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

THE SPEAKER (MATTHEW J. RYAN) 

PRESIDING

PRAYER

REV. JAMES E. THYREN, pastor of First United Presbyterian Church, West Pittston, Pennsylvania, guest Chaplain and guest of the lady from Luzerne, Ms. Mundy, offered the following prayer:

Let us pray:

Great and Gracious God, in this space, men and women gather who have been endowed by You with gifts and graces to lead and to legislate. Surrounding them are aides to assist in the task and, sounding in their ears, advocates for every possible position. What a humbling thing it is to shoulder together responsibility — not just for self and family, not merely for district and party, but for the well-being of every citizen of the Commonwealth of Pennsylvania.

So as this House meets to do its work today, grant Your servants wisdom as they listen and as they speak. While sorting through intricate issues and weighing compelling arguments, may each one be alert to make the wisest choice. In dealing with each other and in watching out for the good of this Commonwealth’s people, may they exercise courage and compassion and cooperation. May all they do in public or in private be done in ways which encourage gifted neighbors to seek public office and all Pennsylvanians to work for common good.

With thanks for the privilege of service and for those who have accepted such responsibility, we ask Your blessing on the work of this House, now and always. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, November 18, 1996, will be postponed until printed. The Chair hears no objection.

For the information of the members in their offices, both caucuses are continuing in their respective caucus rooms. The members are not expected to report to the floor until 1 p.m., at which time they should report having had their lunch and being ready to spend the balance of the day in session.

Members should report to the caucus room at this time.

WYOMING VALLEY WEST SCHOOL DISTRICT STUDENTS PRESENTED

The SPEAKER. The Chair recognizes the lady from Luzerne, Ms. Mundy, for the purpose of giving a citation.

Ms. MUNDY. Ladies and gentlemen, today Representative Stanley Jarolin and I honor the academic achievements of nine Wyoming Valley West School District students and the dedication and commitment of their teachers and parents.

The National History Day contest held at the University of Maryland is an intense 4 days when 2,000 of the country’s best and brightest history students present their year-long projects to a panel of judges. Wyoming Valley West School District has placed at least one student or group of students in the top 10 for 13 years running.

We are so proud to introduce these students who won in State-level competition to take their 1996 History Day project to nationals. With us at the podium are outstanding students Alison Hischak, who placed fourth in individual competition at nationals, and Kim Tranell and Michelle Zachar, part of the junior division winning team that captured sixth place at nationals. Their winning teammates — Beth Morgan, Beth Rundle, and Lauren Thomas — are also with us here today.

Our other special guests from Wyoming Valley West are State-level winners Erica Michelstein, Kylea Liese, and Bethany Harry. I would like to offer warm congratulations also to Ms. Mary Jean Tarantini, Wyoming Valley West social studies teacher, and her colleague, Gretchen Watters.

We have asked Alison Hischak to accept this citation on behalf of the school district. We proudly present the citation in recognition of Wyoming Valley West’s remarkable achievement and ask that the students and teachers on the side of the House floor please stand so that we and our colleagues may recognize you and applaud your hard work and outstanding academic accomplishments.
HOUSE BILLS
INTRODUCED AND REFERRED

No. 3003 By Representatives REBER and BUNT

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, requiring a public utility corporation to notify the municipality in which certain construction projects are contemplated under the exemptions provisions of this act prior to petition being filed with the Pennsylvania Public Utility Commission.

Referred to Committee on CONSUMER AFFAIRS, November 19, 1996.

No. 3004 By Representatives RAMOS, ROBERTS, ROBINSON, BELARDI, FEESE, KUKOVICH, LAUGHLIN, MICOZZIE, TRAVAGLIO, DONATUCCI, ROEBUCK, OLASZ, MELIO, JOSEPHS, YOUNGBLOOD, CARN, THOMAS, CURRY, TANGRETTI and STURLA

An Act amending the act of March 28, 1984 (P.L.150, No.28), known as the Automobile Lemon Law, relating to the rights of purchasers of defective used motor vehicles; establishing the Used Motor Vehicle Lemon Law Enforcement Fund; and imposing a fee.

Referred to Committee on CONSUMER AFFAIRS, November 19, 1996.

No. 3005 By Representatives MARSICO, GEIST, KENNEY, HENNESSEY, TRELLO, ROHRER and MERRY


Referred to Committee on LOCAL GOVERNMENT, November 19, 1996.

No. 3006 By Representatives MASLAND, M. N. WRIGHT, GEORGE, LAUGHLIN, BELARDI, LUCYK, PETTIT, ROBERTS, SAYLOR, PLATTS, GODSHALL, B. SMITH, ROBINSON, CLARK, SCHRODER, EGOLF, SCRIMENTI, S. H. SMITH, LYNCH, BAKER, TIGUE, STABACK, ITKIN, MICOZZIE, TRELLO, SCHULER, L. I. COHEN, MERRY, MELIO, SATHER, McGEEHAN, MILLER, HALUSKA, STURLA, JOSEPHS, YOUNGBLOOD, PESCI, STERN and STEELMAN

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 payments for pupil transportation.

Referred to Committee on EDUCATION, November 19, 1996.

No. 3007 By Representatives BISHOP, JAMES, BELARDI, MELIO, TRAVAGLIO, THOMAS, YOUNGBLOOD, LAUGHLIN, CARN, COLAFELLA, ROEBUCK, HORSEY, OLIVER, MYERS, KENNEY and STEELMAN

An Act providing for the exclusion from taxable personal income a portion of severance compensation for permanently displaced employees.

Referred to Committee on FINANCE, November 19, 1996.

