller	Raymond	Walko
Corrigan	Kenney	Readshaw	Washington
Cowell	King	Reber	Waugh

Coy	Kirkland	Reinard	Williams
Curry	Krebs	Richardson	Wogan
Daley	Kukovich	Rieger	Wozniak
DeLuca	LaGrotta	Roberts	Wright, D. R.
Dempsey	Laughlin	Robinson	Wright, M. N.
Dent	Lawless	Roebuck	Yewcic
Dermody	Lederer	Rohrer	Youngblood
DeWeese	Leh	Rooney	Zimmerman
DiGirolamo	Lescovitz	Rublely	Zug
Donatucci	Levdansky	Rudy	
Druce	Lloyd	Sainato	Ryan,
Durham	Lucyk	Santoni	Speaker
Egolf	Lynch	Sather	

NAYS-0

NOT VOTING-0

EXCUSED-2

Colaizzo            Gamble

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?

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased at this time to introduce, as guests of Representative Zug, guest pages Julie Leeper and Monica Mumma, who are serving today as guest pages. Will the guest pages kindly rise.

CONSIDERATION OF HB 38 CONTINUED

RULES SUSPENDED

The SPEAKER. The Chair at this time recognizes the gentleman, Mr. Cowell, for the purpose of making a motion.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I move that we suspend the rules for the purpose of offering two amendments, and those would be amendments A506 and A507.

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

The SPEAKER. The Chair recognizes the gentleman, the majority leader.

Mr. PERZEL. Thank you, Mr. Speaker.

These are both technical amendments, Mr. Speaker, and that is exactly what this was meant to do, so we would concur in suspending the rules.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-196

Adolph	Egolf	Major	Schroder
Allen	Evans	Manderino	Schuler
Argall	Fairchild	Markosek	Scrimenti
Armstrong	Fajt	Marsico	Semmel
Baker	Fargo	Masland	Serafini
Bard	Farmer	Mayernik	Shaner
Barley	Feese	McCall	Sheehan
Battisto	Fichter	McGeehan	Smith, B.
Bebko-Jones	Fleagle	McGill	Smith, S. H.
Belardi	Flick	Melio	Snyder, D. W.
Belfanti	Gannon	Merry	Staback
Birmelin	Geist	Michlovic	Stairs
Bishop	George	Micozzie	Steelman
Blaum	Gigliotti	Mihalich	Steil
Boscola	Gladeck	Miller	Stern
Boyes	Godshall	Mundy	Stetler
Brown	Gordner	Nailor	Stish
Browne	Gruitza	Nickol	Strittmatter
Bunt	Gruppo	Nyce	Sturla
Butkovitz	Habay	O'Brien	Surra
Buxton	Haluska	Olasz	Tangretti
Caltagirone	Harhart	Oliver	Taylor, E. Z.
Cappabianca	Hasay	Perzel	Taylor, J.
Carn	Hennessey	Pesci	Thomas
Carone	Herman	Petrarca	Tigue
Cawley	Hershey	Petrone	Travaglio
Chadwick	Hess	Pettit	Trello
Civera	Horsey	Phillips	Trich
Clark	Hutchinson	Piccola	True
Clymer	Itkin	Pistella	Tulli
Cohen, L. I.	Jadlowiec	Pitts	Vance
Cohen, M.	James	Preston	Van Horne
Colafella	Jarolin	Ramos	Veon
Conti	Josephs	Raymond	Vitali
Cornell	Kaiser	Readshaw	Walko
Corpora	Keller	Reber	Washington
Corrigan	Kenney	Reinard	Waugh
Cowell	King	Rieger	Williams
Coy	Kirkland	Roberts	Wogan
Curry	Kukovich	Robinson	Wozniak
Daley	LaGrotta	Roebuck	Wright, D. R.
DeLuca	Laughlin	Rohrer	Wright, M. N.
Dempsey	Lawless	Rooney	Yewcic
Dent	Lederer	Rublely	Youngblood
Dermody	Leh	Rudy	Zimmerman
DeWeese	Lescovitz	Sainato	Zug
DiGirolamo	Levdansky	Santoni	
Donatucci	Lloyd	Sather	Ryan,
Druce	Lucyk	Saylor	Speaker
Durham	Maitland		

NAYS-4

Hanna            Krebs            Lynch            Platts

NOT VOTING-1

Richardson

EXCUSED-2

Colaizzo            Gamble

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.

On the question recurring,

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

Mr. COWELL offered the following amendment No. A0506:

Amend Bill, page 4, by inserting between lines 2 and 3 Section 6. Reports of acts of violence.

The superintendent of a public school district, the executive director of an intermediate unit and the administrative director of an area vocational-technical school shall be required to report to the appropriate police authority for the school entity all acts of violence against any person on school premises or against property of the school entity or on any public conveyance transporting students to or from a public school.

Amend Sec. 6, page 4, line 4, by striking out "6" and inserting

7

On the question,

Will the House agree to the amendment?

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, amendment A506 is a replacement for an amendment that had previously been distributed in the package of amendments with the green cover sheet; that was amendment A357. We had them make a technical correction at the suggestion of the majority chair of the Education Committee, and I was glad to agree to do that.

The amendment A506 expands on the school safety provisions in the legislation before us, and it adds a provision that was approved last year by the Education Committee. It adds a requirement that superintendents of a school district or the executive director of an IU (intermediate unit) or the administrative director of a vo-tech school shall be required to report to the appropriate police authority for a school entity all acts of violence against a person or the school premises or acts of violence which occur on any public conveyance transporting students to or from a public school.

This is a further enhancement of the Sheehan legislation, which is intended to promote school safety. I would urge that we approve the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I also agree with the maker of these amendments. They are correcting some problems in the drafting and make more clear the intent of the bill. So I support this amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-201

Adolph	Evans	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimerti
Baker	Farmer	Marsico	Semmel
Bard	Feese	Masland	Serafini
Barley	Fichter	Mayermik	Shaner
Battisto	Fleagle	McCall	Sheehan
Bebko-Jones	Flick	McGeehan	Smith, B.
Belardi	Gannon	McGill	Smith, S. H.
Belfanti	Geist	Melio	Snyder, D. W.
Birmelin	George	Merry	Staback
Bishop	Gigliotti	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Nailor	Stish
Bunt	Habay	Nickol	Strittmatter
Butkovitz	Haluska	Nyce	Sturla
Buxton	Hanna	O'Brien	Surra
Caltagirone	Harhart	Olasz	Tangretti
Cappabianca	Hasay	Oliver	Taylor, E. Z.
Carn	Hennessey	Perzel	Taylor, J.
Carone	Herman	Pesci	Thomas
Cawley	Hershey	Petrarca	Tigue
Chadwick	Hess	Petrone	Travaglio
Civera	Horsey	Pettit	Trello
Clark	Hutchinson	Phillips	Trich
Clymer	Itkin	Piccola	True
Cohen, L. I.	Jadlowiec	Pistella	Tulli
Cohen, M.	James	Pitts	Vance
Colafella	Jarolin	Platts	Van Horne
Conti	Josephs	Preston	Veon
Cornell	Kaiser	Ramos	Vitali
Corpora	Keller	Raymond	Walko
Corrigan	Kenney	Readshaw	Washington
Cowell	King	Reber	Waugh
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Richardson	Wogan
Daley	Kukovich	Rieger	Wozniak
DeLuca	LaGrotta	Roberts	Wright, D. R.
Dempsey	Laughlin	Robinson	Wright, M. N.
Dent	Lawless	Roebuck	Yewcic
Dermody	Lederer	Rohrer	Youngblood
DeWeese	Leh	Rooney	Zimmerman
DiGirolamo	Lescovitz	Rubley	Zug
Donatucci	Levdansky	Rudy	
Druce	Lloyd	Sainato	Ryan,
Durham	Lucyk	Santoni	Speaker
Egolf	Lynch	Sather	

NAYS-0

NOT VOTING-0

EXCUSED-2

Colaizzo                      Gamble

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. **COWELL** offered the following amendment No. **A0507**:

Amend Sec. 2, page 2, line 14, by inserting after "policy."  
The sworn statement or affirmation shall also indicate if and why the pupil has been convicted under the provisions of juvenile or adult laws of this Commonwealth.

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

The **SPEAKER**. The Chair recognizes the gentleman, Mr. Cowell.

Mr. **COWELL**. Thank you, Mr. Speaker.

Mr. Speaker, amendment A507 again replaces another amendment that was in that original package distributed; that was amendment A358. Again we have made a change that reflects a suggestion from the majority chair of the Education Committee.

The current legislation that is before us has language that requires the parent of a student who is 8 years of age or older, when enrolling in a new school district for the first time, to file a statement that indicates whether and why their son or daughter has ever been suspended or expelled from school for one of a list of reasons, and they have to do with violence against persons or violence against property. *The amendment that I am offering takes that a step forward and would require the parent, on that statement that they file with the new school district, to indicate if and why their son or daughter has been convicted under the provisions of any juvenile or adult law of the Commonwealth.*

The example that I have used is that you may have a young man, for instance, who is being enrolled in a school district for the first time who may never have been suspended from school in his previous district for any violation of school policy but might in fact be a convicted rapist or a convicted arsonist, and I think that in keeping with the spirit of this legislation, the new school district that is receiving that young man ought to be informed of that kind of criminal record, and that is the purpose of the amendment that I offer.

The **SPEAKER**. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Cumberland, Mr. Masland.

Mr. **MASLAND**. Thank you, Mr. Speaker.

I agree that the school district should know if a person has had a problem, if a juvenile has had a problem, but this language does not do it. The previous language said "arrested or convicted." You do not arrest juveniles; you petition them. You do not convict juveniles; you have them adjudicated delinquent.

I am sorry, Mr. Speaker, but this amendment, although we have suspended the rules to make a technical change, does not fit the bill. I hate to be a purist, but it should say "adjudicated delinquent" instead of "convicted." That has to be something that we clean up. If we do not do it today, it is going to have to be done in the Senate. I am going to be a purist today and vote against it.

The **SPEAKER**. Does the gentleman, Mr. Stairs, desire recognition?

The Chair recognizes the gentleman, Mr. Stairs.

Mr. **STAIRS**. Mr. Speaker, I support this amendment, and I agree with our legal scholar on our side and his expertise on the matter, but I do feel that even though he is correct in the fineness of the law, we are sending a signal that this amendment mentions, and we can certainly with the intent of changing the word "arrest" to "convicted"

and protecting those people who may be arrested but not convicted and they would have this charge on their record, which I think would be unfair and it would be punitive.

So I certainly agree with the previous speaker, but I certainly hope that we can vote for this amendment, and we can send a signal to protect the kids who would be accused wrongly. Thank you, Mr. Speaker.

The **SPEAKER**. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. James, on the question.

Mr. **JAMES**. Thank you, Mr. Speaker.

I would just like to question Mr. Stairs.

The **SPEAKER**. The gentleman, Mr. Stairs, indicates he will stand for interrogation. The gentleman may proceed.

Mr. **JAMES**. My concern, Mr. Speaker, is that if this is right, in terms of what Representative Masland said, and we want to send a signal, then why should we send a signal if it is wrong? If it is wrong, why should we send a signal that is wrong and we are the public policymakers?

The **SPEAKER**. The Chair recognizes the gentleman, Mr. Stairs.

Mr. **STAIRS**. We are not talking about a child that is convicted. If a child is convicted, certainly this does not change that, and that is on the record, and that follows a student as he changes from school to school. We are only referring to if a student may be accused or may be arrested and the charges are dropped, that these charges should not follow the student, because they are not pertinent. The child was not convicted and is not guilty in the eyes of the law. But it would certainly follow the child who is convicted.

Mr. **JAMES**. Okay, Mr. Speaker, but Representative Masland said that technically it is wrong. Why cannot we just delay this and make the technical changes so that it can come out right?

### FILMING PERMISSION

The **SPEAKER**. The Chair advises the House that it has given permission to WNEP, channel 16, to take video with audio at this time, and they may proceed.

### CONSIDERATION OF HB 38 CONTINUED

The **SPEAKER**. The gentleman, Mr. James, has completed his interrogation?

Mr. **JAMES**. Yes. I just raised a question. I think they are waiting to respond.

The **SPEAKER**. The Chair recognizes the gentleman, Mr. Stairs.

Mr. **STAIRS**. I understand your point, and the correct word, in legal terms, would be "adjudicated," and we have the wrong word on here, but I would certainly hope, as this bill moves on, that it can be corrected.

### PARLIAMENTARY INQUIRY

Mr. **JAMES**. Okay. Can I address that, Mr. Speaker?

Okay. He said that we have the wrong word and that it could be corrected. I mean, can we do something here in the House to correct it and then it can go out correct?

That may be a point of parliamentary inquiry.

The SPEAKER. The House cannot on its own do that. To change an amendment, it would require a redrafting and a resubmission of the amendment.

Mr. JAMES. Okay. Can I ask you another question, Mr. Speaker? Parliamentary inquiry.

The SPEAKER. The gentleman may proceed.

Mr. JAMES. Well, can we do that within the timeframe that we have now?

The SPEAKER. Well, I do not know how to answer "within the timeframe," but if it is a new amendment, it would require a suspension of rules.

Mr. JAMES. Can we suspend the rules?

The SPEAKER. The Chair recognizes the gentleman, Mr. Stairs. Perhaps he can help the gentleman out.

Mr. STAIRS. Thank you, Mr. Speaker.

The inquiry of Representative James, if he would address this question to the maker of the amendment, Representative Cowell, he would like to answer that.

Mr. JAMES. Okay.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, the fact is that the House has already agreed to do something that it has not done very readily during the last several days, and that was to suspend the rules so that we could offer a couple of amendments here, including amendment 507. If it were possible to get the House to depart from its procedure and suspend the rules again, it probably would be desirable to do that to make sure that we have dotted every "i" and crossed every "t." From my point of view, it is not likely that we will succeed in getting the House to again suspend its rules. So the question then is, what do we do with this amendment that is before us? Do we pass it, or do we defeat it, or do we withdraw it?

I continue to be inclined, Mr. Speaker, to argue that we ought to pass it, the reason being that it is important, I think, that when this bill leaves the House and when it goes to the Senate and when others observe the product of our work, we make it very clear that it is our intent that parents be required to notify the school district not only of what went on in the school where the son or daughter was previously enrolled, but if there was a significant violation of the law involving that youngster that occurred outside the school, which may not have resulted in a suspension, that information also should be provided to the school officials in the new district.

If at some later date the lawyers argue that—and I believe they may well be correct—that technically this should use the word not only "convicted" but "adjudicated," particularly as it deals with the juvenile law, then so be it, but that kind of correction can occur later. I would argue, it is more important today that we send a message about our intent as to what the parent ought to be required to report.

Mr. JAMES. Thank you. Thank you, Mr. Speaker.

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

Ms. BISHOP. Thank you, Mr. Speaker.

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

The SPEAKER. The gentleman, Mr. Cowell, consents to interrogation. You may proceed.

Ms. BISHOP. Mr. Speaker, in Philadelphia County there are 840 students who have been adjudicated and returned to school, and they have been ordered to various schools throughout the county of

Philadelphia. They do return without those court records. The teachers do have no knowledge and sometimes the principal has no knowledge of what that crime or what that offense was.

Is that covered in your amendment, that once they return from court to the school, their records must follow them to that school? To that principal or to the classroom? Because many times the principals have the information and the teacher does not have the information.

Mr. COWELL. Mr. Speaker, my understanding is that the circumstances described by the lady from Philadelphia represent a very real set of circumstances in many instances, not only in Philadelphia but in many areas of the State, but to correct that particular problem or to address that particular issue will require some amendments to another body of law that I believe will be the juvenile law in the Criminal Code rather than this particular body of law. But it is an issue that was raised in the PAVE (Pennsylvania Anti-Violence Education Initiative) report, I think, last year. I believe it was a subject of other legislation introduced at least last year, and I am told some folks are going to be introducing bills to deal with that issue in that other body of law, but it is not addressed and would not appropriately be addressed here.

This deals with the responsibility of the parent to notify rather than the responsibility or authority for the court or some other public agency to transmit information.

Ms. BISHOP. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

On the question, the Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

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

Mr. Speaker, for the sake of political expediency, it seems to me that we should not do something that we know is wrong. If we have already heard from the gentleman who has indicated that there is a technical mistake made with this particular amendment, then I believe that the House, in its wisdom and in also its responsibility, should just correct the wrong.