No. 3008 By Representatives BROWNE, DENT, L. I. COHEN, SAYLOR, TRUE, ROBERTS, NAILOR, BELARDI, GEORGE, MERRY, LEDERER, SCHULER, HERMAN, FARMER, PETTIT, BAKER, PETRARCA, FAIRCHILD, STISH, RUBLEY, MUNDY, E. Z. TAYLOR, BEBKO-JONES, SHANER, STABACK, HENNESSEY, FICHTER, JAROLIN, PHILLIPS, M. COHEN, SHEEHAN, BARD, GEIST, TIGUE, GRUPPO, HARHART, ROBINSON, MAJOR, DeLUCA, ADOLPH, PLATTS, STERN, RUDY, YOUNGBLOOD, TRELLO, KAISER, CURRY, CORPORA, MILLER, LUCYK, ITKIN, BELFANTI, STEELMAN and BOSCOLA

An Act requiring all health insurance carriers that provide for coverage for mastectomies also include coverage for prosthetic devices and reconstructive surgery.

Referred to Committee on INSURANCE, November 19, 1996.

No. 3009 By Representatives MARSICO, GODSHALL, BELARDI, SAYLOR, PETTIT, GEIST, TRELLO, STISH, TRUE, CLARK, BATTISTO, E. Z. TAYLOR, FLICK, MILLER and PISTELLA

An Act amending the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the Eminent Domain Code, further providing for delay in payment.

Referred to Committee on LOCAL GOVERNMENT, November 19, 1996.

No. 3011 By Representatives J. TAYLOR, M. COHEN, WOGAN, O'BRIEN, BROWNE, KENNEY, FICHTER, HENNESSEY, OLIVER, LEDERER, KELLER, DONATUCCI, RAMOS, SANTONI, ROBINSON, CAPPIABIANCA, CURRY, HALUSKA, STEELMAN, TRICH, BOSCOLA, CORPORA, MELIO and BEBKO-JONES

A Supplement to the act of June 29, 1996 (P.L.1A), entitled "An act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1996, to June 30, 1997, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1996; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, the State Stores Fund, the Tuition Payment Fund and the Banking Department Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department; to provide appropriations from the Motor License Fund for the fiscal year July 1, 1996, to June 30, 1997, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police
authorized to spend Motor License Fund moneys; to provide for the appro\plication of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 1996, to June 30, 1997, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996; to provide for the additional appropriation of State and Federal funds for the Executive and Judicial Departments of the Commonwealth for the fiscal year July 1, 1995, to June 30, 1996, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1996," making an appropriation to the Pennsylvania Housing Finance Agency for Homeowner’s Emergency Mortgage Assistance.

Referred to Committee on APPROPRIATIONS, November 19, 1996.

**HOUSE RESOLUTION INTRODUCED AND REFERRED**

No. 478  By Representatives MICOZZIE, COLAFELLA, CIVERA, COLAIZZO, O’BRIEN, J. TAYLOR, CARN, ROEBUCK and JAMES

A Resolution directing the Insurance Committee to form a task force to develop solutions to eliminate uninsured motor vehicles from operating on Pennsylvania highways.

Referred to Committee on RULES, November 19, 1996.

**SENATE BILL FOR CONCURRENCE**

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

SB 1462, PN 2406

Referred to Committee on APPROPRIATIONS, November 19, 1996.

**SENATE MESSAGE**

**ADJOURNMENT RESOLUTION FOR CONCURRENCE**

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

In the Senate,
November 18, 1996

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, November 25, 1996, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, November 25, 1996, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question, Will the House concur in the resolution of the Senate? Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

**GUESTS INTRODUCED**

The SPEAKER. The Chair is pleased to welcome to the hall of the House three constituents of Representative Armstrong – Bill Eby, Michael Hotchkiss, and Patricia Miller. I believe these three individuals are with us at this time and seated in the gallery. If so, would they please stand up to be recognized. Well, perhaps we missed them. Thank you.

**RECESS**

The SPEAKER. Does the majority leader or minority leader have any further business at this time? Hearing none, this House stands in recess until 1 p.m., unless sooner recalled by the Chair.

**AFTER RECESS**

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

**BILLS REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that SB 686 and SB 689 be removed from the table.

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

**BILLS RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that SB 686 and SB 689 be recommitted to the Committee on Appropriations.

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

**CALENDAR**

**BILLS ON THIRD CONSIDERATION**

**BILL PASSED OVER**

The SPEAKER. The Chair turns to page 1 of today’s calendar. HB 2893 is over for today, without objection. The Chair hears none.
**BILLS PASSED OVER TEMPORARILY**

The SPEAKER. The other two bills on page 1 are over temporarily.

Page 2. SB 1316 and SB 1317 are over temporarily.

**BILLS PASSED OVER**

The SPEAKER. SB 2 and SB 1234 are over. The Chair hears no objections.

Page 3. All the bills on page 3 are over. The Chair hears no objection.

**BILLS PASSED OVER TEMPORARILY**

The SPEAKER. Page 4. SB 1322 and SB 1469 are over temporarily.

**BILLS PASSED OVER**

The SPEAKER. SB 1681 and HB 1391 are over for the day. The Chair hears no objections.

Page 5. HB 2703 is over for the day, as is SB 388.

**BILLS PASSED OVER TEMPORARILY**

The SPEAKER. The other bills on page 5 are over temporarily. The Chair hears no objection.

**BILLS PASSED OVER**

The SPEAKER. Page 6. HB 2899, HB 508, and SB 809 are over. The Chair hears no objection.

**BILL PASSED OVER TEMPORARILY**

The SPEAKER. SB 1165 is over temporarily.

**RESOLUTIONS PURSUANT TO RULE 35**

RESOLUTIONS PASSED OVER TEMPORARILY

The SPEAKER. HR 475 is over temporarily.

Page 7. HR 476 is over temporarily.

**RESOLUTION**

RESOLUTION PASSED OVER

The SPEAKER. SR 72, a concurrent resolution, is over.

**BILL ON CONCURRENCE IN SENATE AMENDMENTS**

BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 1468 is over temporarily.

**DISCHARGE RESOLUTIONS**

RESOLUTIONS PASSED OVER

The SPEAKER. The balance of the resolutions on pages 7 and 8 are over. The Chair hears no objection.

**LEAVES OF ABSENCE**

The SPEAKER. The Chair recognizes the gentleman, Mr. Barley, for the purpose of taking leaves of absence. Does the gentleman have any requests for leaves? The gentleman has no request for leave. The gentleman, Mr. PITTS, is on leave for the week.

The Chair recognizes the gentleman, Mr. Itkin, who requests leave for the lady from Philadelphia, Ms. WASHINGTON; the gentleman from Philadelphia, Mr. WILLIAMS; the gentleman from Bucks, Mr. CORRIGAN; and the gentleman from Allegheny, Mr. COWELL. The Chair hears no objection, and the leaves are granted to the members.

**FILMING PERMISSION**

The SPEAKER. The members are advised that permission has been granted to the Pottsville Republican newspaper to take still photographs of Representative David Argall. You have the permission to take photographs on the floor.

**GUESTS INTRODUCED**

The SPEAKER. The Chair is pleased to welcome to the hall of the House today a guest page, the guest of Representative Lita Cohen, Emily Berkowitz. Would Ms. Berkowitz please rise. Representative Sheila Miller has three guest pages—Ashley Shollenberger, Justin Shollenberger, and Heather Hoffman. They are here today, seated immediately in front of the Speaker, as guest pages. And in the gallery as friends and family of these guest pages are Penny Shollenberger, Amber Shollenberger, Barbara Hoffman, Jenny Hoffman, Kate Bowers, Penny Osmund, and Shawna Fromm. Would the guests please rise.

The Chair is pleased to welcome to the hall of the House today, as guest pages of Representative Allan Egolf. Julia Bergen and Kelly Zimmerman. Both are from Susquenita High School. Would these pages please rise.
BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

**SB 484, PN 2316** By Rep. CLYMER

An Act authorizing and directing the Department of Transportation, with the approval of the Governor, to convey to Cognetti Enterprises, Inc., a tract of land situated in the City of Scranton, Lackawanna County, Pennsylvania.

**STATE GOVERNMENT.**

**SB 1285, PN 1533** By Rep. CLYMER

An Act selecting and designating the square dance as the official American folk dance of this Commonwealth.

**STATE GOVERNMENT.**

**SB 1320, PN 2383** By Rep. MERRY

An Act amending the act of January 19, 1968 (1967 P. L. 992, No. 442), entitled “An act authorizing the Commonwealth of Pennsylvania and the counties thereof to preserve, acquire or hold land for open space uses,” expanding its scope to include all local government units throughout this Commonwealth; adding definitions for “local government unit,” “planning commission” and “transferable development rights”; providing for local option and for transferable development rights; and further providing for planning requirements, for limitations on exercise of powers, for acquisitions of real property interests, and for utility rights-of-way and underground gas storage areas.

**LOCAL GOVERNMENT.**

**SB 1333, PN 2151** By Rep. CLYMER


**STATE GOVERNMENT.**

**SB 1476, PN 2425 (Amended)** By Rep. CLYMER

An Act establishing a legislative bipartisan commission for women and the Women’s Commission Fund; and making an appropriation.

**STATE GOVERNMENT.**

**MASTER ROLL CALL**

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

The following roll call was recorded:

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**ADDITIONS—0**

**NOT VOTING—0**

**EXCUSED—5**

| Corrigan | Pitts |
| Cowell   | Washington |
|          | Williams |

**LEAVES CANCELED—1**

| Cowell |

**RESOLUTION PURSUANT TO RULE 35**

The SPEAKER. The Chair turns to page 7 of today’s calendar, resolutions pursuant to rule 35.

The Chair requests the gentleman, Mr. Merry, to preside for the purpose of handling this particular resolution.
THE SPEAKER PRO TEMPORE
(JAMES R. MERRY) PRESIDING

Mrs. BROWN called up HR 476, PN 4229, entitled:

A Resolution designating the week of December 8 through 14, 1996, as “Snowmobile Safety Awareness Week” in Pennsylvania.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Adolph
Allen
Argall
Armstrong
Baker
Bard
Barley
Battisto
Belardi
Battisto
Belfanti
Baldwin
Baker
Belfanti
Baldwin

BEATRICE CURRY, COY CORPORA, CORNELL, CONTI, COLAIVO, COLAFELLA, COLAIzzo, Conti, Cornel, Corpora, Corry, Coy, Coy, Curry, Daley, Deluca, Dempsey, Dent, Dernody, DeWeese, DiGirolamo, Donatucci, Druce, Durham, Egolf, Evans

NAYS—0

NOT VOTING—1

Belfanti

EXCUSED—5

Corrigan
Cowell
Pitts
Washington
Williams

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

FAREWELL ADDRESS
BY MR. MERRY

The SPEAKER pro tempore. Fellow Representatives, I guess it is time for me to make remarks. I told Roger as I walked up to the front, this is like walking the last mile, because apparently this is my go at running legislation and I will very quickly be out of here, because we sine die on November 30, and that is the time that I am retiring.

So I have enjoyed my time here in the House. I have enjoyed my relationship with all the members. I will miss this job. I have had it 16 years, and it has become part of my life, and what I will do to substitute for it, I have no idea.

But I do want to leave with you the message that I have appreciated working with you all in furthering the affairs of State. I feel that I have done some good in 16 years — with everybody's help. I have only joined in legislation with other members to do this help.

But I say at this time farewell, and please keep in touch with me. My office back home will be open to all of you, and I welcome your visits. Thank you very much.