To continue to say that it is wrong and it is technical but that we want to pass it anyway because we have to get it out of the House, I do not know why there would not be an opportunity to send it to the Reference Bureau, correct the language, bring it back before the membership, allow them to vote on it in a manner that is correct. Therefore, we have taken on the technical aspects of recognizing that it has been pointed out to us that the information is incorrect.

Why we would pass it knowing that it is incorrect with the hopes that somebody else will correct it is beyond me. I would just hope that there would be more reasonableness to understand that there has been graciousness on the other side of the aisle to allow this technical amendment, but because it was drafted incorrectly, allow the technical amendment to go back and then ask that there be another suspension of the rules just for the sole purpose of accepting this amendment. I think we are doing it backwards.

Mr. Speaker, I am going to be voting "no" on the amendment if they do not correct it.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

It is not my intention to prolong the debate. As a matter of fact, I have been, even to myself, remarkably quiet over the past number of days.

But in looking at this amendment, I have become very, very concerned about some of the affirmative acts that are being vested

upon parents, and I would like to just briefly ask the prime sponsor if he would stand for an interrogation.

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

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, first of all, is it incumbent upon each and every parent when they admit a child to the school scenario as set forth in section 2 of the bill, is it incumbent on each and every parent to execute some form of affidavit to comply with your amendment and with the section as written currently?

Mr. COWELL. Mr. Speaker, in response to the question, I am not the prime sponsor of the bill. You might address that question more appropriately to Representative Sheehan.

*What I am doing with my amendment is adding to the information that must be reported rather than in any way to the requirement of which parents must report for which children, but my understanding of the bill is that the parent or the person having control or charge of the child who is 8 years of age or older, which is minimum compulsory age here in Pennsylvania, upon registering in this new public school—and it applies only to public schools—must file this sworn statement or affirmation. So it would be every parent or person in charge for every kid 8 or older enrolling for the first time in a public school.*

Mr. REBER. So for all intents and purposes, in the vast majority of situations, every parent will have to at least execute such an affidavit for their 5- or 6-year-old when he or she enters kindergarten. Correct?

Mr. COWELL. That is not— If I could hear you correctly, Mr. Speaker, that is not correct if you said that everybody enrolling their 5- or 6-year-old in kindergarten has to file this. That is not correct.

The language reads, the parent of a student who is of compulsory school age or older. That means 8 years of age.

Mr. REBER. Okay. Well, then, 8 years of age and older?

Mr. COWELL. If my interpretation of the language in the bill—and I am looking at Representative Sheehan to see if this is her intent—if my understanding is correct, when a parent of a child who is 8 or older is enrolling in a school for the first time, that is when this language would apply. So if a youngster enrolled in public school X when they were 5 and they have stayed there through the first grade and the second grade and the third grade, this does not require the parent of that youngster to file this statement just because the kid turned 8. The kid has to be 8 or older and enrolling in a public school, this public school, for the first time.

Mr. REBER. Okay. I think there is some clarification then that this will not be a rudimentary act that has to be carried out each and every time for each and every student unless they meet that triggering criteria that you just spoke about.

Mr. COWELL. Mr. Speaker, in further response, the very point and concern that you have raised was a subject of discussion in the Education Committee last year, and I think there was some massaging of the language to try to clarify that that was not the intent and we did not want the parent of every kindergartner coming in and saying their kindergarten kid had not been convicted of anything.

Mr. REBER. All right. And I appreciate the speaker making that clarification, because that was the reason that I addressed it to you as the maker of the amendment as opposed to the prime sponsor of the bill, because the prime sponsor was not privy to those Education meetings last session because the prime sponsor was not a member of the House last session.

Now, moving along, Mr. Speaker. In your particular amendment, I would call your attention to the language which says, “The sworn statement or affirmation shall also indicate if and why the pupil has been convicted...”

Mr. Speaker, if I am an attorney and I have a parent come into my office and say that they have to and they desire to comply with this particular affirmation provision, how do I explain to them why the pupil was convicted for purposes of answering that question, the language, “and why the pupil has been convicted”? How do I go into the mind of the juvenile judge who made that particular adjudication? How do I go into the mind of the jurors if this juvenile was tried in a case in adult court to determine why they were convicted? It seems to me that that language, at best, is ambiguous, and taken to its logical extension, I would have a hard time framing the appropriate language to be put into the affidavit that these people would have to execute. I am just wondering if you can give me some guidance as to where we go to get that kind of an answer, how that answer would be proffered for purposes of preparing such an affidavit.

Mr. COWELL. Mr. Speaker, I think the gentleman raises a very legitimate question, and I personally think that the language should not have been drafted to include the “and why.” I would suggest then that because of that problem combined with the question that has been raised about the appropriate use of the term “convicted” in contrast to “adjudicated,” that it would be appropriate to withdraw this amendment.

I would before doing that also indicate that I do not want to in any way delay the action of the House on this bill. I wish that we were wise enough to agree to further suspend the rules so that these modest changes could be made later today, but if that is not to be the case, then I am going to continue to support the legislation even though this amendment may not be included.

However, I think it is very important that we send the message to those who are observing what we are doing here that this is an issue that needs to be addressed, and it would be our hope that before this language becomes law, the language of the bill, that this idea of requiring parents to report about whether a son or daughter had been convicted or adjudicated will be made a part of the legislation.

#### AMENDMENT WITHDRAWN

Mr. COWELL. With that understanding, Mr. Speaker, I will withdraw amendment 507.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Cowell, who offers amendment—

Is the gentleman offering amendment 388 at this time?

Mr. COWELL. I am, Mr. Speaker.

The SPEAKER. The clerk will read the amendment.

On the question recurring,

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

Mr. COWELL offered the following amendment No. **A0388**:

*Amend Title, page 1, line 2, by inserting after “attendance”  
, for policies regarding weapons on school property*

Amend Sec. 1, page 2, by inserting between lines 1 and 2  
 "Weapon." A knife, cutting instrument, cutting tool or nunchaku, or  
 a firearm as defined in 18 U.S.C. § 921 (relating to definitions).

Amend Bill, page 4, by inserting between lines 2 and 3  
 Section 6. Weapon-free schools.

(a) Expulsion.—Except as provided in subsection (f), all school districts and area vocational-technical schools shall expel from school for a period of not less than one calendar year a student who is determined to have brought a weapon to school or to school-affiliated activities under that school entity's jurisdiction, except that the superintendent or administrative director of the respective school entity may modify such expulsion requirement for a student on a case-by-case basis.

(b) Reinstatement.—

(1) Any student expelled under this section shall, prior to reinstatement in the school's education program, be required to meet in person with the school principal or his designee or in the case of an area vocational-technical school, the administrative director 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 or in the case of an area vocational-technical school, the administrative officer or his designee shall file a written report of the findings of this meeting with the district superintendent and the board of school directors or in the case of an area vocational-technical school, the board of the area vocational-technical school. This report shall be permanently retained in the individual's pupil record.

(c) Employees not to possess weapons.—No employee of a public school, area vocational-technical school or intermediate unit, including an independent contractor and its employees, may possess a weapon in a school building, on school grounds or during any school-affiliated activities under the school entity's jurisdiction. This prohibition shall not apply to:

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

(2) Employees in possession of a weapon in conjunction with a lawful school activity or who possess a weapon for use solely for sporting or recreational purposes.

(d) Notice to police department.—School officials shall notify the police department with jurisdiction over the school whenever any person is in possession of a weapon in violation of this section.

(e) Report to department.—Each school district and area vocational-technical school shall forward to the Department of Education, within 30 days after the close of school or at any time requested by the Secretary of Education, a report which shall include:

(1) An assurance that the school district or area vocational-technical school is in compliance with the provisions of this section.

(2) A description of the circumstances surrounding all expulsions imposed under the provisions of this section, including:

(i) the name of the school from which the pupil was expelled;

(ii) the number of students expelled from each school; and

(iii) the type of weapon or weapons involved in the expulsion.

(f) Exception.—This section shall not apply to a student who possesses a weapon in conjunction with a lawful supervised school activity or who possesses a weapon for use solely for sporting or recreational purposes.

(g) Construction.—

(1) Nothing in this section shall be construed to supersede the provisions of 22 Pa. Code § 12.6(e) (relating to exclusions from school).

(2) The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act (Public Law 91-320, 20 U.S.C. § 1400 et seq.).

Amend Sec. 6, page 4, line 3, by striking out "6" and inserting

7

On the question,

Will the House agree to the amendment?

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, amendment A388 reflects an issue that this House addressed with nearly a unanimous vote, as I recall, last year. I believe at that time it was in the form of the Colafella legislation. If I remember the number, it was HB 144. We passed that bill. It was sent to the Senate, and it died there.

The issue is the question of whether or not we should prescribe a minimum penalty for students who bring a weapon to school. This legislation, consistent with the legislation the House approved in the previous session, says that if a student brings a weapon to school, that student must be suspended for a year. Now, in the previous session we stated that a little differently. We said for the remainder of the school year, as I recall.

One of the things that we have tried to do as we have crafted this amendment is to make it consistent with a new Federal law that was approved by the Congress last year, and that new Federal law has included in its provisions a requirement that every State adopt legislation similar to this no later than October of 1995, and the penalty for our failure to adopt this kind of language will be the potential loss of our Title 1 money, which now totals about \$280 or \$290 million a year for Pennsylvania and for Pennsylvania school districts. So what we have tried to do is to take the language that was in the Colafella legislation in the last session, legislation approved by the House, and modify it so that it is consistent with and it is responsive to the new Federal law that says we must address this issue.

Bottom line, Mr. Speaker, this legislation, this amendment, sends the message and a clear message to students and parents and others that if you bring a weapon to school, you are out of there.

It has been well documented that one of the greatest concerns that parents and students have about attending school these days is about their safety, the safety of the individual student, the safety of sons and daughters. There is no reason why any student in Pennsylvania should go to school when we ask them to learn and they sit in an environment where they have to be fearful for their safety, and there is absolutely no reason why we should be tolerant of those students who come to school and endanger the safety of others and get in the way of learning on the part of students and get in the way of teaching on the part of teachers.

As we did last year, we need to send a clear message that we do want to be somewhat absolute about this, that there will be clear, certain, and very significant consequences if you bring a weapon to school in Pennsylvania, and this legislation says, if you do that, you are going to be suspended for a year. And as I suggested, it is not only a right message that we should send, it not only is in the interest of most of our students who go to school to learn and teachers who go to school to teach, but it also will put us in compliance with the Federal law.

Mr. Speaker, I urge the adoption of the amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lancaster, Mr. Schuler.

Mr. SCHULER. Thank you, Mr. Speaker.

Will the gentleman, the maker of the amendment, stand for interrogation?

The SPEAKER. The gentleman agrees. The gentleman, Mr. Schuler, may proceed.

Mr. SCHULER. Thank you, Mr. Speaker.

Mr. Speaker, my question, does your amendment still require that the student would have a hearing before the board or does your amendment negate that privilege?

Mr. COWELL. Mr. Speaker, the due-process requirements are still included in the provisions, and they are included by reference to the appropriate section of the law.

Mr. SCHULER. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I would like to speak on this amendment.

Certainly I and, of course, almost all of the members of this chamber last session voted for HB 144, Representative Colafella's bill, regarding weapons in school, and we voted for that for the reason that the weapons in school are wrong and we want to be very emphatic on that issue.

But I do not support this amendment, and I rise for several reasons, and I want to convey these to the members. You know, you are with mixed emotions. You appreciate the importance of this amendment and what it stands for and it is difficult to vote against an amendment like this, but let me explain my opposition to this amendment and tell you why I am going to oppose it.

First of all, this is a very comprehensive amendment, and I feel that we should do like we did last year, run it by a separate bill after we have time to sit down and to deliberate on it and make sure all of the loose ends, the problems, the flaws are corrected.

There was a question made about haste, about the Federal Government. Yes, the Federal Government is requiring that we, Pennsylvania and other States, all the other States, comply with their Federal weapons law by October 20. I would hope that our committee system is strong enough and structured enough that we could meet this deadline with many, many months or days to spare, and we could correct an amendment that would not be flawed and that would address our concerns in Pennsylvania and not be dictated by the moment of voting for an amendment today.

One of the things that I find in the amendment that is very wrong to me and I would think wrong to many of the people who last session supported the sportsmen of Pennsylvania—the rural areas particularly stood up on the sportsman issue—we, in our last bill we passed, HB 144 last session, we had an exemption for students who were bringing guns for—and I will try to quote the words we used for that—in conjunction with lawful supervised school activities used solely for sporting or recreational purposes. This Federal guideline or law, it would exempt that, so our students would not have that exemption that we gave them in HB 144.

Also, with the Federal law, it being a new law and the regs are not all out yet, even though a date has been set to comply, October 20, the Federal Government has not in black and white sat down and related to us all the regulations and all the implications of this law, so I would hope that we would not be expedient today and pass this and then a couple weeks later when the Feds completely formulate the regulations, we find out, oh my, we made a mistake and we have to make some corrections. So I would hope that we would use the committee system to be expedient in addressing this matter and not do this through the amendment, and also we have a chance to look at this exemption that we allowed last year for our young people, particularly in rural areas, who would be concerned here.

A last issue I would like to draw, this amendment might and I feel it would not only might but I feel I guess emphatically that the special education students, when they bring a weapon to school, with being the Federal regulations and addressing them, I am afraid we are going to lose our ability to discipline a special ed kid who has a weapon. We would be able to discipline a regular classroom student but not a special ed student. So I would hope that we could take some time in a committee to address these weaknesses. Also, the School Board Association, whom we rely on to run our schools and we give the responsibility to school directors and administrators to administer our schools, they have opposition to this amendment and would hope that we could run it at a later date through the committee but still run it in time to meet the Federal guideline of October 20.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### GUESTS INTRODUCED

The SPEAKER. The Chair interrupts the debate to welcome to the floor of the House Mr. John Pettit, the prothonotary of Philadelphia County, and Susan Herron from the District Attorneys Association, also from Philadelphia, here as the guests of Representative Jerry Stern and the Philadelphia delegation. Will the guests please rise?

### CONSIDERATION OF HB 38 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Cumberland County, Mr. Masland.

Mr. MASLAND. Thank you, Mr. Speaker.

I rise to oppose this amendment for some more fundamental reasons than those previously espoused, and I would beg the indulgence of the House here to share with you a few brief excerpts from the Federalist Papers. As you know, the Federalist Papers, written by Jay, Madison, and Hamilton, were written at a time when there was some question as to whether or not our Constitution would pass. They were written to support the passage of the Constitution, and I think they shed some light on this issue. I understand the Federal Government has issued a decree which we are supposed to follow. I question whether that is a decree we should follow.

First of all, let me share with you from Federalist No. 14, written by James Madison. This was addressing the necessity for and the practical effect of a union, what would be the effect of the union, and he is trying to answer some concerns, and he says, "In the first place it is to be remembered that the general government is not to be charged with the whole power of making and administering laws. Its jurisdiction is limited to certain enumerated objects, which concern all the members of the republic, but which are not to be attained by the separate provisions of any." Certain enumerated objects.

Let me flip forward to Federalist No. 17, written by Alexander Hamilton. He was trying to address the concern that the union would be too powerful, not whether or not we should have a union, but that the union would be too powerful, and there was some concern that the Constitution would, and I quote, "...enable it to absorb those residuary authorities, which it might be judged proper to leave with the States for local purposes. Allowing the utmost latitude to the love of power which any reasonable man can require, I confess I am at a loss to discover what temptation the persons intrusted with the administration of the general government could ever feel to divest the States of the authorities of that description....Commerce, finance,

negotiation, and war seem to comprehend all the objects which have charms for minds governed by that passion;...The administration of private justice between the citizens of the same State, the supervision of agriculture and of other concerns of a similar nature, all those things, in short, which are proper to be provided for by local legislation, can never be desirable cares of a general jurisdiction." Now, he says ironically, "It is therefore improbable that there should exist a disposition in the federal councils to usurp the powers with which they are connected; because the attempt to exercise those powers would be as troublesome as it would be nugatory; and the possession of them, for that reason," by the Federal Government, "would contribute nothing to the dignity, to the importance, or to the splendor of the national government." I think those words are very cogent.

And finally, I would share with you one section from Federalist No. 39—for those of you who are listening—written by James Madison, page No. 245 for those of you who are following, "But if the government be national with regard to the operation of its powers, it changes its aspect again when we contemplate it in relation to the extent of its powers. The idea of a national government involves in it not only an authority over the individual citizens, but an indefinite supremacy over all persons and things, so far as they are objects of lawful government." "...the local or municipal authorities form distinct and independent portions of the supremacy, no more subject, within their respective spheres, to the general authority than the general authority is subject to them, within its own sphere. In this relation, then, the proposed government cannot be deemed a national one; since its jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects."