THE SPEAKER (MATTHEW J. RYAN)
PRESIDING

STATEMENT BY MR. PISTELLA

Mr. PISTELLA. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Pistella.

Mr. PISTELLA. Mr. Speaker, I rise to seek unanimous consent of the members to make a brief statement on behalf of the membership of the Local Government Committee, particularly the members of the Democratic Caucus, about Chairman Merry, if I may.

The SPEAKER. The gentleman is in order.

Mr. PISTELLA. Thank you, Mr. Speaker.

To Chairman Merry—

The SPEAKER. The gentleman will yield for a moment until we get his attention.

Mr. PISTELLA. Thank you.

The SPEAKER. He never paid attention to you earlier; I want him to pay attention now.

Mr. PISTELLA. He did not pay much attention to me in committee either, Mr. Speaker.

Mr. Speaker, I just wanted to rise on behalf of the members of the Democratic Caucus that serve on the Local Government Committee to express to the membership of the House and to the men and women of Pennsylvania that have been active and involved in local government across the Commonwealth, I want to
say on behalf of the members that it was indeed a pleasure and an honor to serve on the committee with Jim Merry.

As I have said before, we oftentimes live in a very rough-and-tumble political world here in Harrisburg, but when it came time to address the issues of local government, Jim Merry made it a point to sit down at the table without bringing any partisan politics to any issue that we discussed. He made my job serving as the Democratic chairman of the Local Government Committee a distinct pleasure. He and his staff were very cooperative, attentive, and very kind to each and every one of the members that I served with.

So on behalf of all the members, the subcommittee chairmen, the rank-and-file members that served on the Local Government Committee, Jim, you made it indeed a pleasure and an honor to serve on the Local Government Committee, and you made it a pleasure to serve in the House of Representatives. Thank you.

STATEMENT BY MR. CALTAGIRONE

Mr. CALTAGIRONE. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Caltagirone.

Mr. CALTAGIRONE. I would like to make, with unanimous consent, a statement about the gentleman.

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

Mr. CALTAGIRONE. Representative Merry has a distinction that very few members of this House, past or present, ever had and maybe for many generations to come never will. As a fellow Masonic brother — and there have been many in this State, from Ben Franklin on down through the ages — a member who is a fraternal brother, which is a 33rd-degree Mason, is not something that everybody earns in a lifetime, and I think it is a testament to the Representative’s loyalty, friendship, fraternity, that he is in fact one of the few 33rd-degree Masons that we have in this Commonwealth, and I wanted to share that with the members and put that on the record. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 2702, PN 3861, entitled:

An Act amending the act of December 7, 1982 (P.L. 784, No. 225), known as the Dog Law, further providing for preliminary material, for licenses, tags and kennels, for dogs at large, for duties of officers, for offenses, for dangerous dogs, for injuries to dogs, for damages by dogs, for statements and proofs, for enforcement and penalties, for funds, for liability of the Commonwealth, for applicability, for abandonment and for repeals.

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

Mr. KREBS offered the following amendment No. A7419:

Amend Sec. 1 (Title), page 2, line 6, by inserting after “theft:” providing for the abandonment of animals;

Amend Sec. 1 (Sec. 102), page 9, line 11, by striking out “providing minimal protection work.”

Amend Sec. 5 (Sec. 207), page 25, line 3, by inserting after “inspected” and approved

Amend Sec. 5 (Sec. 207), page 25, line 15, by inserting after “keep” for two years,

Amend Sec. 5 (Sec. 207), page 25, line 16, by inserting brackets before and after “for two years”

Amend Sec. 7 (Sec. 302), page 37, line 15, by inserting after “tattoo]” or permanent identification

Amend Sec. 7 (Sec. 302), page 37, line 16, by inserting after “fed” at any licensed kennel approved by the secretary for such purposes

Amend Sec. 7 (Sec. 302), page 38, line 7, by inserting after “warden” employee of the department

Amend Sec. 11 (Sec. 502-A), page 44, line 27, by inserting after “enclosure” or, when off the property of the owner or keeper for purposes of veterinary care, muzzled and on a leash

Amend Sec. 11 (Sec. 505-A), page 46, lines 21 and 22, by striking out “. police officer or licensed veterinarian” and inserting or police officer

Amend Sec. 12 (Sec. 601), page 48, line 3, by striking out “dog” and inserting animal

Amend Sec. 12 (Sec. 601), page 48, line 15, by striking out “dog” and inserting animal or place it for adoption

Amend Sec. 12 (Sec. 601), page 48, line 16, by striking out “dog” and inserting animal

Amend Sec. 12 (Sec. 601), page 48, line 18, by striking out “dog” and inserting animal

Amend Sec. 12 (Sec. 601), page 48, line 21, by striking out “dog” and inserting animal

Amend Sec. 12 (Sec. 601), page 48, line 27, by striking out “dog” and inserting animal

Amend Sec. 15 (Sec. 701), page 54, line 17, by inserting after “A” written

Amend Sec. 16 (Sec. 701.1), page 57, line 13, by inserting after “A” written

Amend Sec. 19 (Sec. 706), page 63, line 17, by inserting after “A” written

Amend Sec. 21 (Sec. 901), page 70, line 19, by inserting after “national” purebred

Amend Sec. 27, page 78, line 30, by striking out “in 60 days” and inserting immediately

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

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

Mr. KREBS. This basically changes the bill to allow veterinarians to dispose of any animal, not only dogs, and there are also a few technical changes, and I ask for support for this amendment.

On the question recurring,
Will the House agree to the amendment?
The following roll call was recorded:

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<th>YEAS-197</th>
<th>Sather</th>
<th>Lucyk</th>
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NAYS-0

NOT VOTING-1

Evans

EXCUSED-5

Corrigan

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

On the question,

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

Mr. KREBS offered the following amendment No. A7314:

Amend Sec. 1 (Sec. 102), page 1, by inserting between lines 18 and 19 "Cat..." The genus and species known as felis catus.