I would ask the members to turn their thoughts back—

The SPEAKER. Will the gentleman yield.

The House will come to order. Conferences on the side aisles of the rear of the House, please break up.

The gentleman may proceed.

Mr. MASLAND. Thank you, Mr. Speaker.

I apologize for reading that lengthy text. I am finished with my reading.

But I would ask the members to briefly recall the debate that occurred with respect to auto emissions testing. I understand there was a Federal law that said we had to do this; we had to test these vehicles. Mr. Speaker, if we felt so strongly about the Federal Government coming and telling us what to do with our cars, how much more so should we feel about them telling us what to do in our schools?

I voted against HB 144, and I am proud of it, because I do not think we should be telling our school boards, any more than the Federal Government should be telling us, what they have to do.

For those of you that voted in favor of the bill last year, it was ironic, very ironic, that the day after we passed the bill the headlines in the Patriot-News talked about how local school districts had expelled students for having weapons on school property. Amazing. Those school districts did that without the benefit of our mandate. I submit that those school districts can and will in appropriate cases still do it without the benefit of our mandate, and if we want to send a clear message, I suggest that we do that but not to our school boards, that we send that message to the Federal Government and say, this goes beyond the extent of your powers; we do not agree with it, and we will not do it now or on October 20. Thank you.

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, in the interests of time and productivity, I am not going to cite the Federalist Papers. My primary concern is that we look at this issue, we look at the big picture surrounding this issue, and not get caught up in a narrow proscription that does not take care of the problem.

I believe that it is important for us as lawmakers to send a strong message throughout Pennsylvania that violence and weapons will not be tolerated in our schools or on or around any other public property. But, Mr. Speaker, I think it is important for us to never forget, and I will just cite a statistic, a recent statistic from Philadelphia: Last year there were 56 children killed, maimed, or seriously injured in the city of Philadelphia. Of these 56 children, about 85 to 90 percent involved children between 7 and 17 years of age. That same percentage, the percentage of victims, was equally the percentage of perpetrators. Not only are our kids being killed, but it is kids that are doing the killing.

But, Mr. Speaker, let us not forget that there is no 7-, 8-, 9-, 10-year-old that is not able to go into Colosimo's and buy a Mac 10 or a TEC-9 that ultimately ends up in our public schools. There is no 7-, 8-, 9-, 10-, or 11-year-old that is not able to go to any other sports or gun shop and purchase the guns that are ultimately ending up in our public schools. So, Mr. Speaker, that has to be a priority. Our interest in establishing public policy has to go beyond the proscription, but we must provide a remedy for eliminating or even having the need to provide such a proscription.

And secondarily, Mr. Speaker, at some point, either this august body or another appropriate body needs to take up the question, the question of where are we in 1995 that we can even have a situation in Erie or Philadelphia County where children believe that violence is the answer to problem solving? To have an escalating population of children - 7-, 8-, 9-, 10-year-olds - who believe that they need a Mac 10 or a TEC-9 to solve a problem in an educational environment raises serious questions about something that is either going on or not going on in our society today, and either this august body or some other body needs to take up that question so that when we legislate, we can legislate in a way that deals with the root causes of the problem and thereby eliminate the problem itself.

By merely throwing children out of school because they bring weapons in school only sends them to your neighborhoods where, in your neighborhoods, they use those weapons. Merely suspending children from school—

The SPEAKER. The gentleman will yield.

There are six more speakers on the schedule before we can break. Now, I would appreciate it if the members would give the speakers their attention. It is their due.

Please break up the conferences on the side aisles, particularly on the Republican side at the moment.

The gentleman may proceed.

Mr. THOMAS. Well, Mr. Speaker, my point is, we need to legislate in such a way that we deal with the problem and rid our schools and our communities of the problem itself, the underlying causes of the problem. Merely putting Band-Aids on problems is not going to solve it.

So in closing, Mr. Speaker, my point is this: Let us look at the Cowell amendment. Let us look at HB 38 in the context of whether or not it is designed to deal with that problem that you face in your district, that I face in my district, and that is the existence of a

situation where children can put their hands on weapons and bring those weapons in our schools, in our churches, in our recreation centers, and use those weapons to solve problems that a decade ago we would have negotiated or we would have resolved in the absence of weapons. That is how we should view the Cowell amendment. That is how we should view HB 38 and whether or not it accomplishes that ultimate goal. If it does not accomplish that ultimate goal, do not support it. If it provides a step toward the overall accomplishment of that goal, then support it. If it does not do that, then we need not support it. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady from Crawford, Mrs. Brown.

Mrs. BROWN. Thank you, Mr. Speaker.

I would like to briefly interrogate the maker of the amendment.

The SPEAKER. Will the gentleman, Mr. Cowell, stand for interrogation? The gentleman indicates he will stand for interrogation. The lady may begin.

Mrs. BROWN. Thank you, Mr. Speaker.

Could you tell us when the Federal Gun-Free Schools Act of 1994 is—

Mr. COWELL. I am sorry, Mr. Speaker. I cannot hear the question.

Mrs. BROWN. Could you tell us when the Federal Gun-Free Schools Act of 1994 is expected to be in place in this Commonwealth?

Mr. COWELL. The Federal legislation?

Mrs. BROWN. Yes.

Mr. COWELL. Well, the Federal legislation is not in place in this Commonwealth. The Federal legislation is in place as a matter of national law. It became applicable or effective last fall.

One of the provisions of that law was that each State had 1 year after the effective date of the Federal law to do something in their respective States that would reflect this particular issue. Under the provisions of that Federal law that became effective last year, we have a deadline of October of 1995 to implement something that is reflective of that or responsive to that.

I would note, though, that I do not think that we ought to be driven by that. I respect all the readings from the Federalist Papers. That was interesting but largely irrelevant. This is not about the Federal law. That is, coincidentally, a requirement. But more importantly, this is about what we are going to do to protect kids in this Commonwealth who go to school.

Mrs. BROWN. Okay. Thank you.

Is this a funded Federal mandate?

Mr. COWELL. Excuse me?

Mrs. BROWN. Is this funded? Is there any funding mechanism in your amendment?

Mr. COWELL. You asked two questions. You asked, was this a federally funded mandate, and you asked, is there funding in this amendment? Those are two different questions. Which one do you want to ask?

Mrs. BROWN. Both.

Mr. COWELL. I believe that as part of the Federal law, there are various pots of money which are being made available to the States. I do not know; I do not believe that there was any special pot of money attached to this particular requirement. There is none that I am aware of anyway. They do, as I suggested earlier, have this other hammer though, and that is if we want to accept—and some people will argue this is not a mandate then, it is an option—if we want to

accept \$270 or \$280 million of Title 1 money, which we do not have to take, then we do not have to worry about this kind of legislation.

Be that as it may, though, I want to again emphasize, if there was no money attached to it, if the Feds had done absolutely nothing, we should do what we had the wisdom to do in the last session, and that is address this issue. We do not need the Feds to hold a hammer to our head. This is good policy for Pennsylvania. If nobody else in the country does it, we ought to be doing what we can to protect kids in school and sending a message to thugs that you do not bring a gun to school. There is no room for that. The message should be unequivocal here in Pennsylvania.

Mrs. BROWN. Could you tell us at this point in time if local school districts now have the authority to enact these policies?

Mr. COWELL. Local school districts currently have the authority to have a variety of policies relating to school safety and student safety. School districts do have the authority, if they choose to exercise it, to have a policy about guns, a policy about expulsion or suspension.

I know that some school districts do have what I would call tough policies. Some school districts have said, we are not going to tolerate guns in our school district; if you bring a gun or another weapon to school, we are going to expel you. What I have argued for and what we argued for and the position of the House last year was that that ought to be a statewide policy, uniform in all 501 school districts. It should not be a tough policy in one district and a not-so-tough policy in another district. It is in the interests of kids; it is in the interests of education that we send a clear message that across this State, you do not bring a gun to school.

Mrs. BROWN. Okay. Mr. Speaker, could you give me a clear definition of the “wetlands,” or the Wetlands; that is what has been on my mind lately.

Mr. COWELL. I am sorry, Mr. Speaker. I cannot hear the question, and I cannot even read your lips; somebody is in front of you now.

Mrs. BROWN. Could you give me a clear definition of “weapons” in your amendment?

Mr. COWELL. Sure; I will give you the definition of “weapon.” Give me one second to search out the language.

Mr. Speaker, the definition of “weapon” appears on page 1 of the amendment. The term “weapon” is identified and it is defined, and in part it is defined by making reference to a Federal law, and if you wish, I can read from that, and what I am reading from are guidelines that were circulated by the United States Department of Education to help States in the enactment of this kind of legislation.

Mrs. BROWN. Mr. Speaker, I do not think that would really be necessary. I guess my point in all of that question would be, could you tell me if this has been— Is it flexible for the school districts to add or delete the definition that is before us in your amendment?

Mr. COWELL. It is always possible for the school district to do more. Therefore, the school district would continue to have the authority to expand the definition. The school district would continue to have the authority to say that a student is expelled for more than a year. These are minimum requirements that would be found in this legislation.

Mrs. BROWN. Okay. Thank you.

Is this amendment in compliance with the Improving America’s Schools Act as it pertains to special education students bringing weapons to the schools?

Mr. COWELL. The answer is yes, it is; it is consistent. We have followed the language of the Federal law and the guidelines that were circulated by the United States Department of Education.

Mrs. BROWN. Okay. In subsection (f), does this section regarding exemption comply with the Federal law?

Mr. COWELL. The "exception" language, and your question about the "exception" language gives me an opportunity to point out an error in Mr. Stairs' remarks earlier where Mr. Stairs suggested that there was not an exemption for students who would bring a weapon to school for recreation or sporting purposes, and he was in error when he made that observation. This language is an expansion of what we had in HB 144 last year. It is consistent with the Federal law, and it clearly provides an exception so that the language would not apply to a student who possesses a weapon in conjunction with a lawful supervised school activity or who possesses a weapon for use solely for sporting or recreational purposes.

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

I have completed my interrogation, and I would like to make a few comments on the amendment.

The SPEAKER. The lady is in order and may proceed.

Mrs. BROWN. I think that it is very important that there are a lot of issues in this amendment that we need to be concerned about - the appeals process, the definition of "weapons," Federal unfunded mandates. This is just another example of the States being held hostage by our Federal Government. It is not even funded. It is my intention and has been since I have been elected to continue to keep the decisions, powers, and authority to set up policy within the school districts through the school boards to keep it local.

For these reasons I would like to ask my colleagues on both sides of the aisle to vote "no" on this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

### GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House two police chiefs from the county of Montgomery - Chief Paul Scharff from West Norriton and Chief Edward McDade from Lower Providence - here today as the guests of Representative John Lawless. Will the chiefs please rise? They are to the left of the Speaker.

### CONSIDERATION OF HB 38 CONTINUED

The SPEAKER. For the information of those waiting to be recognized, my scorecard reads like this: Nickol, Birmelin, Egolf, Geist, Josephs, Carone, and Serafini.

### PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Nickol.

Mr. NICKOL. Thank you, Mr. Speaker.

I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. NICKOL. I have before me the Sheehan amendment A0427 along with the amendment being offered by Representative Cowell. The Sheehan amendment requires State reimbursement for all the provisions in the legislation. They both amend the same section.

Which amendment would take precedence, amending the same section, would be one question, and following that, would the Sheehan amendment require the full funding? If a student is expelled under the Cowell amendment, would the Sheehan amendment thereby require full funding for the home education of that student?

The SPEAKER. With respect to the questions raised by the gentleman, Mr. Nickol, on the question that is raised between what appears to be a conflict in the two amendments in that they are both titled "Section 6," Reference Bureau can redesignate the various section numbers so that they will flow, and accordingly, there is no conflict.

On the second portion of the question, that would not be in the nature of a parliamentary inquiry but rather something that would have to be determined by interrogation by yourself. The answer would have to satisfy you and the other members of the House. If the answer does not satisfy you, you of course have the option to amend the bill or to vote against it or for it, as the case may be, but that is not in the nature of a parliamentary inquiry.

Mr. NICKOL. Could I have permission to ask Representative Cowell to answer a question?

The SPEAKER. The gentleman, Mr. Cowell, indicates he will stand for interrogation, and you may proceed.

Mr. NICKOL. Mr. Speaker, I presume you heard my inquiry.

As I read these two amendments, the Sheehan amendment with its State reimbursement - an unlimited State reimbursement - for the provisions of this piece of legislation, to me, read in context with your amendment, would seemingly require the Commonwealth to pick up the costs for the home education of students expelled from a school district. Is that your understanding?

Mr. COWELL. No, Mr. Speaker, that is not my understanding. I think that is an incorrect interpretation of Representative Sheehan's amendment.

Your question is whether the language in her amendment would require the Commonwealth to pick up all additional costs that might be incurred by a district because of all provisions of the act. That is different than the conclusion from another section of her amendment that says "The provisions of this act shall be null and void if reimbursement is not made to school districts pursuant to this act." I would suggest to you that if the reimbursement were not made, this gun-free schools legislation that I am offering or amendment that I am offering would also be made null and void. That was the error or the problem that I cited with her amendment earlier.

But in terms of what new responsibility is created for the State by the Sheehan amendment, I would refer you to the first sentence under "General rule" in paragraph (a) of the Sheehan amendment where it says "The Commonwealth shall reimburse school districts all additional costs, including, but not limited to, the development and implementation of the records required under the provisions of this act."

My interpretation is that that particular language deals with the recordkeeping and any costs that are related thereto, including development and implementation costs, but that that focuses on additional costs that would be incurred related to the recordkeeping.

Mr. NICKOL. Thank you.

Mr. Speaker, may I offer additional comments?

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

Mr. NICKOL. I can see from Representative Cowell's explanation that this language could be read in two fashions. That still leaves me quite uncomfortable because of the substantial fiscal impact to the Commonwealth, if someone would read it as I read it,

requiring that the Commonwealth would pick up all the costs for these students who were expelled.

This always seems to be a problem when we try to put together two elements which do not fit completely. And it is not that I am against necessarily what Representative Cowell is trying to do; it is just that I see that this might not be the proper vehicle to do it. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Wayne County, Mr. Birmelin. Does the gentleman, Mr. Birmelin, care to be recognized?

Mr. BIRMELIN. Yes; I do, Mr. Speaker. Thank you very much.

Let me just add my voice to those who stand in opposition to this amendment, and I do not do so with any real criticism of what Mr. Cowell is trying to do. I think his intentions are good, and I think most of us would agree that students who carry weapons to school ought not to be allowed there and there ought to be some punishment for them. However, I stand somewhat in agreement with Representatives Masland and Brown in that here we are again telling school districts how to run their business, albeit the Federal Government is telling us to do it, but I just have a problem with us continually telling the local school districts *what to do, how to do it*, and even if we did provide money for it, I still think that we are taking away local control.

Mr. Cowell on interrogation said that school districts could do these things themselves now, but he feels that we need a statewide blanket policy. I disagree with him on that. We have 501 school districts, to the best of my knowledge, and I would submit to you that there are 501 different school districts with different needs, different types of students, ranging from quite rural districts, which I represent, to those that are inner-city Philadelphia or Pittsburgh.

So to use the logic that a statewide law is necessary, I think, goes against the grain of why local school districts are set up in the first place, and secondly, I really think that as we continue to emasculate local school districts, their superintendents, and their school boards, I think we create monsters; we do not kill them. We do not solve problems; we create them, and I think that this amendment at this point in time should not be a part of this piece of legislation and would ask for its defeat.

The SPEAKER. The Chair recognizes the gentleman from Perry County, Mr. Egolf.

Mr. EGOLF. Thank you, Mr. Speaker.

*I would like to ask one question of the maker of the amendment.*

The SPEAKER. The gentleman may proceed.

Mr. EGOLF. Mr. Speaker, you said that under the "weapons" definition that there are exceptions to weapons that are used solely for sporting or recreational purposes. Does that mean at school? In other words, school recreational purposes—

Mr. COWELL. Mr. Speaker, there is such a din in this room I cannot hear the gentleman's question.

The SPEAKER. The gentleman is entirely right.

The conference to the right of the Chair, please break up. The conference to the left, please break up.

The gentleman may proceed.

Mr. EGOLF. Okay. The question was, under the exceptions it says that weapons that are used solely for sporting or recreational purposes would be excepted. Does that mean sporting or recreational purposes at school, school recreational purposes? Is that your interpretation?

Mr. COWELL. The intent of that particular exception that I have included in this amendment, and that intent is consistent with the

explanations that I have received concerning similar language in the Federal law, is to deal with the hypothetical that some members of this floor cited during last session's debate, and that is the concern about the student who has a shotgun or a rifle on the rack in the pickup and happens to drive the truck to school. My understanding and my intent here is that that exception language is to deal with those circumstances.

Furthermore, I would remind you that there is other language in this amendment that was not present in the bill that we passed last year, and it is language intended to give the superintendent some discretionary authority to deal with cases, exceptions, if you will, on a case-by-case basis. Last year when we passed it, it was absolute. There were no exceptions. So this year we have this kind of broader exception language, and we give the superintendent the authority to deal with problems or cases on a case-by-case basis.

Mr. EGOLF. Okay. Thank you.

*That ends my interrogation. I would like to make a comment.*

The SPEAKER. The gentleman is in order.

Mr. EGOLF. If we are going to give the superintendent that case-by-case discretion, and as was said earlier by the maker of the amendment, school boards are not restricted. They have the authority and the power to implement this same policy if they want to. Also it was stated that we should not do this because the Federal Government is telling us to. I agree with that completely, and I think for that same reason we should not be telling the local school boards what to do. If they have the discretion for part of this, let us give them the discretion to set up their policies.

I agree, Philadelphia has a much bigger problem with this situation than Perry County does. Let us let their school board set up the policy. Why can they not do it now? There is no reason they cannot do it. They can determine what is best for their district. They might want to make it stronger. They know what their funds are as far as schooling. It was brought up that you have to provide schooling if a student is expelled. Let them set their priorities and determine their own policy. Let the districts in my county do the same thing, and let us not bow to extortion from the Federal Government.

We had decided that before. Let us do it again. We have the power. *There is no reason these policies cannot be set up.* We should not do it here because the Federal Government tells us to. The school districts can do it themselves. Let us let them do it. Let us let them decide what is best for their district. If a farm boy brings a pocketknife into school, if there is no reason that should be considered a weapon, let them set that policy down at the local district. That is what the school boards are there for. We are taking away all their prerogatives. Here is one where we can let them do it. They know what the problem is. Let them decide.

Thank you.

## GUEST INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House Ken Heffernan of Waynesboro, here today as the guest of Representative Pat Fleagle. Ken is serving as a guest page today. Ken, please stand up.

The Speaker would also like to explain who this person is that has been limping around the hall of the House today with his arm in a sling, unshaven, with stitches across his face. That is our newest ski instructor, Representative Hasay.

Giving cut-rate lessons this weekend.

**CONSIDERATION OF HB 38 CONTINUED**

The SPEAKER. Does the lady, Ms. Carone, desire to be recognized at this time?

Ms. CARONE. Yes, Mr. Speaker.

The SPEAKER. The lady is in order.

Ms. CARONE. Mr. Speaker, I would like to speak in opposition to this amendment. I was one of those persons who last session voted against this amendment, because I felt that we were micromanaging our school districts.

The very week that the bill was passed overwhelmingly last session, we had an incident back in one of my school districts with a gun. It was very serious, and my school district dealt with it by expelling that student from that school forever. At the very same time or within the same month, another school district in my area also had an incident with a weapon, and they chose to take a different approach. But it was done publicly; it was done in school board meetings. The citizenry of that school district had an opportunity to observe and determine whether they felt it was the right thing to do.

There is no age limit here, so ironically and sadly, a kindergartner last year brought a gun to school for show-and-tell, which is a sad commentary on our society. But a kindergartner bringing a gun to school for show-and-tell would be expelled for the rest of their school year, and it just seems to me that because there can be so many circumstances involved in these cases, that we need to allow those school districts closest to the scene to make that determination.

I would encourage a "no" vote. I would encourage, if most of you still think this is an important issue and we have to deal with the Federal mandate, that we do survey our 501 school districts very soon, determine what those policies are right now, because maybe all of our school districts are doing something very effectively and we do not have to micromanage them from Harrisburg.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

**PARLIAMENTARY INQUIRY**

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

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

May I have a question to the Chair, please?

The SPEAKER. The gentleman has a point of parliamentary inquiry?

Mr. GEIST. Yes, I do.

Is it possible to either table or recommit an amendment without recommitting the bill?

The SPEAKER. Was the gentleman's question to simply lay the amendment on the table?

Mr. GEIST. That would be one option or to recommit just an amendment to committee, and if I may expand the question to the Chair, it is quite obvious from the debate that we are going through on this amendment, which did not go through the committee system, that this amendment clearly needs work in committee, and if it is possible to make a motion to recommit just an amendment to committee, then I would be pleased if you would recognize me to make such a motion just on this amendment.

The SPEAKER. No. You cannot recommit an amendment to committee because the amendment did not come from a committee, and under Mason's Manual, section 399—and I am reading from it—"Traditionally, an amendment may not be laid on the table by

itself," and we have never allowed that. Now, we have moved from time to time to have amendments set aside temporarily, but that does not get rid of it, and I think that is what you looking for.

Mr. GEIST. Mr. Speaker, I am not necessarily looking to get rid of it. It is quite obvious from the discussion that is going on here that this amendment is an amendment that is going to be very much examined in the future, and if it would be possible, this amendment should be a freestanding bill. First of all, it is a weapons amendment to a bill that is meant to do something else. There is a question as to whether it is germane even, but excluding that, the question arises, are we going to spend this next 2 years doing nothing but taking amendments, substantive amendments, that have not gone through the committee system?

The SPEAKER. The gentleman is entitled to offer amendments. If the gentleman wants to withdraw his amendment, that is his prerogative. There is no method that occurs to me, as you ask your question, to dispose of it in any other fashion other than the fashion we are now doing.

Mr. GEIST. Okay. Thank you, Mr. Speaker.

If I cannot make that motion, may I be recognized to interrogate the prime sponsor?

The SPEAKER. The gentleman has indicated he will stand for interrogation. The gentleman, Mr. Cowell, will consent to interrogation.

Mr. GEIST. Mr. Speaker, it is my understanding that if an Eagle Scout wears his uniform to school in a nonschool activity and has no Scout meeting on school premises and carries his Scout knife on his Scout belt with his Scout merit badges, he is going to do a 1-year suspension. Is that correct?

Mr. COWELL. I would think not, Mr. Speaker. I would think that even if one were to take the extreme position of defining all the terms of this legislation in the most extreme way, even if you assume that, there remains the authority for the superintendent, on a case-by-case basis, to deal with special circumstances, and I cannot imagine any superintendent, in his or her right mind, would suspend a student for a year under those circumstances, so I think your assumption is incorrect.

Mr. GEIST. Okay. Mr. Speaker, another question on the same line.

If a gang member in a city school brings his softball bat to school and carries it around in the hall because he has softball practice after school, can he be expelled for carrying an offensive weapon?

Mr. COWELL. Mr. Speaker, I do not think that the current language in the legislation would include a softball bat under the terms of this particular amendment or this particular act. However, if a school district decided that softball bats were presenting a major problem in that particular district, there remains the authority for that district to expand the definition to include softball bats, but in my judgment, it would be an error for us to try to address that particular potential weapon on a statewide basis. Otherwise, we might well be into the business of defining frying pans as an offensive weapon or a lethal weapon. So I think that kind of situation is appropriately left to the local judgment, but there is no question whatsoever that a gun is a gun is a gun is a gun. It is not a softball bat; it is a gun. The question here is, are we going to have the guts to stand up and say something about this issue, or are we going to find a thousand reasons to be wimps on it?

Mr. GEIST. Thank you, Mr. Speaker.

May I be recognized on the amendment?

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

Mr. GEIST. Thank you, Mr. Speaker.

Earlier in the interrogation when Representative Masland had asked a question and had used the Federalist Papers, I believe that the maker of the amendment sloughed off the Federalist Papers as being insignificant to this amendment. I would rather think that the Federalist Papers are very significant to this, and when we look at Big Brother government in Washington once again making a mandate, a blanket mandate, for all our 501 school districts across the State, I believe it is wrong.

For those reasons I would urge a "no" vote on this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

### PARLIAMENTARY INQUIRY

The SPEAKER. On the question, the Chair recognizes the lady from Philadelphia County, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I want to start, I think, with a parliamentary inquiry or question. I do not know exactly.

When my colleague, Representative Teresa Brown, finished speaking, I noted that the Chair thanked the gentleman, and I wonder if that is going to continue to be a habit or—

The SPEAKER. I am sorry. I did not hear the lady.

Ms. JOSEPHS. I am sorry.

When Representative Teresa Brown finished making her comments some time back, I thought that I noted the Chair routinely thanking the gentleman, and I wondered whether, when one of the gentlemen stands up, if you would play fair and thank the lady.

The SPEAKER. I was just getting even for someone calling me Madam Speaker.

Ms. JOSEPHS. I see, sir.

The SPEAKER. Of course, I apologize to the lady, Mrs. Brown, and I thank the lady for calling that error on my part to my attention.

Ms. JOSEPHS. Thank you.

May I address the amendment?

The SPEAKER. The gentleman may proceed.

Ms. JOSEPHS. Thank you, Madam Speaker.

*To be serious, I am rising to say that I am going to vote against this amendment.* The substantive arguments on both sides have been very persuasive and sincere and eloquent, but I was persuaded really by the argument made mainly by Mr. Chairperson Stairs and I think also by Representative Rick Geist. Both of them seemed to say that the committee process was ignored and ought to be used and that there was no reason to proceed at breakneck speed in this process. I agree. I have made that argument several times this last couple of sessions. I am going to vote for the committee process and for deliberation. I hope when I make that argument next time, I will get some Republican votes for the committee process and for due deliberation. Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman, Mr. Serafini, on the question.

Mr. SERAFINI. Thank you, Mr. Speaker.

Mr. Speaker, I represent a school district in which a student had carried a weapon to school in order to harm another student. It shocked the teachers, the students, and the community.

We as a lawmaking body in the Commonwealth appropriate funds for education, approve school construction, and direct the education process. I believe we should also protect the students,

teachers, and administration by, at the very least, setting a penalty for carrying a weapon into this area of public education. If we set fines for speeding and penalties for late payment of taxes, I believe it would be appropriate to, at the very least, attempt to protect our education environment from violence. Hopefully this will be a law that will never be used and a penalty we will never have to assess but, at the very least, a threat to those who think of committing such a despicable act as taking a weapon to a school. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lehigh, Mr. Dent.

Mr. DENT. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Cowell amendment. Last year, of course, we did vote for HB 144, and the Cowell amendment's language is remarkably similar to that bill. I believe that we have to send a message to violent juveniles or those who may be violent, those who do carry weapons, and they should be expelled. Let us face it: It is important for us to try to be consistent when we can, and this House did overwhelmingly pass HB 144 last session, and I would suggest, in the name of consistency, that we again pass the Cowell amendment and that this will also be an opportunity for some people in this chamber to redeem themselves on the consistency score after yesterday's vote on the tax amnesty bill, where people who voted against that bill voted for it 3 years earlier.

Again I urge that we be consistent and adopt the Cowell amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Washington County, Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

I rise to support the Cowell amendment. I think what we are doing here is addressing one issue and one issue alone, and that is school violence. You know, we talk about and we give lip service, obviously, to a special session on crime, yet we have an amendment here that logically, systematically deals with guns and weapons in schools. Now, who are we fooling? This legislation provides not only the mandate, as a lot of us are concerned about, but it provides the funding.

Like Mr. Cowell said, are we going to continue to nitpick on this issue, or are we really going to come up to the line and really adequately address the issue of violence in our schools? This amendment will do that. We are not trying to micromanage, as another speaker said. What we are simply trying to do is say, this is the best policy to have statewide. We are trying to relieve those local school districts from local pressures that they do not need to be under when making these decisions. We as a legislative body should be doing that and providing the leadership.

I ask for an affirmative vote.

The SPEAKER. Does the gentleman, Mr. Roebuck, seek recognition? The gentleman may proceed.

Mr. ROEBUCK. Thank you, Mr. Speaker.

Would the gentleman, Mr. Cowell, stand for interrogation?

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

Mr. ROEBUCK. Thank you, Mr. Speaker.

I wonder if you might clarify for me the intended scope of this amendment. The language, as I read it, says that "...a student who is determined to have brought a weapon to school or to school-affiliated activities..." Does that mean that if a student carries a weapon to

school but not onto school property, this does not apply to him or her?

Mr. COWELL. Mr. Speaker, the intent, and I could not hear the entire question, but I know you were asking about and distinguishing between school and a school activity.

Mr. ROEBUCK. No. I was asking, if a student brought a weapon to school but not onto school property, would it apply to him? Would the amendment apply to him or her?

Mr. COWELL. I am having trouble distinguishing between "to school" and "school property." If you could, and I hate to answer your question with a question, but could you describe what you envision to be circumstances where a student would bring the weapon to school but not be on school property?

Mr. ROEBUCK. If a student had a weapon in his possession and gave it to someone else before he entered school property or if a student picked up a weapon from someone else after leaving school.

Mr. COWELL. So he had it on his way to school but did not bring it to school per se.

Mr. ROEBUCK. Physically into the school, yes.

Mr. COWELL. If I recall correctly, there is language that is applicable to certain conveyances that might be used by the student to get to and from school, and let me just doublecheck something, Mr. Speaker.

My understanding is that if the student would walk to school and be carrying a gun while he or she is walking to school but before they get onto school property they do something with it, they get rid of it, and therefore, they do not bring it to school or onto school property, this would not apply. If, on the other hand, they are riding a schoolbus and they have the weapon with them while they are on the schoolbus on their way to school, then it would apply.

Mr. ROEBUCK. Would it also apply if that student were using public transportation?

Mr. COWELL. I am sorry, Mr. Speaker. I could not hear the question.

Mr. ROEBUCK. Would it also apply if the student were using public transportation, not a schoolbus?

Mr. COWELL. Mr. Speaker, my understanding is that in its pure form, it would not pertain to a student who is riding SEPTA (Southeastern Pennsylvania Transportation Authority), if you will, or the port authority in Allegheny County to get to school, although it has been suggested by some—and I think this is stretching the interpretation, personally—but it has been suggested by some that if the school district is paying for that transportation, i.e., giving a token, for instance, to a student to ride SEPTA, then it might be applicable, but that is not my understanding. That is another interpretation that I have heard.

Mr. ROEBUCK. Thank you, Mr. Speaker.

If I might speak to the amendment?

The SPEAKER. The gentleman is in order.

Mr. ROEBUCK. Clearly, the intent of the amendment is to protect students in school against the threat of other students who might carry weapons. I do not think that this amendment does that. I do not think this amendment addresses what I believe to be one of the critical areas for students who are threatened by weapons, and that is, those who travel to and from school property. What oftentimes happens is that the greatest threat is not necessarily in the school building from violent students but it is in fact outside of that school building.

Further, the provision for expelling those students who have guns merely makes the situation worse, not better, but what it does is that it turns those students into those who will habitually hang outside of

school property, who have no responsibility whatsoever in terms of that school, and become even greater threats to those students seeking safe passage to and from school.

I think the intent of the amendment is good. I think the application as provided in the amendment is poor, and I would urge that we not adopt the amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Cambria, Mr. Yewcic.

Mr. YEWVIC. Thank you, Mr. Speaker.

Mr. Speaker, last year the wide majority of us voted for this exact same bill, over 150 votes. I think we need to stop the hypocrisy and recognize that we have a problem with school violence, as we did last session. The problem has not changed. We still have a problem with school violence. We need to act responsibly and vote for the same amendment or bill that we voted on the last time.

Therefore, I urge a vote for this amendment. Stop the hypocrisy. It does not matter who gets credit for the bill. Let us just do the right thing and vote for the thing. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady from Montgomery, Dr. Sheehan.

Ms. SHEEHAN. Thank you, Mr. Speaker.

There are very serious, serious problems with this amendment, and I would like to encourage the gentleman, Mr. Cowell, to withdraw it and for the following reasons.

I think that everyone in this chamber agrees that the problem of juvenile crime and violence, including within schools, is a very serious problem, and we all want to address it. Nobody takes that lightly. Nobody thinks that objects that are used to injure others should be possessed by children in school for that purpose.