Amend Sec. 2 (Sec. 200), page 10, lines 13 through 15, by striking out "The agents shall be required to post" in line 13, all of lines 14 and 15 and inserting Agents who have been appointed by their respective county treasurers under this paragraph shall meet bonding requirements as their respective county treasurers may require.

Amend Sec. 2 (Sec. 200), page 10, line 24, by striking out "The agents" and inserting Agents appointed by the secretary under this paragraph.

Amend Sec. 2 (Sec. 200), page 10, line 30, by striking out "act" and inserting section.

Amend Sec. 2 (Sec. 200), page 11, line 3, by inserting a period after "require".

Amend Sec. 2 (Sec. 200), page 11, lines 3 through 6, by striking out ", until regulations are promulgated by the department" in line 3 and all of lines 4 through 6.

Amend Sec. 5 (Sec. 205), page 19, line 30, by inserting brackets before and after "50¢" and inserting immediately thereafter $1.

Amend Sec. 9 (Sec. 501), page 40, line 22, by inserting after "dogs" cats.

Amend Sec. 9 (Sec. 501), page 41, line 9, by inserting after "dogs" cats.

Amend Sec. 14 (Sec. 603), page 50, lines 24 through 27, by striking out "It shall be unlawful for a person to" in line 24, all of lines 25 and 26 and "prohibited," in line 27.

Amend Sec. 14 (Sec. 603), page 51, line 2, by inserting after "sell" auction.

Amend Sec. 14 (Sec. 603), page 51, line 10, by inserting after "raffle" auction.

Amend Sec. 14 (Sec. 603), page 51, line 13, by inserting a period after "association." 

Amend Sec. 14 (Sec. 603), page 51, lines 13 through 16, by striking out "or in a game conducted in connection with an" in line 13, all of lines 14 and 15 and "5511.1(l)(b)." in line 16.

Amend Sec. 14 (Sec. 603), page 51, line 16, by inserting after "raffle" auction.

On the question,

Will the House agree to the amendment?
Mr. COHEN. Thank you.

On page 1 of your amendment, Mr. Speaker, line 3, you insert a definition, "'Cat.' The genus and species known as felis catus." Would you explain to us the significance of this line in the bill?

Mr. KREBS. It is used later on where you can kill a dog if it is attacking a cat. Basically, in our definitions we had defined what a dog was and we had defined what a domestic animal was and we had allowed the cat to be out. But it is used later in the law, which allows you to kill a dog if it is attacking a cat.

Mr. COHEN. Mr. Speaker, I had trouble hearing the gentleman.

What is the significance of this legislation for the relationship of dogs and cats? Is a dog owner whose dog chases the cat liable to prosecution under this?

Mr. KREBS. No, but if a dog is doing harm to a cat or to some other domestic animal, they can be killed.

Mr. COHEN. And how much harm would a dog have to do to a cat to—

Mr. KREBS. It would have to be in the act of attacking or killing the cat.

Mr. COHEN. So it would have to be severe harm?

Mr. KREBS. Yes.

Mr. COHEN. Okay. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

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amendment does is to require the department to report to us on how much money they spend inspecting dog kennels and how much money in license fees is paid by dog kennels. That will give us a much better idea of whether kennel inspection is getting more or less attention than its contribution warrants.

I would ask for an affirmative vote.

The SPEAKER. The gentleman, Mr. Krebs.

Mr. KREBS. This is an agreed-to amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

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Bebko-Jones   Flick    Masland    Sheehan
Belardi    Gambale    Mayernik    Smith, B.
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Birmelin    Geist    McGehee    Snyder, D. W.
Bishop    George    McGill    Staback
Braun    Gigliotti    Mello    Stairs
Boscola    Gladeck    Merry    Steelman
Boyce    Godshall    Michlovic    Steil
Brown    Gordner    Miozorine    Stern
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Corpora    Kaiser    Ramos    Walko
Coy    Keller    Raymond    Waugh
Curry    Kenney    Readshaw    Wogan
Daley    King    Reber    Wozniak
Deluca    Kirkland    Reinard    Wright, D. R.
Dempsey    Krebs    Rieger    Wright, M. N.
Dent    Kukovich    Roberts    Yevcek
Demody    LaGrotta    Robinson    Youngblood
DeWeese    Laughlin    Robber    Zimmerman
DiGirolamo    Lawless    Rooney    Zug
Donatucci    Lederer    Rubley   
Drude    Leh    Rudy    Ryan,
Durham    Lescozitv    Sainato    Speaker
Egolf    Levdansky    Santoni

NAYS–0

NOT VOTING–1
Roebuck

EXCUSED–5
Corrigan    Pitts    Washington    Williams
Cowell

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

On the question recurring,

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

Mr. LLOYD offered the following amendment No. A6016:

Amend Sec. 12 (Sec. 601), page 47, line 9, by inserting brackets before and after “Poison” and inserting immediately thereafter

Placement of poison

Amend Sec. 12 (Sec. 601), page 47, line 9, by striking out the bracket before “It”

Amend Sec. 12 (601), page 47, line 12, by striking out the bracket after “dogs,” and inserting

Anyone convicted of violating this subsection commits a summary offense.

(b.1) Intentional poisoning of dogs illegal.–

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would retain the current law with regard to its being a summary offense for someone to place poison where it can be easily found and eaten by dogs. This was worked out with the Farm Bureau and with Representative Miller after the Agriculture Committee had dealt with HB 2702.

I ask for an affirmative vote.

The SPEAKER. The gentleman, Mr. Krebs.

Mr. KREBS. I agree to this amendment and I support it.

The SPEAKER. On the question, the lady, Mrs. Miller, desires recognition. The lady is recognized.