However, the problems with the amendment are as follows: There is a question whether the amendment even complies with the Federal requirement. In fact, it does not seem that it does comply. Secondly, there is a problem with the National Government mandating this and not funding it, and that is something that we should not take lightly, and it should be discussed in committee and discussed seriously on the floor.

And also, the gentleman, Mr. Cowell, I believe, said that it was not his intent that if a student were expelled, the State would pay for private schooling, and he believed that that was not my intent either. It certainly was not my intent in drafting the amendment to this legislation that I proposed and that passed some time ago. However, I do believe very strongly that that would be the interpretation now if the gentleman, Mr. Cowell's amendment is included within this bill, because in the amendment that we passed, my amendment, a while ago, it clearly states that the State is to cover all costs associated with this measure, and if this amendment is part of this measure, then it will have to cover those costs.

That means that all the work we have done in this chamber in the last week where we are requiring and encouraging people across the State to take up their own responsibilities economically, that people should be responsible for the children they create and bear, that people should be responsible for the tax debts they incur, but then, if Mr. Cowell's intention behind this amendment should prevail, what it means is, while we encourage all Pennsylvania citizens to be responsible for their actions, we here in Harrisburg refuse to be responsible for our legislative actions imposing mandates, unfunded mandates, on local schools and communities. That is wrong. We must start being responsible and accountable for the measures we pass.

Therefore, Mr. Speaker, I urge the gentleman, Mr. Cowell, because the intent behind this amendment, to try to control violence

in schools, is such an important one, to withdraw this amendment. Let us discuss it at length in committee. Let us get the substance of it correct and the intent of it correct. If the gentleman, Mr. Cowell, decides not to withdraw the amendment, then I strongly urge my colleagues to oppose it. Thank you, Mr. Speaker.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I understand that I may be the only thing standing between you and your lunch now. I ask you to listen carefully though, because this has been an interesting debate. Some of the points have been irrelevant, some of them are off target, and sometimes people speak out of both sides of their mouths.

Mr. Speaker, first of all, the question has been raised about whether or not this complies with the Federal requirements. Interesting enough, the most recent speaker preceding me was one who kind of said, we should not worry about what the Feds require, we should not be worrying about abiding by a Federal mandate, but in the sentence immediately before that said, we are not sure this complies with the Federal requirements. That is speaking out of both sides of your mouth. You cannot say, on the one hand, we should not worry about it, and then, on the other hand, use noncompliance as a reason to oppose the amendment.

Mr. Speaker, the fact is, this is not about complying with the Federal law. This amendment does. We have followed the law, and we have followed the guidelines from the Department of Education, and most importantly, we have followed the direction established by this legislature in the previous session, but this is not about just complying with the Federal law. I mentioned the money issue because it is reality. But we ought to do this because it is the right thing to do; we ought to do this because we have a responsibility to do this, Mr. Speaker.

It has been suggested that we should not micromanage our school districts. This whole bill is about more micromanaging of the school districts. This bill, without this amendment, says, school districts have got to start following some new procedures, and they are going to be required to maintain some new records, and they are going to be required to send information from district to district. Every time we say anything about schools, we are micromanaging in a sense, and sometimes we have a responsibility to do that. This issue of promoting safe schools is not inconsistent at all with our obligations. In fact, it is very consistent.

Mr. Speaker, it has been suggested that we are providing an unfunded mandate here. We are telling school districts what to do, and we are not giving them more money. Mr. Speaker, let us pause and remember, we give school districts \$5 billion a year of State taxpayer money, and we give them the authority to raise another \$7 billion a year from their local taxpayers. We give them directly or provide them the means to raise \$12 billion a year plus, every year from the taxpayers of Pennsylvania. It is very reasonable that we should condition that authority, if you will, on some issues that have to do with a safe environment for kids.

If we are going to go to the taxpayers of Pennsylvania and ask them to spend \$12 billion a year on public education, as we do, as we do, and we will increase that authority directly or indirectly next year, we also have an obligation to assure those taxpayers, those parents, those grandparents, those teachers, those citizens, those young citizens, that the school is going to be a safe place. That is part of our obligation, and it is very reasonable that we say, as we give you or give you authority to raise \$12 billion a year, we want to promote

safe schools in this Commonwealth. That is what this is all about - promoting safe schools.

Now, it was interesting that a couple of speakers said, obviously there are lots of problems with this bill. One of the speakers who said that had asked me about the definition of "weapons," and then she asked me about due process, and I said, here is the definition of "weapons," and yes, due process is provided for, and yes, protections are here for special ed students. She did not say there was anything wrong with those answers, and she did not say that there was an inadequacy with the definition of "weapons." She just said, well, there are obviously problems here. We have not heard about the problems.

And to whatever extent we have heard stories, stories about the kindergarten student, for instance, that is what the discretionary authority for the superintendent is all about. That is why in the Federal law and appropriately in this State law and appropriately in our State policy, we should say a superintendent ought to have the discretionary authority to deal with those circumstances on a case-by-case basis. If it is a kindergarten kid, they are not going to throw them out for a year, I would suspect, but we will leave that to the judgment of the superintendent, and if there are any other extraordinary circumstances that you can imagine, this legislation says it is up to the superintendent, and the superintendent does have the responsibility and authority to judge that on a case-by-case basis.

Mr. Speaker, this issue is not about the Federal Government; it is not about the Federalist Papers; it is not about all the other things that have been raised. It is about whether we are going to take on the responsibility to do what we can from a State standpoint to promote safe schools, even as we provide for the expenditure of \$12 billion a year of State taxpayer money on those schools.

This legislation is not intended to answer all the problems. We cannot, I would respectfully suggest, answer the question, what do you do about the softball bat in some school district? The school district is going to have to handle that. We do not try here to deal with all the issues related to how kids are getting to school and whether they are putting a token that came from the school district into the receptacle for the mass transit authority or whether they use their own dollar. We do not try to address those.

A school district that may want to extend these policies can do that. We are not precluding them from doing that. But we are doing what we reasonably can, and that is to send a message that says, if you—and I want to emphasize this—if you violate what is already the law in Pennsylvania. We are not creating new law here in terms of violating a law by bringing a weapon to school. That is already the law. We are not establishing that here. There is already a definition in the law. It is in the Criminal Code. It already says, no person, whether it is the student or the teacher or somebody else, can bring one of these weapons onto school property. All we are doing is saying, if you do that and you are a student, there is going to be a serious certain consequence, and that is, you are going to be suspended for a year, and that is the new ground we are breaking here. We are saying, if you violate what is already the law, you bring a weapon to school, you are going to be suspended for a year. That is all this legislation does, and even as it does that, it gives to the superintendent the authority to deal with exceptions on a case-by-case basis.

Mr. Speaker, I think this amendment is very reasonable. I think that it sends a clear message. I think it is a fulfillment of our \$12 billion a year are spent in a safe learning environment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment.

The SPEAKER. The gentleman may proceed.

Mr. GANNON. Mr. Speaker, my recollection is that a while back, in another area of the country, there was a young Afro-American girl who brought a little ceremonial religious sword into school with some religious significance. It happened to be a cutting instrument, and she was expelled from the school for bringing that religious symbol into the school, and I wanted to know whether she would be subject, that type of a situation would be subject to the same penalties under this bill. Where do you make any exception or address that type of concern?

Mr. COWELL. Mr. Speaker, I would suggest two things. One, the legislation, the amendment that I have offered, provides an exception for lawful purposes, and I would think that a religious symbol would be determined to be a lawful purpose.

Secondly, however, I would note that the decision about whether that particular tool or instrument does or does not comply with the law or violate the law is an answer that somebody has already had to answer, not in the context of our new legislation but in the context of the existing Criminal Code. The existing Criminal Code already says that you cannot bring a knife, a cutting instrument, a cutting tool, a firearm, a shotgun, a rifle, et cetera, onto school property. It already says that.

So again, as I said in what I thought were my closing remarks, we are not breaking new ground in terms of saying you cannot bring this instrument to school. The law already says that. What we are really saying is, if you bring this instrument to school and somebody decides that you were guilty of violating the existing law, we are going to deal with the penalty side, and the penalty is going to be certain and serious. It is going to be a 1-year suspension.

Mr. GANNON. So that if a young child brought that type of religious symbol to school, they would still have to go through this process of being expelled and then subsequently making a determination of whether or not it was a lawful instrument or a lawful—

Mr. COWELL. Mr. Speaker, if that is a correct question, the answer is no, they would not go through the process of being expelled. Somebody would make a decision, as they would under the current criminal law, they would make a decision whether the law had been violated. All we are doing with my amendment is saying, once it has been determined that the law was violated, there ought to be certain, serious consequences - a 1-year suspension.

Mr. GANNON. Now, you said in this amendment it says, "...lawful supervised school activity...." Is that what you are referring to when you say "lawful"?

Mr. COWELL. What was intended during the last session when a majority of this House voted for this language and what is intended now is that if you have a supervised school activity, such as rifle club—and that was the example that was used, I think, on the floor of the House last time—that is an exception. That is a lawful supervised school activity, so we obviously would not want to penalize a student for participating with the rifle club as a school activity.

Mr. GANNON. Well, the school would not have any right at all to be supervising any type of religious activity or religious instrument. I mean, you get into another problem here when you say "lawful supervised...activity." The school would not in any way be involved whatsoever in any religious activity, which brings us back

to the initial problem with this student, simply because they possessed something defined as a weapon, even though it really is something of a religious significance. And that is what happened to this young girl as she was expelled, maybe ultimately reinstated, but she still had to go through this dismissal and all this proceeding, and that is the issue that I am raising.

Mr. COWELL. Mr. Speaker, my answer remains the same as I suggested earlier. I do not think—and we are focusing again on the religious instrument—I do not think that it would be determined—this is my judgment—it would be determined that that was a weapon as defined under the terms of this legislation.

However, however, I would simply refer you back to what is already the existing law, as I did earlier. If it is determined that that young woman, in this case, violated the existing law by bringing what somebody determined to be a cutting instrument onto school property, there would still remain the discretionary authority for the superintendent to treat that on a case-by-case basis, and so, in my judgment, the superintendent clearly would have the authority to say, no, you really did not violate the law, and even if somebody said, yes, she really did violate the law, the superintendent would still have the authority to say, well, this does not merit a suspension, and that kind of protection and local control is provided for here.

Mr. GANNON. Mr. Speaker, if I may speak on the amendment.

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

Mr. GANNON. Mr. Speaker, I do not believe any of these questions have been answered satisfactorily. In fact, in listening very closely to the prime sponsor's explanation, it just has demonstrated more and more the vagueness of this amendment on that very, very critical issue.

I believe that Representative Sheehan was absolutely correct in her position on this, that this perhaps should be done as something freestanding. This is a very important issue not addressed. If this is treated as a freestanding bill, that is the type of issue that can be resolved separately and addressed separately. Both of those are important, the penalties for weapons on school campus but also the very issue of the religious freedom of certain of those religions that do have ceremonial cutting instruments for whatever purpose as part of their religious significance. I think that that also should be addressed adequately. It was not addressed in another State and they ran into some serious problems. It is not addressed in this amendment, and I think we should have a "no" vote on this.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence.

The Chair recognizes the majority whip, who requests that the gentleman from McKean, Mr. JADLOWIEC, be placed on leave for the balance of the day. Without objection, the leave is granted.

### CONSIDERATION OF HB 38 CONTINUED

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

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, I do agree with a number of people on the other side who said, quite frankly, that the bill should have gone through the committee, because I think that it would give a lot of people an opportunity to amend it and so on.

However, it is the responsibility of this legislature for the conduction of education in this State. What we need to do is we need to send a strong message to the parents of Pennsylvania and to the youngsters of Pennsylvania that we mean business, that if a youngster is caught in school with a weapon, that that student should be expelled for the rest of the school year. It is important to send this message and send a strong message throughout Pennsylvania.

For that, I ask for your support for this amendment.

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

The following roll call was recorded:

YEAS-136

Adolph	DeWeese	Markosek	Sather
Allen	DiGirolamo	Marsico	Schuler
Argall	Donatucci	Mayernik	Scrimenti
Baker	Druce	McCall	Semmel
Battisto	Durham	McGeehan	Serafini
Bebko-Jones	Evans	Melio	Shaner
Belardi	Fairchild	Michlovic	Staback
Belfanti	Fajt	Micozzie	Steelman
Bishop	Farmer	Mihalich	Stetler
Blaum	Feese	Mundy	Stish
Boscola	George	Nyce	Sturla
Browne	Gigliotti	O'Brien	Surra
Bunt	Godshall	Olasz	Tangretti
Butkovitz	Gordner	Perzel	Taylor, J.
Buxton	Gruitza	Pesci	Thomas
Caltagirone	Haluska	Petrarca	Tigue
Cappabianca	Hasay	Petrone	Travaglio
Cawley	Hess	Pettit	Trello
Chadwick	Itkin	Phillips	Trich
Civera	Jarolin	Piccola	True
Clark	Kaiser	Pistella	Van Horne
Cohen, M.	Keller	Pitts	Veon
Colafella	Kenney	Platts	Walko
Conti	Kirkland	Preston	Washington
Cornell	Krebs	Ramos	Williams
Corpora	Kukovich	Raymond	Wogan
Corrigan	LaGrotta	Readshaw	Wright, D. R.
Cowell	Laughlin	Reinard	Wright, M. N.
Coy	Lawless	Roberts	Yewcic
Curry	Lederer	Robinson	Zimmerman
Daley	Lescovitz	Rooney	Zug
DeLuca	Levdansky	Rudy	
Dempsey	Lloyd	Sainato	Ryan,
Dent	Lucyk	Santoni	Speaker
Dermody	Manderino		

NAYS-63

Armstrong	Geist	Major	Sheehan
Bard	Gladeck	Masland	Smith, B.
Barley	Gruppo	McGill	Smith, S. H.
Birmelin	Habay	Merry	Snyder, D. W.
Boyes	Hanna	Miller	Stairs
Brown	Harhart	Nailor	Steil
Carn	Hennessey	Nickol	Stern
Carone	Herman	Oliver	Strittmatter
Clymer	Hershey	Reber	Taylor, E. Z.
Cohen, L. I.	Horsey	Richardson	Tulli
Egolf	Hutchinson	Rieger	Vance
Fargo	Josephs	Roebuck	Vitali
Fichter	King	Rohrer	Waugh
Fleagle	Leh	Rubley	Wozniak
Flick	Lynch	Saylor	Youngblood
Gannon	Maitland	Schroder	

NOT VOTING-1

James

EXCUSED-3

Colaizzo

Gamble

Jadlowiec

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

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Cowell, who offers the following-

Does the gentleman, Mr. Cowell, have one more amendment?

Mr. COWELL. Mr. Speaker, I am just curious which one you might have, because I think I am not going to offer it.

The SPEAKER. I am not going to tell you, if you do not know.

Mr. COWELL. That is a fair compromise. I have no other amendments to offer. Thank you, Mr. Speaker.

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

Mr. PISTELLA offered the following amendment No. A0412:

Amend Sec. 3, page 2, line 28, by inserting after "RECORD."  
When a transfer of records is requested, the school district transferring the pupil's records shall notify the parent, guardian or other person having control or charge over the pupil that the pupil's records have been transferred to the new school district. Any request for a transfer of records shall include the most current address of the parent, guardian or other person having control or charge over the pupil who is transferring to the new school district.

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

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment does two things. It provides that the school district, upon transferring the pupil's records, shall notify the parent or guardian or another person having control or charge over the pupil that the pupil's records have been transferred to the new school district and that such requests regarding the transfer shall be forwarded to the last or the most current address of the parent, guardian, or the other person having control over the student that is being transferred.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I certainly support this amendment.