Mrs. MILLER. Mr. Speaker, for clarification, I would like to interrogate the maker of the amendment.

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

Mrs. MILLER. Mr. Speaker, with amendment A6016, we add an additional subsection (b.1), where if someone violates this subsection, that in fact this would be a misdemeanor, and I would just like the maker of the amendment’s explanation on how this fact is going to work where we add the original language of a summary offense and have the continued amendment, amendatory language, of section (b.1).

Mr. LLOYD. Mr. Speaker, the current law is that someone who leaves poison or a hazardous substance where it may be easily found and eaten by a dog is liable to prosecution for a summary offense. The first part of the amendment retains that.
The second language, which starts on line 11, breaks into a separate section the amendment which the lady offered in committee, which says that it is a misdemeanor for someone to intentionally do that kind of activity.

Mrs. MILLER. Thank you, Mr. Speaker.

On the question recurring,
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**NOT VOTING–1**

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

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**YEAS—198**

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**NAYS—0**

**NOT VOTING—0**

**EXCUSED—5**

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

The SPEAKER. The Chair asks the gentleman, Mr. David Wright, to preside.

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**THE SPEAKER PRO TEMPORE (DAVID R. WRIGHT) PRESIDING**

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

Mr. LLOYD offered the following amendment No. A7196:

Amend Title, page 1, line 16, by inserting after “officers,” for duties of the department.

Amend Sec. 7, page 34, line 21, by striking out “Sections 218, 301, 302 and 303 of the act are” and inserting Section 218 of the act is

Amend Bill, page 35, by inserting between lines 18 and 19 Section 8. The act is amended by adding a section to read:

Section 219. Additional duties of the department.

(a) Enforcement of licensure requirement: development of plan.—By no later than June 30, 1997, the department shall develop and begin to implement a written plan to increase the number of dog licenses issued in this Commonwealth. Such plan shall be developed in consultation with the several counties and municipalities which enforce the provisions of this act and in consultation with the Dog Law Advisory Board and shall at least include methodology for increasing the number of dog licenses issued and assuring the annual renewal of such licenses. The methodology may include the periodic use of public service advertisements, newspaper advertisements, school and special events-based educational programs conducted in conjunction with county and organizations concerned with the humane care and treatment of dogs, and literature designed to increase awareness of this act which may be provided to purchasers of dogs at the point-of-sale.

(b) Analysis of plan; report.—By no later than June 30, 1998, the department shall submit to the chairperson and minority chairperson of the Agriculture and Rural Affairs Committee of the Senate and the chairperson and minority chairperson of the Agriculture and Rural Affairs Committee of the House of Representatives a report analyzing the activities adopted by the department to implement the plan and the results of such activities.

Section 9. Sections 301, 302 and 303 of the act are amended to read:

Amend Sec. 8, page 39, line 4, by striking out “8” and inserting 10

Amend Sec. 9, page 40, line 14, by striking out “9” and inserting 11

Amend Sec. 10, page 41, line 12, by striking out “10” and inserting 12

Amend Sec. 11, page 42, line 9, by striking out “11” and inserting 13

Amend Sec. 12, page 46, line 30, by striking out “12” and inserting 14

Amend Sec. 13, page 49, line 2, by striking out “13” and inserting 15

Amend Sec. 14, page 50, line 22, by striking out “14” and inserting 16

Amend Sec. 15, page 51, line 21, by striking out “15” and inserting 17

Amend Sec. 16, page 56, line 16, by striking out “16” and inserting 18

Amend Sec. 17, page 59, line 12, by striking out “17” and inserting 19

Amend Sec. 18, page 60, line 10, by striking out “18” and inserting 20

Amend Sec. 19, page 61, line 18, by striking out “19” and inserting 21
Amend Sec. 20, page 65, line 15, by striking out “20” and inserting “22”.

Amend Sec. 21, page 65, line 26, by striking out “21” and inserting “23”.

Amend Sec. 22, page 71, line 20, by striking out “22” and inserting “24”.

Amend Sec. 23, page 71, line 30, by striking out “23” and inserting “25”.

Amend Sec. 24, page 73, line 2, by striking out “24” and inserting “26”.

Amend Sec. 25, page 74, line 2, by striking out “25” and inserting “27”.

Amend Sec. 26, page 76, line 26, by striking out “26” and inserting “28”.

Amend Sec. 27, page 78, line 30, by striking out “27” and inserting “29”.

On the question, the House agreed to the amendment.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, what we have found is that probably fewer than half of the dogs which are supposed to be licensed in Pennsylvania are actually licensed, and so one of the arguments against the fee increase is that fees raise the rates for those people who obey the law and do not do anything to try to increase compliance with the statute.

Mr. Speaker, this amendment attempts to address that issue by requiring the Department of Agriculture to develop a plan to try to get a much higher compliance with the statute.

Mr. Speaker, I ask for an affirmative vote.

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

Mr. KREBS. Mr. Speaker, I support this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring, the House agreed to the amendment.