YEAS-200

Adolph	Evans	Major	Saylor
Allen	Fairchild	Manderino	Schroder
Argall	Fajt	Markosek	Schuler
Armstrong	Fargo	Marsico	Scrimenti
Baker	Farmer	Masland	Semmel
Bard	Feese	Mayernik	Serafini
Barley	Fichter	McCall	Shaner
Battisto	Fleagle	McGeehan	Sheehan
Bebko-Jones	Flick	McGill	Smith, B.
Belardi	Gannon	Melio	Smith, S. H.
Belfanti	Geist	Merry	Snyder, D. W.
Birmelin	George	Michlovic	Staback
Bishop	Gigliotti	Micozzie	Stairs
Blaum	Gladeck	Mihalich	Steelman
Boscola	Godshall	Miller	Steil
Boyes	Gordner	Mundy	Stern
Brown	Gruitza	Nailor	Stetler
Browne	Gruppo	Nickol	Stish
Burt	Habay	Nyce	Strittmatter
Butkovitz	Haluska	O'Brien	Sturla
Buxton	Hanna	Olasz	Surra
Caltagirone	Harhart	Oliver	Tangretti
Cappabianca	Hasay	Perzel	Taylor, E. Z.
Carn	Hennessey	Pesci	Taylor, J.
Carone	Herman	Petrarca	Thomas
Cawley	Hershey	Petrone	Tigue
Chadwick	Hess	Pettit	Travaglio
Civera	Horsey	Phillips	Trello
Clark	Hutchinson	Piccola	Trich
Clymer	Itkin	Pistella	True
Cohen, L. I.	James	Pitts	Tulli
Cohen, M.	Jarolin	Platts	Vance
Colafella	Josephs	Preston	Van Horne
Conti	Kaiser	Ramos	Veon
Cornell	Keller	Raymond	Vitali
Corpora	Kenney	Readshaw	Walko
Corrigan	King	Reber	Washington
Cowell	Kirkland	Reinard	Waugh
Coy	Krebs	Richardson	Williams
Curry	Kukovich	Rieger	Wogan
Daley	LaGrotta	Roberts	Wozniak
DeLuca	Laughlin	Robinson	Wright, D. R.
Dempsey	Lawless	Roebuck	Wright, M. N.
Dent	Lederer	Rohrer	Yewcic
Dermody	Leh	Rooney	Youngblood
DeWeese	Lescovitz	Rublely	Zimmerman
DiGirolamo	Levdansky	Rudy	Zug
Donatucci	Lloyd	Sainato	
Druce	Lucyk	Santoni	Ryan,
Durham	Lynch	Sather	Speaker
Egolf	Maitland		

NAYS-0

NOT VOTING-0

EXCUSED-3

Colaizzo	Gamble	Jadlowiec
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The question was determined in the affirmative, and the amendment was agreed to.

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

AMENDMENT A0388 RECONSIDERED

The SPEAKER. The Chair recognizes the lady, Mrs. Harhart, who moves that amendment 0388, which passed on HB 38 on the 1st day of February, be reconsidered.

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

The following roll call was recorded:

YEAS-199

Adolph	Evans	Maitland	Sather
Allen	Fairchild	Major	Saylor
Argall	Fajt	Manderino	Schroder
Armstrong	Fargo	Markosek	Schuler
Baker	Farmer	Marsico	Scrimenti
Bard	Feese	Masland	Semmel
Barley	Fichter	Mayernik	Serafini
Battisto	Fleagle	McCall	Shaner
Bebko-Jones	Flick	McGeehan	Sheehan
Belardi	Gannon	McGill	Smith, B.
Belfanti	Geist	Melio	Smith, S. H.
Birmelin	George	Merry	Snyder, D. W.
Bishop	Gigliotti	Michlovic	Staback
Blaum	Gladeck	Micozzie	Stairs
Boscola	Godshall	Mihalich	Steelman
Boyes	Gordner	Miller	Steil
Brown	Gruitza	Mundy	Stern
Browne	Gruppo	Nailor	Stetler
Burt	Habay	Nickol	Stish
Butkovitz	Haluska	Nyce	Strittmatter
Buxton	Hanna	O'Brien	Sturla
Caltagirone	Harhart	Olasz	Surra
Cappabianca	Hasay	Oliver	Tangretti
Carn	Hennessey	Perzel	Taylor, E. Z.
Carone	Herman	Pesci	Taylor, J.
Cawley	Hershey	Petrarca	Thomas
Chadwick	Hess	Petrone	Tigue
Civera	Horsey	Pettit	Travaglio
Clark	Hutchinson	Phillips	Trello
Clymer	Itkin	Piccola	Trich
Cohen, L. I.	James	Pistella	True
Cohen, M.	Jarolin	Pitts	Tulli
Colafella	Josephs	Platts	Van Horne
Conti	Kaiser	Preston	Veon
Cornell	Keller	Ramos	Vitali
Corpora	Kenney	Raymond	Walko
Corrigan	King	Readshaw	Washington
Cowell	Kirkland	Reber	Waugh
Coy	Krebs	Reinard	Williams
Curry	Kukovich	Richardson	Wogan
Daley	LaGrotta	Rieger	Wozniak
DeLuca	Laughlin	Roberts	Wright, D. R.
Dempsey	Lawless	Robinson	Wright, M. N.
Dent	Lederer	Roebuck	Yewcic
Dermody	Leh	Rohrer	Youngblood
DeWeese	Lescovitz	Rooney	Zimmerman
DiGirolamo	Levdansky	Rublely	Zug
Donatucci	Lloyd	Rudy	
Druce	Lucyk	Sainato	Ryan,
Durham	Lynch	Santoni	Speaker
Egolf			

NAYS-0

NOT VOTING-1

Vance

EXCUSED-3

Colaizzo

Gamble

Jadlowiec

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

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

The clerk read the following amendment No. A0388:

Amend Title, page 1, line 2, by inserting after "attendance" , for policies regarding weapons on school property Amend Sec. 1, page 2, by inserting between lines 1 and 2 "Weapon." A knife, cutting instrument, cutting tool or nunchaku, or a firearm as defined in 18 U.S.C. § 921 (relating to definitions). Amend Bill, page 4, by inserting between lines 2 and 3 Section 6. Weapon-free schools.

(a) Expulsion.—Except as provided in subsection (f), all school districts and area vocational-technical schools shall expel from school for a period of not less than one calendar year a student who is determined to have brought a weapon to school or to school-affiliated activities under that school entity's jurisdiction, except that the superintendent or administrative director of the respective school entity may modify such expulsion requirement for a student on a case-by-case basis.

(b) Reinstatement.—

(1) Any student expelled under this section shall, prior to reinstatement in the school's education program, be required to meet in person with the school principal or his designee or in the case of an area vocational-technical school, the administrative director 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 or in the case of an area vocational-technical school, the administrative officer or his designee shall file a written report of the findings of this meeting with the district superintendent and the board of school directors or in the case of an area vocational-technical school, the board of the area vocational-technical school. This report shall be permanently retained in the individual's pupil record.

(c) Employees not to possess weapons.—No employee of a public school, area vocational-technical school or intermediate unit, including an independent contractor and its employees, may possess a weapon in a school building, on school grounds or during any school-affiliated activities under the school entity's jurisdiction. This prohibition shall not apply to:

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

(2) Employees in possession of a weapon in conjunction with a lawful school activity or who possess a weapon for use solely for sporting or recreational purposes.

(d) Notice to police department.—School officials shall notify the police department with jurisdiction over the school whenever any person is in possession of a weapon in violation of this section.

(e) Report to department.—Each school district and area vocational-technical school shall forward to the Department of Education, within 30 days after the close of school or at any time requested by the Secretary of Education, a report which shall include:

(1) An assurance that the school district or area vocational-technical school is in compliance with the provisions of this section.

(2) A description of the circumstances surrounding all expulsions imposed under the provisions of this section, including:

- (i) the name of the school from which the pupil was expelled; (ii) the number of students expelled from each school; and (iii) the type of weapon or weapons involved in the expulsion.

(f) Exception.—This section shall not apply to a student who possesses a weapon in conjunction with a lawful supervised school activity or who possesses a weapon for use solely for sporting or recreational purposes.

(g) Construction.—

(1) Nothing in this section shall be construed to supersede the provisions of 22 Pa. Code § 12.6(e) (relating to exclusions from school).

(2) The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act (Public Law 91-320, 20 U.S.C. § 1400 et seq.).

Amend Sec. 6, page 4, line 3, by striking out "6" and inserting 7

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

The following roll call was recorded:

YEAS-146

Table with 4 columns of names: Adolph, Allen, Argall, Baker, Battisto, Bebko-Jones, Belardi, Belfanti, Bishop, Blaum, Boscola, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappabianca, Cawley, Chadwick, Civera, Clark, Cohen, M., Colafella, Conti, Cornell, Corpora, Corrigan, Cowell, Coy, Curry, Daley, DeLuca, Dempsey, Dent, Dermody, DeWeese, DiGirolo, Donatucci, Druce, Durham, Evans, Fairchild, Fajt, Farmer, Feese, Flick, George, Gigliotti, Godshall, Gordner, Gruitza, Gruppo, Habay, Haluska, Harhart, Hasay, Herman, Hershey, Hess, Itkin, Jarolin, Kaiser, Keller, Kenney, Kirkland, Krebs, Kukovich, LaGrotta, Laughlin, Lawless, Lederer, Lescovitz, Levdansky, Lloyd, Lucyk, Manderino, Markosek, Marsico, Mayernik, McCall, McGeehan, McGill, Melio, Michlovic, Micozzie, Mihalich, Miller, Mundy, Nyce, O'Brien, Olasz, Perzel, Pesci, Petrarca, Petrone, Pettit, Phillips, Piccola, Pistella, Pitts, Platts, Preston, Ramos, Raymond, Readshaw, Reinard, Roberts, Robinson, Rooney, Rudy, Sainato, Santoni, Sather, Schuler, Scrimenti, Semmel, Serafini, Shaner, Staback, Steelman, Stetler, Stish, Sturia, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Travaglio, Trello, Trich, True, Van Home, Veon, Walko, Washington, Wogan, Wozniak, Wright, D. R., Wright, M. N., Yewcic, Youngblood, Zimmerman, Zug, Ryan, Speaker

NAYS-54

Table with 4 columns of names: Armstrong, Bard, Barley, Gannon, Geist, Gladeck, Masland, Merry, Nailor, Sheehan, Smith, B., Smith, S. H.

Birmelin	Hanna	Nickol	Snyder, D. W.
Boyes	Hennessey	Oliver	Stairs
Brown	Horsey	Reber	Steil
Carn	Hutchinson	Richardson	Stern
Carone	James	Rieger	Strittmatter
Clymer	Josephs	Roebuck	Tulli
Cohen, L. I.	King	Rohrer	Vance
Egolf	Leh	Rublely	Vitali
Fargo	Lynch	Saylor	Waugh
Fichter	Maitland	Schroder	Williams
Fleagle	Major		

NOT VOTING-0

EXCUSED-3

Colaizzo	Gamble	Jadlowiec
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The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Birmelin.

Mr. BIRMELIN. Very briefly, Mr. Speaker, I would like to interrogate the maker of the bill.

The SPEAKER. The lady from Montgomery will submit to interrogation. The gentleman may proceed.

Mr. BIRMELIN. Thank you, Mr. Speaker.

Mr. Speaker, on page 3, section 5, it deals with the issue of maintaining records for both public and private schools as listed in line 10. For the record and for clarification for the members' purposes, would you please explain what the definition of "private schools" is as it relates to licensed and nonlicensed religious schools in Pennsylvania?

Ms. SHEEHAN. Surely.

This language covers only those private schools governed by the State Board of Academic Private Schools.

Mr. BIRMELIN. Thank you, Mr. Speaker.

Just a brief comment.

The SPEAKER. The gentleman is in order.

Mr. BIRMELIN. I want to make sure the members realize that this bill does not apply to the private religious schools, and I concur that that is a good and wise decision.

I would encourage your voting for the bill. Thank you.

On the question recurring,

Shall the bill pass finally?

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

YEAS-197

Adolph	Egolf	Maitland	Schroder
Allen	Evans	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Fajt	Markosek	Semmel
Baker	Fargo	Marsico	Serafini
Bard	Farmer	Masland	Shaner
Barley	Feese	Mayernik	Sheehan
Battisto	Fichter	McCall	Smith, B.
Bebko-Jones	Fleagle	McGeehan	Smith, S. H.
Belardi	Flick	McGill	Snyder, D. W.
Belfanti	Gannon	Melio	Staback
Birmelin	Geist	Merry	Stairs
Bishop	George	Michlovic	Steelman
Blaum	Gigliotti	Micozzie	Steil
Boscola	Gladeck	Mihalich	Stern
Boyes	Godshall	Miller	Stetler
Brown	Gordner	Mundy	Stish
Browne	Gruitza	Nailor	Strittmatter
Burt	Gruppo	Nickol	Sturla
Butkovitz	Habay	Nyoe	Surra
Buxton	Haluska	O'Brien	Tangretti
Caltagirone	Hanna	Olasz	Taylor, E. Z.
Cappabianca	Harhart	Perzel	Taylor, J.
Carn	Hasay	Pesci	Thomas
Carone	Hennessey	Petarca	Tigue
Cawley	Herman	Petrone	Travaglio
Chadwick	Hershey	Pettit	Trello
Civera	Hess	Phillips	Trich
Clark	Hutchinson	Piccola	True
Clymer	Itkin	Pistella	Tulli
Cohen, L. I.	James	Pitts	Vance
Cohen, M.	Jarolin	Platts	Van Home
Colafella	Josephs	Preston	Veon
Conti	Kaiser	Ramos	Vitali
Cornell	Keller	Raymond	Walko
Corpora	Kenney	Readshaw	Washington
Corrigan	King	Reber	Waugh
Cowell	Kirkland	Reinard	Williams
Coy	Krebs	Rieger	Wogan
Curry	Kukovich	Roberts	Wozniak
Daley	LaGrotta	Robinson	Wright, D. R.
DeLuca	Laughlin	Roebuck	Wright, M. N.
Dempsey	Lawless	Rohrer	Yewcic
Dent	Lederer	Rooney	Youngblood
Dermody	Leh	Rublely	Zimmerman
DeWeese	Lescovitz	Rudy	Zug
DiGirolamo	Levdansky	Sainato	
Donatucci	Lloyd	Santoni	Ryan,
Druce	Lucyk	Sather	Speaker
Durham	Lynch	Saylor	

NAYS-3

Horsey	Oliver	Richardson
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NOT VOTING-0

EXCUSED-3

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

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

**VOTE CORRECTION**

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Mr. Readshaw, for the purpose of correcting the record.

Mr. READSHAW. Mr. Speaker, I would like to correct the record for yesterday on HB 39, amendment 0336. My switch apparently malfunctioned. My vote is to the affirmative, a "yes" vote.

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

**URBAN AFFAIRS COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Wogan, for the purpose of making an announcement.

Mr. WOGAN. Thank you, Mr. Speaker.

The Urban Affairs meeting that was originally scheduled for 10 o'clock this morning will take place immediately at the same location, room 40E.

The SPEAKER. The Chair thanks the gentleman.

**ANNOUNCEMENT BY MAJORITY LEADER**

The SPEAKER. The Chair recognizes the majority leader for the purpose of an announcement.

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

For the information of the members, yesterday we gave them a list of the bills being voted on on Monday, and they were, in special session, HB 1, HB 14, and HB 18; and in regular session, HB 4. I wanted to do that, Mr. Speaker, so everyone had their amendments prepared properly.

Secondly, Mr. Speaker, we have acquiesced to the minority Education chairman on HB 8. He and the majority chairman are going to get together and try to iron out the differences that they have on that particular bill with the hopes of coming back here for a unanimous vote. We will be doing that Monday.

The SPEAKER. The Chair thanks the gentleman.

**VOTE CORRECTIONS**

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

Ms. BISHOP. Thank you, Mr. Speaker.

I wish to correct the record for yesterday, January 31.

On amendment No. 0324 to HB 39, I was voted "no." I wish to vote in the affirmative.

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

The Chair recognizes the gentleman from Washington, Mr. Daley.

Mr. DALEY. Mr. Speaker, I want to correct the record.

The SPEAKER. The gentleman is in order.

Mr. DALEY. On HB 2, amendment No. 0287, my finger malfunctioned. I wish to be recorded in the affirmative.

The SPEAKER. You should have that looked at.

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

**RULES COMMITTEE MEETING**

The SPEAKER. Did the majority leader intend to call a Rules Committee meeting?

Mr. PERZEL. Yes, Mr. Speaker.

I would like to call a Rules Committee meeting at the desk in 2 minutes.

The SPEAKER. The Chair thanks the gentleman.

Does the majority leader or the minority leader have any further business in the regular session?

There will be no further votes in the regular session.

**HOUSE BILLS  
INTRODUCED AND REFERRED**

**No. 9** By Representatives MARSICO, MCGEEHAN, PICCOLA, RYAN, PERZEL, BARLEY, BUNT, FARGO, D. W. SNYDER, E. Z. TAYLOR, PHILLIPS, PITTS, ADOLPH, BIRMELIN, BROWN, BROWNE, CHADWICK, CIVERA, CLARK, CLYMER, CONTI, CORNELL, DEMPSEY, DENT, DIGIROLAMO, EGOLF, FAIRCHILD, FARMER, FEESE, FICHTER, FLEAGLE, FLICK, GEIST, GLADECK, GODSHALL, GRUPPO, HABAY, HARHART, HASAY, HERSHEY, HESS, HUTCHINSON, KENNEY, KING, LAWLESS, LEH, LYNCH, MAITLAND, MCGILL, MERRY, MILLER, NAILOR, NYCE, PETTIT, PLATTS, RAYMOND, REBER, REINARD, ROHRER, RUBLEY, SATHER, SAYLOR, SCHRODER, SCHULER, SEMMEL, SHEEHAN, S. H. SMITH, STRITTMATTER, J. TAYLOR, TRUE, WAUGH, M. N. WRIGHT, ZUG, MAJOR, BOYES, BARD, ARGALL, BAKER, STISH, L. I. COHEN, B. SMITH, STEIL, STERN, ALLEN, DRUCE, KELLER, BUTKOVITZ, LEDERER, WOZNIAK, DeLUCA, GIGLIOTTI, COY, GEORGE, TRELLO, SURRA, GAMBLE, GORDNER, TANGRETTI, COWELL, SAINATO, COLAIZZO, BLAUM, DEWEESE, BUXTON, TRAVAGLIO and MAYERNIK

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentencing procedure for murder of the first degree; and making a repeal.

Referred to Committee on JUDICIARY, February 1, 1995.

**No. 489** By Representatives SCHULER, COY, STAIRS, M. COHEN, FLICK, FLEAGLE, PLATTS, BAKER, TRELLO, BUNT, E. Z. TAYLOR, BATTISTO, CIVERA, TRUE, YOUNGBLOOD, COWELL, HANNA, MERRY and SEMMEL

An Act amending the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, classifying the State System of Higher Education as an independent agency entitled to appoint and fix the compensation of legal counsel.

Referred to Committee on EDUCATION, February 1, 1995.

**No. 490** By Representatives BAKER, FICHTER, SATHER, STABACK, NICKOL, FLEAGLE, TRUE, FARGO, LYNCH, BARLEY, TRELLO, MILLER, CLARK, KING, HERSHEY, HUTCHINSON, EGOLF, TULLI, HENNESSEY, STERN,

YEWIC, SCHULER, WAUGH, WOZNIAK, TIGUE, HERMAN and MERRY

An Act amending the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, exempting certain portions of highways in second class townships from dust control measures.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 1, 1995.

**No. 491** By Representatives BAKER, STABACK, SATHER, FICHTER, COY, M. COHEN, FARGO, MARKOSEK, PITTS, MARSICO, COLAFELLA, MAITLAND, E. Z. TAYLOR, TRELLO, CLARK, GEIST, HERSHEY, ARMSTRONG, HUTCHINSON, HESS, DeLUCA, PHILLIPS, CLYMER, EGOLF, ROHRER, CIVERA, RUBLEY, HENNESSEY, TIGUE, SURRA, LAUGHLIN, STERN, YEWIC, B. SMITH, YOUNGBLOOD, SCHULER, KAISER, PETRARCA, BARLEY, MICOZZIE, TRUE, ADOLPH and DURHAM

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

Referred to Committee on JUDICIARY, February 1, 1995.

**No. 492** By Representatives BAKER, FICHTER, M. COHEN, TRUE, CORRIGAN, CLARK, WASHINGTON, CARONE, PHILLIPS, RUBLEY, HENNESSEY, JOSEPHS, HUTCHINSON and EGOLF

An Act providing for the sale of cigarettes and for a penalty.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, February 1, 1995.

**No. 493** By Representatives BAKER, NAILOR, GORDNER, SATHER, CAWLEY, FARGO, E. Z. TAYLOR, TRELLO, SAYLOR, WASHINGTON, LEH, HERSHEY, RUBLEY, HENNESSEY, TIGUE, CURRY, LAUGHLIN, STERN and YEWIC

An Act amending the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act, providing for rights of donor.

Referred to Committee on STATE GOVERNMENT, February 1, 1995.

**No. 494** By Representatives BAKER, HERMAN, COY, FARGO, DEMPSEY, WAUGH, M. N. WRIGHT, E. Z. TAYLOR, FAIRCHILD, MILLER, WOZNIAK, SAYLOR, BUNT, STURLA, PLATTS, LEH, HUTCHINSON, ROBINSON, EGOLF, CIVERA, TIGUE, STEELMAN, LAUGHLIN, DRUCE, YEWIC, PETRONE, BELFANTI, ARMSTRONG, SERAFINI, ZUG and McCALL

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, abolishing the occupation tax and the occupational privilege tax.

Referred to Committee on FINANCE, February 1, 1995.

**No. 495** By Representatives E. Z. TAYLOR, YOUNGBLOOD, FARMER, FLICK, LYNCH, GEIST, CLARK, DEMPSEY, SEMMEL, STABACK, CLYMER, McCALL, L. I. COHEN, FARGO, HENNESSEY, NAILOR, WAUGH, ADOLPH, TRUE, RAYMOND, BELFANTI, ITKIN, CURRY, BUNT, MERRY, FLEAGLE, FICHTER, STEELMAN, FAIRCHILD, GODSHALL, MILLER, SATHER, STERN, MELIO, JOSEPHS, RUBLEY, PETTIT, LAUGHLIN, BROWN, COWELL, BAKER, MUNDY, WOZNIAK, MANDERINO, CIVERA, J. TAYLOR, BATTISTO, HORSEY, ROONEY, SCHULER, KING, DONATUCCI and PETRARCA

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further prohibiting the use of written standardized entrance aptitude tests as factors for the admission of individuals having dyslexia.

Referred to Committee on EDUCATION, February 1, 1995.

**No. 496** By Representatives REINARD, CONTI and STEIL

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, requiring the Department of Environmental Resources to give notice to municipalities of orders for abatement of nuisances.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 1, 1995.

**No. 497** By Representatives CLARK, MASLAND, DERMODY, FLICK, SATHER, VANCE, GODSHALL, PETTIT, PESCI, MARSICO, JADLOWIEC, SCHULER, BEBKO-JONES, READSHAW, HERMAN, LAWLESS, HENNESSEY, BUNT, EGOLF, BATTISTO, GEIST, NAILOR, ARMSTRONG, HERSHEY, YOUNGBLOOD, WOZNIAK, REBER, ITKIN, L. I. COHEN, STABACK, STEELMAN, E. Z. TAYLOR, MAITLAND, PLATTS, DEMPSEY, OLASZ, D. W. SNYDER, SEMMEL, COLAFELLA, RUBLEY, ADOLPH and TIGUE

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

Referred to Committee on JUDICIARY, February 1, 1995.

**No. 498** By Representatives CLARK, BUNT, PESCI, S. H. SMITH, HENNESSEY, CLYMER, HESS, FARGO, E. Z. TAYLOR, NICKOL, SEMMEL, TIGUE and KING

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for fees.

Referred to Committee on LOCAL GOVERNMENT, February 1, 1995.

**No. 499** By Representatives CLARK, WAUGH, FLICK, DERMODY, SATHER, GODSHALL, COY, PESCI, MARSICO, READSHAW, HENNESSEY, BUNT, EGOLF, LEH, GEIST, NAILOR, BAKER, STABACK, E. Z. TAYLOR, DEMPSEY, MILLER, SURRA and KING

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for resident license and fee exemption.

Referred to Committee on GAME AND FISHERIES, February 1, 1995.

**No. 500** By Representatives PETRONE, TIGUE, HERMAN, McCALL, HERSHEY, PESCI, MELIO, LAUGHLIN, COLAFELLA, D. R. WRIGHT, PISTELLA, HANNA, STABACK, YOUNGBLOOD, PHILLIPS, STEELMAN, READSHAW, PETRARCA, MERRY, HORSEY and CAPPABIANCA

An Act creating the Department of Parks and Forestry; transferring functions; and making repeals.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 1, 1995.

**No. 501** By Representatives ITKIN, MASLAND, THOMAS, BELARDI, DALEY, DeLUCA, TIGUE, READSHAW, SANTONI, MIHALICH, TRELLO, D. R. WRIGHT, COY, McCALL, FAIRCHILD, HALUSKA, STABACK, BOSCOLA, OLASZ, MELIO, TRAVAGLIO, GRUITZA, NICKOL, MUNDY, PETRONE, E. Z. TAYLOR, ROONEY, BATTISTO, PRESTON, HENNESSEY, FARGO, STERN, JOSEPHS, MICHLOVIC, CAPPABIANCA, KELLER and STEELMAN

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for penalties for failure to file certain reports.

Referred to Committee on LABOR RELATIONS, February 1, 1995.

**No. 502** By Representatives LEH, TRELLO, PETTIT, TIGUE, E. Z. TAYLOR, ROONEY, NYCE, PETRONE, ROHRER, YOUNGBLOOD, DEMPSEY, RAYMOND, MARSICO, FAIRCHILD, WAUGH, SCRIMENTI, MUNDY, CLARK, BIRMELIN, STABACK, BUNT, GEIST, HERSHEY, STEIL, NAILOR, BROWN, BOSCOLA, CIVERA, RUBLEY, EGOLF, HENNESSEY, HORSEY, ROBERTS, ZUG, STEELMAN, STERN, ARMSTRONG and HANNA

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 majority vote of school boards.

Referred to Committee on EDUCATION, February 1, 1995.

**No. 503** By Representatives LEH, FARGO, MARSICO, FAIRCHILD, MILLER, ROHRER, ARMSTRONG, ZUG, HENNESSEY, EGOLF, SAYLOR, HERSHEY and WAUGH

An Act prohibiting public agencies, contractors and subcontractors from entering into certain contracts with labor unions.

Referred to Committee on LABOR RELATIONS, February 1, 1995.

**No. 504** By Representatives LEH, BARLEY, TRELLO, FARGO, McCALL, ITKIN, PITTS, FICHTER, DEMPSEY, NICKOL, REBER, SATHER, RAYMOND, COY, E. Z. TAYLOR, WAUGH, SANTONI, MILLER, M. N. WRIGHT, RUDY, FLEAGLE, GEIST, MARSICO, HERSHEY, FAJT, NAILOR, SAYLOR, SCHRODER, CLYMER, CIVERA, ROHRER, RUBLEY, DIGIROLAMO, FEESE, ARGALL, PETRONE, BOSCOLA, ZUG, SERAFINI and SCHULER

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, providing for an appropriation for support of drug and alcohol abuse programs.

Referred to Committee on LOCAL GOVERNMENT, February 1, 1995.

**No. 505** By Representatives LEH, FARGO, ROHRER, TRELLO, BROWNE, FAIRCHILD, VANCE, ADOLPH, SATHER, M. N. WRIGHT, GEIST, HUTCHINSON, CIVERA, RUBLEY and HENNESSEY

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further defining compensation to exclude payments from cafeteria plans for personal income tax purposes.

Referred to Committee on FINANCE, February 1, 1995.

**No. 506** By Representatives REINARD, CONTI and STEIL

An Act amending the act of December 8, 1982 (P.L.848, No.235), known as the Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983, providing for the prioritizing of bridge projects.

Referred to Committee on TRANSPORTATION, February 1, 1995.

**No. 507** By Representatives DONATUCCI, GEORGE, WALKO, SCRIMENTI, MAYERNIK, L. I. COHEN, MERRY, LaGROTTA, KENNEY, RIEGER, M. N. WRIGHT, MICOZZIE, HERMAN, DALEY, COY, BELFANTI, E. Z. TAYLOR, JOSEPHS, McGEEHAN, LUCYK, ROBERTS, MANDERINO, HANNA, BISHOP, ROEBUCK, PLATTS, CIVERA, J. TAYLOR, LAUGHLIN, LEDERER, ROONEY, ALLEN, OLASZ, LAWLESS, PISTELLA and TRELLO

An Act amending the act of March 11, 1971 (P.L.104, No.3), known as the Senior Citizens Rebate and Assistance Act, increasing eligibility for property tax or rent rebates and inflation dividends.

Referred to Committee on FINANCE, February 1, 1995.

**No. 508** By Representatives DONATUCCI, COLAIZZO, McGEEHAN, BELARDI, RIEGER, LEDERER, MELIO, McCALL, ROONEY, MARSICO, LAUGHLIN, HUTCHINSON, TRELLO, COLAFELLA, PISTELLA, COWELL, CIVERA, BELFANTI, DeLUCA and O'BRIEN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting passengers from riding in an uncovered truck body.

Referred to Committee on TRANSPORTATION, February 1, 1995.

**No. 509** By Representatives HERMAN, CLARK, NICKOL, DEWEESE, WAUGH, WOZNAK, MELIO, FAIRCHILD, KREBS, CORRIGAN, M. N. WRIGHT, BROWNE, MARSICO, BELFANTI, MERRY, HANNA, JOSEPHS, CARONE, STEELMAN, SEMMEL and PLATTS

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing that certain public officers be subject to removal from office by recall.

Referred to Committee on STATE GOVERNMENT, February 1, 1995.

**No. 510** By Representatives HERMAN, JAMES, COY, SATHER, YOUNGBLOOD, FAIRCHILD, STURLA, STABACK, THOMAS, NAILOR, KENNEY, MERRY, MILLER, EGOLF, TRELLO, STERN, HESS and CIVERA

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, making an exception to certain fees relating to criminal records; and making editorial changes.

Referred to Committee on JUDICIARY, February 1, 1995.

**No. 511** By Representatives REBER, GEIST, MANDERINO, LEH, PETTIT, DeLUCA, GODSHALL, TIGUE, BROWN, GORDNER, JAROLIN, HENNESSEY, E. Z. TAYLOR, MICOZZIE, FARMER, MAYERNIK, HUTCHINSON, BUNT, RAYMOND, BELFANTI, JADLOWIEC, TRELLO, SERAFINI, YOUNGBLOOD, THOMAS, SAYLOR, MILLER, SURRA, CAWLEY, HESS, STABACK, STERN, WOZNAK, McGEEHAN, CLARK, GEORGE, SATHER, DENT, J. TAYLOR, STISH, CALTAGIRONE, LAUGHLIN, BATTISTO, RUBLEY, MELIO, M. N. WRIGHT, HERSHEY, CARN, WOGAN, STEELMAN, ROONEY, NICKOL, CIVERA, ITKIN and HALUSKA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for notice of suspension by the Department of Transportation.

Referred to Committee on TRANSPORTATION, February 1, 1995.

**No. 512** By Representatives REBER, LEH, LEVDANSKY, TRELLO, CLYMER, FICHTER, DEMPSEY, HENNESSEY, SATHER, BROWN, MCGILL, PETTIT, HERSHEY, YOUNGBLOOD, L. I. COHEN, WOGAN, SURRA, COWELL, ADOLPH, CAWLEY, RUBLEY, BUNT, PESCI, LAUGHLIN, E. Z. TAYLOR, DENT, KENNEY, COY, ARMSTRONG, CARN, STABACK, THOMAS, GIGLIOTTI, CARONE, PETRARCA, MARSICO, BROWNE, CIVERA and PLATTS

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the Public Transportation Assistance Fund.

Referred to Committee on FINANCE, February 1, 1995.

**No. 513** By Representatives REBER, TRELLO, BUNT, PESCI, MICOZZIE, HENNESSEY, YOUNGBLOOD, BELFANTI,

JOSEPHS, VAN HORNE, DALEY, STISH, CAPPABIANCA, MELIO and RUBLEY

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for remedies and for association records.

Referred to Committee on CONSUMER AFFAIRS, February 1, 1995.

**No. 514** By Representatives REBER, PESCI, BUNT, TRELLO, L. I. COHEN, LAUGHLIN, HENNESSEY, B. SMITH and SURRA

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for an exclusion from the Pennsylvania personal income tax of earnings expended to pay the State realty transfer tax.

Referred to Committee on FINANCE, February 1, 1995.

**No. 515** By Representatives REBER, PESCI, LAUGHLIN, TRELLO, FICHTER and BUNT

An Act amending the act of June 17, 1913 (P.L.507, No.335), referred to as the Intangible Personal Property Tax Law, further providing for rights of county commissioners.

Referred to Committee on FINANCE, February 1, 1995.