The following roll call was recorded:

YEAS—197

Adolph Evans Lucyk Sather
Allen Fairchild Lynch Saylor
Argall Falt Maitland Schroder
Armstrong Fargo Major Schuler
Baker Farmer Manderino Scribenti
Bard Feese Markosek Smedal
Barley Fichter Marsico Serafini
Bartrillo Fleagle Mastland Shaner
Beck-Jones Flick Mayernik Sheehan
Belardi Gamble McCaffrey Smith, B.
Belfanti Gannon McGechan Smith, S. H.
Bermelin Geist McGill Snyder, D. W.
Bishop George Melio Staback
Blau Gigiotti Merry Stairs
Boscola Gladeck Michlovic Steel
Boyes Godshall Micozzi Stern
Brown Gordner Mihalic Stettle
Brown Gruziel Miller Stetler
Bunt Gruppo Mundy Stish
Butkovitz Habay Myers Strattematter
Buxton Haluska Naior Sturla
Caltagirone Hanna Nickol Surra
Cappabianca Harhart Nyce Tangretti
Carone Haste O'Brien Taylor, E. Z.
Cawley Hennessy Oliver Thomas
Chadwick Herman Perzel Tigue
Civera Hershey Pesci Travaglio
Clark Hess Petrarca Trello
Clymer Hutchinson Petrone Trich
Cohen, L. I. Itkin Pettit True
Cohen, M. Jadowiec Phillips Tulli
Cofafla James Pistella Vance
Colalzzo Jarolin Platts VanHome
Conti Josephs Preston Veur
Cornell Kaiser Ramos Vitali
Corpora Keller Raymond Walko
Coy Kenney Readshaw Waugh
Curry King Reber Wogan
Daley Kirkland Reindar Wozniak
DeLuca Krebs Rieger Wright, D. R.
Dempsey Kukovich Roberts Wright, M. N.
Dent LaGrotta Robinson Yewcic
Dermody Laughlin Roeheck Youngblood
DeWeese Lawless Rohrer Zimmerman
DiGirolamo Lederer Rooney Zug
Donatucci Leh Rubley
Duce Lescovitz Rudy Ryan
Durham Levansky Sainato Speaker
Egolf Lloyd Santoni

NAYS—0

NOT VOTING—1

Horse

EXCUSED—5

Corrigan Pitts Washington Williams
Cowell

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

On the question recurring, the House agreed to the amendment.

Mr. LLOYD offered the following amendment No. A6815:

Amend Sec. 2 (Sec. 200), page 9, lines 26 through 30; pages 10 through 12, lines 1 through 30; page 13, lines 1 through 21, by striking out all of said lines on said pages.

Amend Sec. 3, page 13, line 22, by striking out “3” and inserting “2”.

Amend Sec. 3 (Sec. 201), page 14, line 2, by striking out the bracket before “his”.

Amend Sec. 3 (Sec. 201), page 14, line 2, by striking out “]” and inserting “]”.

Amend Sec. 3 (Sec. 201), page 14, lines 2 and 3, by striking out “under section 200(a)”.

Amend Sec. 3 (Sec. 201), page 14, line 7, by striking out the bracket before “a”.

Amend Sec. 3 (Sec. 201), page 14, line 8, by inserting brackets before and after “$2.50” and inserting immediately thereafter $5.
Amend Sec. 3 (Sec. 201), page 14, line 11, by inserting brackets before and after “$4.50” and inserting immediately thereafter

$7
Amend Sec. 3 (Sec. 201), page 14, line 12, by inserting after “older” and persons with disabilities

$3
Amend Sec. 3 (Sec. 201), page 14, line 13, by inserting brackets before and after “$1.25” and inserting immediately thereafter

$1
Amend Sec. 3 (Sec. 201), page 14, line 15, by inserting brackets before and after “$2.25” and inserting immediately thereafter

$5
Amend Sec. 3 (Sec. 201), page 14, line 17, by inserting brackets before and after “$50” and inserting immediately thereafter

$1
Amend Sec. 3 (Sec. 201), page 14, lines 24 through 30; page 15, lines 1 through 11, by striking out “[the] the appropriate license fee as follows:” in line 24, all of lines 25 through 30, page 14 and lines 1 through 11, page 15

$30
Amend Sec. 3 (Sec. 201), page 15, line 15, by striking out the bracket before “his”

$7
Amend Sec. 3 (Sec. 201), page 15, line 15, by striking out “[an] an”

$3
Amend Sec. 3 (Sec. 201), page 15, line 16, by striking out “under section 200(a)”

$5
Amend Sec. 3 (Sec. 201), page 15, line 24, by striking out “a”

$1
Amend Sec. 3 (Sec. 201), page 15, line 24, by inserting brackets before and after “$10” and inserting immediately thereafter

$30
Amend Sec. 3 (Sec. 201), page 15, line 27, by inserting brackets before and after “$20” and inserting immediately thereafter

$50
Amend Sec. 3 (Sec. 201), page 15, line 29, by inserting after “older” and persons with disabilities

$20
Amend Sec. 3 (Sec. 201), page 16, line 1, by inserting brackets before and after “$10” and inserting immediately thereafter

$30
Amend Sec. 3 (Sec. 201), page 16, line 3, by inserting brackets before and after “$50” and inserting immediately thereafter

$1
Amend Sec. 3 (Sec. 201), page 16, line 4, by inserting after “age” or disability

$1
Amend Sec. 3 (Sec. 201), page 16, lines 7 through 27, by striking out “[the] in line 7 and all of lines 8 through 27

$7
Amend Sec. 3 (Sec. 203), page 17, lines 28 and 29, by striking out “and other agents”

$3
Amend Sec. 3 (Sec. 203), page 17, line 30; page 18, line 1, by striking out “and to other agents under section 200(a)”

$1
Amend Sec. 3 (Sec. 203), page 18, lines 3 and 4, by striking out “under section 200(a)(3) and (5)”

$3
Amend Sec. 4, page 18, line 14, by striking out “4” and inserting 3

$3
Amend Sec. 4 (Sec. 204), page 18, line 16, by striking out the bracket before “Section”

$1
Amend Sec. 4 (Sec. 204), page 18, line 24, by inserting brackets before and after “$1” and inserting immediately thereafter

$1.50
Amend Sec. 4 (Sec. 204), page 18, line 26, by inserting brackets before and after “$50” and inserting immediately thereafter

$7
Amend Sec. 4 (Sec. 204), page 18, line 27, by inserting brackets before and after “$50” and inserting immediately thereafter

$75
Amend Sec. 4 (Sec. 204), page 19, line 3, by striking out the bracket after “county.”