**No. 516** By Representatives REBER, HENNESSEY, KREBS, RAYMOND, TRELLO, SCHULER, DALEY, GIGLIOTTI, BUNT, YOUNGBLOOD, MICHLOVIC, E. Z. TAYLOR, SEMMEL, VAN HORNE, CIVERA, CAPPABIANCA, WOZNAK, PETTIT, MICOZZIE, COY, MELIO, BATTISTO, STABACK, FARGO, SAYLOR, TRAVAGLIO, OLASZ, DeLUCA and STEELMAN

An Act amending the act of January 30, 1974 (P.L.13, No.6), referred to as the Loan Interest and Protection Law, providing for notice to tax collectors and insurance carriers when an escrow account is established.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, February 1, 1995.

**No. 517** By Representatives REBER, TIGUE, HENNESSEY, PESCI, TRUE, L. I. COHEN, MARSICO, E. Z. TAYLOR, BUNT, LAUGHLIN, TRELLO and MILLER

An Act imposing a tax on manufacturing, producing, transporting or importing certain controlled substances; conferring powers and duties on the Department of Revenue; imposing penalties; and making an appropriation.

Referred to Committee on FINANCE, February 1, 1995.

**No. 518** By Representatives REBER, TIGUE, DEMPSEY, PESCI, TRELLO, SAYLOR, JAROLIN, E. Z. TAYLOR, LAUGHLIN and CARONE

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for restrictions on taxing powers, for the occupational privilege tax, for limitations on the rates of certain taxes, for the earned income tax and for suits for collection of taxes; and providing for a municipal services tax.

Referred to Committee on FINANCE, February 1, 1995.

**No. 519** By Representatives REBER, HENNESSEY, BUNT, LAUGHLIN, STERN, LEH, TRELLO, NICKOL, FLICK, E. Z. TAYLOR, PESCI, M. N. WRIGHT, DeLUCA, HASAY and ARMSTRONG

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for special tax provisions relating to certain education expenses.

Referred to Committee on FINANCE, February 1, 1995.

**No. 520** By Representatives REBER, DeLUCA, PESCI, DEMPSEY, E. Z. TAYLOR, GODSHALL, TRELLO, CARONE, MILLER, KUKOVICH, LAUGHLIN, HENNESSEY, TIGUE, HERSHEY, FARGO and SAYLOR

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, providing for a special tax exemption for improved real property and farmland.

Referred to Committee on LOCAL GOVERNMENT, February 1, 1995.

**No. 521** By Representatives REBER, DeLUCA, PESCI, DEMPSEY, E. Z. TAYLOR, GODSHALL, TRELLO, CARONE, MILLER, KUKOVICH, LAUGHLIN, HENNESSEY, TIGUE, HERSHEY, FARGO and SAYLOR

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, providing for a special tax exemption for improved real property and farmland.

Referred to Committee on LOCAL GOVERNMENT, February 1, 1995.

**No. 522** By Representatives REBER, DeLUCA, PESCI, DEMPSEY, E. Z. TAYLOR, GODSHALL, TRELLO, CARONE, MILLER, KUKOVICH, LAUGHLIN, HENNESSEY, TIGUE, HERSHEY, FARGO and SAYLOR

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, allowing special tax exemptions for all improved real property and farmland.

Referred to Committee on FINANCE, February 1, 1995.

**No. 523** By Representatives LYNCH, FARGO, MERRY, ADOLPH, HUTCHINSON, LEH, FARMER, FAIRCHILD, ROHRER, FICHTER, CIVERA, PETTIT, ZUG, ARMSTRONG, TRICH, MAITLAND, EGOLF, BAKER, HENNESSEY and BROWN

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for budget procedures.

Referred to Committee on STATE GOVERNMENT, February 1, 1995.

**No. 524** By Representatives LYNCH, FAIRCHILD, ARMSTRONG, ARGALL, HUTCHINSON, SATHER and STEIL

An Act providing deadlines and voting requirements for budgetary actions by the General Assembly; providing for negotiation sessions; and imposing certain sanctions.

Referred to Committee on APPROPRIATIONS, February 1, 1995.

**No. 525** By Representatives KUKOVICH, MIHALICH, ITKIN, VEON, M. COHEN, CIVERA, TRELLO, BLAUM, STURLA, KREBS, STABACK, JAMES, MELIO, BOSCOLA, BELARDI, CURRY, PETRONE, BATTISTO, VAN HORNE, DALEY, RICHARDSON, LAUGHLIN, TIGUE, LEDERER, SURRA, TANGRETTI, YOUNGBLOOD, COWELL, JOSEPHS and CAPPABIANCA

An Act prohibiting contracts, combinations and conspiracies in restraint of trade or commerce; prohibiting monopolies and attempts to monopolize trade or commerce; prescribing powers and duties of certain State officers and agencies; providing for remedies and fines for violations of the act; providing for the time within which certain actions must be brought; and imposing penalties.

Referred to Committee on JUDICIARY, February 1, 1995.

**No. 526** By Representatives TIGUE, CAWLEY, STABACK, JAROLIN, BATTISTO, MUNDY, GEORGE, LAUGHLIN, MELIO, TRELLO, MICHLOVIC, DALEY, BELFANTI, REBER, CARONE and NICKOL

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for billing for service to fire hydrants.

Referred to Committee on CONSUMER AFFAIRS, February 1, 1995.

**No. 527** By Representatives LAWLESS, FARGO, DEMPSEY, LYNCH, GODSHALL, TIGUE, PETTIT, WAUGH, E. Z. TAYLOR, PITTS, MUNDY, MILLER, CLARK, HERSHEY, M. N. WRIGHT, NYCE, DeLUCA, RUBLEY, LEH, MAITLAND, STERN and BROWNE

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 sabbatical leaves of absence.

Referred to Committee on EDUCATION, February 1, 1995.

**No. 528** By Representatives LAWLESS, PITTS, GODSHALL, RAYMOND, SATHER, ADOLPH, NYCE, GEIST, CAWLEY, BROWN, HUTCHINSON, ROHRER, EGOLF, CIVERA, HENNESSEY, LEH, BROWNE and ARMSTRONG

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for spending limitations on the Commonwealth.

Referred to Committee on STATE GOVERNMENT, February 1, 1995.

**No. 529** By Representatives REINARD, NAILOR, CLARK, FARGO, HERSHEY, FICHTER, CONTI, FLEAGLE, TRELLO, D. R. WRIGHT, SCHRODER, CIVERA, BAKER, DEMPSEY, BUNT, LEH, KING, MARSICO, M. N. WRIGHT, CORNELL, TULLI, E. Z. TAYLOR, LYNCH, MUNDY, MASLAND, BROWN, ARMSTRONG, BROWNE, SATHER, SEMMEL and HESS

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for concurrence of three-fifths of all members of each House for the passage of measures imposing new taxes or license fees, and further providing for Commonwealth indebtedness.

Referred to Committee on FINANCE, February 1, 1995.

**No. 530** By Representatives GAMBLE, E. Z. TAYLOR, TRELLO, CIVERA, TIGUE, KING, VAN HORNE, PETTIT, BATTISTO, COY, PRESTON, STABACK, LAUGHLIN, PESCI and YOUNGBLOOD

An Act amending the act of April 1, 1909 (P.L.91, No.53), entitled an "Act relating to deeds for conveying or releasing lands, construing words and phrases used therein, and prescribing a form of deed and acknowledgment which may be used for conveying or releasing lands," providing for required information on instruments affecting real property.

Referred to Committee on LOCAL GOVERNMENT, February 1, 1995.

**No. 531** By Representatives CAPPABIANCA, BEBKO-JONES, OLASZ, RICHARDSON, BELARDI, PETRONE, WOZNIAK, MICHLOVIC, YOUNGBLOOD and MERRY

An Act providing for the tax exemption of institutions of purely public charity, and making repeals.

Referred to Committee on FINANCE, February 1, 1995.

**No. 532** By Representatives CAPPABIANCA, TIGUE, TRELLO, PESCI, PRESTON and GEIST

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for powers and duties of the Secretary of Revenue.

Referred to Committee on FINANCE, February 1, 1995.

**No. 533** By Representatives CAPPABIANCA, PESCI, PRESTON, STABACK, TRELLO and E. Z. TAYLOR

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, providing for the disposition of dog license fees in cities of the third class.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, February 1, 1995.

**No. 534** By Representatives CAPPABIANCA, PESCI, PRESTON, GEIST and TRELLO

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for compensation of

supervisors and for meetings, duties, quorum, surcharges and compensation of township auditors.

Referred to Committee on LOCAL GOVERNMENT, February 1, 1995.

**No. 535** By Representatives CAPPABIANCA, TRELLO and PESCI

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

Referred to Committee on LOCAL GOVERNMENT, February 1, 1995.

**No. 536** By Representatives CAPPABIANCA, CLARK, PESCI, PRESTON, FLICK, TRELLO and TIGUE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for immunity for charitable medical services.

Referred to Committee on JUDICIARY, February 1, 1995.

**No. 537** By Representatives CAPPABIANCA, SCRIMENTI, BOYES, PESCI, PRESTON and TRELLO

An Act designating the interchange of I-79 and I-90 in Erie County as the Charles D. Buzzanco Interchange.

Referred to Committee on TRANSPORTATION, February 1, 1995.

**No. 538** By Representatives CAPPABIANCA, BEBKO-JONES, GEIST, WAUGH, DALEY, LEDERER, MELIO, PESCI, CALTAGIRONE, LAUGHLIN, FAIRCHILD, DEMPSEY, TRELLO, YOUNGBLOOD, STABACK, E. Z. TAYLOR, KAISER, PRESTON, WASHINGTON, PETRARCA and KING

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "emergency vehicle."

Referred to Committee on TRANSPORTATION, February 1, 1995.

**No. 539** By Representatives CAPPABIANCA, BELFANTI, LEDERER, GEIST, CLARK, MELIO, PESCI, LAUGHLIN, FAIRCHILD, BELARDI, TRELLO, PISTELLA, STABACK, E. Z. TAYLOR, LEVDANSKY, PRESTON, OLASZ, SEMMEL and MICHLOVIC

An Act providing for a jobs impact statement on all legislation and regulations; and imposing duties on the Attorney General and the Department of Commerce.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, February 1, 1995.

**No. 540** By Representatives CAPPABIANCA, MERRY, TRELLO, LAUGHLIN, WAUGH, STABACK, E. Z. TAYLOR and HORSEY,

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for promulgation of regulations by department.

Referred to Committee on TRANSPORTATION, February 1, 1995.

**No. 541** By Representatives CAPPABIANCA, SCRIMENTI, MERRY, DALEY, PESCI, CALTAGIRONE, LAUGHLIN, TRELLO, STABACK and PRESTON

An Act amending the act of December 6, 1972 (P.L.1392, No.298), known as the Third Class City Port Authority Act, further providing for powers of port authorities.

Referred to Committee on URBAN AFFAIRS, February 1, 1995.

**No. 542** By Representatives CAPPABIANCA, SCRIMENTI, DALEY, PESCI, CALTAGIRONE, LAUGHLIN, TRELLO, STABACK and PRESTON

An Act amending the act of December 6, 1972 (P.L.1392, No.298), known as the Third Class City Port Authority Act, further providing for powers of port authorities.

Referred to Committee on URBAN AFFAIRS, February 1, 1995.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 40** By Representatives BAKER, MASLAND, STABACK, BIRMELIN, FICHTER, GORDNER, CAWLEY, NAILOR, HALUSKA, FARGO, FLEAGLE, CONTI, LYNCH, SATHER, PETTIT, MARSICO, COLAFELLA, MAITLAND, CORRIGAN, E. Z. TAYLOR, FAIRCHILD, MILLER, CLARK, SAYLOR, BROWN, BUNT, GEIST, KING, HERSHEY, FAJT, ARMSTRONG, HUTCHINSON, HESS, DeLUCA, PHILLIPS, CLYMER, EGOLF, ROHRER, CIVERA, HENNESSEY, TIGUE, HASAY, ROBERTS, LAUGHLIN, DRUCE, STERN, YEWCIC, BATTISTO, SCHULER, ZIMMERMAN, ALLEN, DEMPSEY, WOZNIAK, STISH, GEORGE, TRUE, BARLEY, OLASZ and LEH

A Concurrent Resolution memorializing the Congress of the United States to propose an amendment to the Constitution of the United States which would allow children in public schools to engage in certain forms of prayer and Bible readings.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, February 1, 1995.

**No. 41** By Representatives BAKER, STABACK, FICHTER, CAWLEY, NAILOR, HERMAN, HALUSKA, BUXTON, NICKOL, FLICK, M. COHEN, TRUE, SANTONI, FARGO, CAPPABIANCA, FLEAGLE, PETTIT, STAIRS, MAITLAND, BARLEY, E. Z. TAYLOR, TRELLO, MILLER, CLARK, SAYLOR, STURLA, GEIST, SCRIMENTI, HERSHEY, REBER, HUTCHINSON, HESS, PHILLIPS, CLYMER, EGOLF, CIVERA, RUBLEY, HENNESSEY, TIGUE, SURRA, LEVDANSKY, LAUGHLIN, STERN, YEWCIC, BATTISTO, BELFANTI, COLAIZZO, WAUGH, PITTS, SCHULER, BUNT, B. SMITH, MARSICO, MERRY and LEH

A Resolution encouraging Commonwealth hunters to share their harvest with the needy; and calling upon the Department of Agriculture and the Pennsylvania Game Commission to provide information about donating big game and other lawfully taken wildlife to interested individuals and groups.

Referred to Committee on RULES, February 1, 1995.

**No. 42** By Representatives BAKER, WOGAN, STABACK, FICHTER, CAWLEY, TRUE, FARGO, FLEAGLE, LYNCH, SATHER, PETTIT, STAIRS, COLAFELLA, WAUGH, MAITLAND, CORRIGAN, E. Z. TAYLOR, MILLER, CLARK, SAYLOR, BROWN, GEIST, LEH, HERSHEY, ARMSTRONG, HUTCHINSON, HESS, DeLUCA, PHILLIPS, CIVERA, HENNESSEY, TIGUE, HASAY, ROBERTS, LAUGHLIN, DRUCE, STERN, YEWCIC, O'BRIEN, PETRONE, SCHULER, S. H. SMITH, OLASZ, KING and MERRY

A Resolution urging that prayer be returned to the public school systems of this nation.

Referred to Committee on RULES, February 1, 1995.

**No. 44** By Representatives DONATUCCI, GODSHALL, COLAIZZO, SANTONI, BROWN, STERN, McGEEHAN, BELARDI, CORRIGAN, L. I. COHEN, RIEGER, YOUNGBLOOD, MELIO, MANDERINO, BAKER, WOGAN, McCALL, ROBERTS, DRUCE, ROONEY, FAJT, SERAFINI, HENNESSEY, FLICK, TRAVAGLIO, O'BRIEN, HORSEY, DeLUCA, ITKIN, STABACK, PETRARCA, LAUGHLIN, JOSEPHS, HUTCHINSON, TIGUE, ADOLPH, LaGROTTA, PISTELLA, RAYMOND, COWELL and CIVERA

A Resolution proclaiming February 1995 as "Catholic Schools Appreciation Month" in Pennsylvania.

Referred to Committee on RULES, February 1, 1995.

The SPEAKER. The Chair advises that the gentleman, Mr. Strittmatter of Lancaster County, has been asked to temporarily preside.

### THE SPEAKER PRO TEMPORE (JERE L. STRITTMATTER) PRESIDING

#### RESOLUTION REPORTED FROM COMMITTEE

**HR 37, PN 572** (Amended)

By Rep. PERZEL

A Resolution providing for an investigation of the impact of recent changes in law, regulation and policy at the Federal and State level relating to education standards and goals and to student social, emotional and behavioral development upon the system of public education at the local level.

RULES.

**RECESS**

The SPEAKER pro tempore. The House will be at ease until 2:45 awaiting reports of committee.

**AFTER RECESS**

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

**BILL REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND Tabled**

**HB 276, PN 573** (Amended) By Rep. WOGAN

An Act amending the act of April 21, 1949 (P.L.665, No.155), known as the First Class City Home Rule Act, further providing for limitations on the powers of cities of the first class.

URBAN AFFAIRS.

**BILL REMOVED FROM TABLE**

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

Mr. PERZEL. Mr. Speaker, I move that HB 276 be removed from the table.

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

**BILL PASSED OVER**

The SPEAKER pro tempore. Without objection, the remaining bill on today's calendar will be passed over. The Chair hears no objection.

**ADJOURNMENT**

The SPEAKER pro tempore. The Chair recognizes Representative Joseph Petrarca from Westmoreland County.

Mr. PETRARCA. Mr. Speaker, I move that this House do now adjourn until Monday, February 6, 1995, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 2:56 p.m., e.s.t., the House adjourned.