$4
Amend Sec. 5, page 19, line 4, by striking out “5” and inserting 4

$4
Amend Sec. 5 (Sec. 205), page 19, line 14, by striking out the bracket before “the”

$4
Amend Sec. 5 (Sec. 205), page 19, line 14, by striking out “[] an agent under section 200(a).”

$4
Amend Sec. 5 (Sec. 205), page 19, line 21, by striking out the bracket before “county”

$4
Amend Sec. 5 (Sec. 205), page 19, line 21, by striking out “[] an issuing agent”

$4
Amend Sec. 5 (Sec. 205), page 19, line 24, by striking out the bracket before “the”

$4
Amend Sec. 5 (Sec. 205), page 19, line 25, by striking out “[] an issuing agent”

$4
Amend Sec. 5 (Sec. 205), page 19, line 27, by striking out the bracket before “the”

$4
Amend Sec. 5 (Sec. 205), page 19, lines 27 and 28, by striking out “[] an agent”

$4
Amend Sec. 5 (Sec. 205), page 19, line 29, by striking out the bracket before “treasurer”

$4
Amend Sec. 5 (Sec. 205), page 19, line 29, by striking out “[] an agent”

$4
Amend Sec. 5 (Sec. 205), page 19, line 30, by striking out the bracket before “county”

$4
Amend Sec. 5 (Sec. 205), page 19, line 30, by striking out “[] an agent”

$4
Amend Sec. 5 (Sec. 205), page 20, lines 7 and 9, by striking out the bracket before “,” in line 7 and after “kept,” in line 9

$4
Amend Sec. 5 (Sec. 215), page 33, line 1, by inserting a bracket after “kennel.”

$4
Amend Sec. 5 (Sec. 216), page 33, line 6, by inserting brackets before and after “all kennel licenses and”

$4
Amend Sec. 5 (Sec. 216), page 33, line 10, by inserting brackets before and after “and” where it appears the first time and inserting an underscored comma

$4
Amend Sec. 5 (Sec. 216), page 33, line 10, by inserting after “markings” and the type and number of permanent identifications

$4
Amend Sec. 5 (Sec. 216), page 33, lines 10 and 12, by inserting a bracket before “;” and in line 10 and after “conducted” in line 12

$4
Amend Sec. 5 (Sec. 216), page 33, line 27, by striking out the bracket after “department.”

$4
Amend Sec. 6, page 33, line 28, by striking out “6” and inserting 5

$4
Amend Sec. 7, page 34, line 21, by striking out “7” and inserting 6

$4
Amend Sec. 8, page 39, line 4, by striking out “8” and inserting 7

$4
Amend Sec. 9, page 40, line 14, by striking out “9” and inserting 8

$4
Amend Sec. 10, page 41, line 12, by striking out “10” and inserting 9

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Amend Sec. 11, page 42, line 9, by striking out “11” and inserting 10

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Amend Sec. 12, page 46, line 30, by striking out “12” and inserting 11

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Amend Sec. 24, page 73, line 2, by striking out “24” and inserting
23
Amend Sec. 25, page 74, line 2, by striking out “25” and inserting
24
Amend Sec. 26, page 76, line 26, by striking out “26” and inserting
25
Amend Sec. 27, page 78, line 30, by striking out “27” and inserting
26

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

The SPEAKER pro tempore. Mr. Lloyd is in order and may proceed.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is being offered with the support of the County Treasurer’s Association.

Under the bill, the Secretary of Agriculture has the power to hire agents to sell dog licenses. Under current law, the agents are all hired at the discretion of the county treasurer. The criticism has been that in some counties there have not been any agents hired, in other counties there have not been as many agents hired as some people think there ought to be, but, Mr. Speaker, I do not think we want to get down the road of making these agents employees of the Department of Agriculture.

The earlier amendment which the gentleman, Mr. Krebs, sponsored goes partway to fix that problem because it makes clear that only the agents appointed by the Secretary of Agriculture would actually be agents of the department. But the county treasurers have asked that they be allowed to retain this jurisdiction. With the prior amendment which I sponsored on the development of a plan, we have the opportunity to address the issue of whether or not there need to be additional requirements or incentives for county treasurers to appoint agents.

This amendment would have the effect of preserving current law, which leaves the discretion and the hiring of agents up to the county treasurers. The amendment is supported by the County Treasurer’s Association. I ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. KREBS. No. I would like to defer to Representative Nailor at this time.

The SPEAKER pro tempore. The Chair thanks the gentleman.
Representative Nailor is recognized on the amendment.
The SPEAKER pro tempore. The Chair thanks the gentleman. Does Mr. Krebs seek recognition for the second time? The gentleman is in order and may proceed.

Mr. KREBS. I also oppose this amendment, because we are not taking anything away from the treasurers, as my bill is written. They still have the authority to appoint all the agents, and if they appoint all the agents that are needed to adequately sell dog licenses in the county, the department has no reason to appoint any agents. And if we look at the existing situation, we find out that there are only one-third as many dog agents as there are, say, fishing agents to sell licenses, which tells us that some county treasurers are not doing the job of appointing their agents, and I think if we keep the law as it is written and defeat this amendment, we will be able to get those county treasurers to appoint agents and then the Secretary of Agriculture will not have to intervene.

So I oppose this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

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Mr. NAILOR offered the following amendment No. A7140:

Amend Title, page 1, line 17, by removing the comma after "proofs" and inserting "and" and

Amend Title, page 1, line 18, by removing the comma after "penalties" and inserting "providing for sterilization of dogs and cats; further providing Amend Bill, page 73, by inserting between lines 1 and 2 Section 24. The act is amended by adding an article to read: ARTICLE IX-A STERILIZATION OF DOGS AND CATS Section 901-A. Definitions. The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise: "Adopt" or "adoption." The transfer of ownership of a dog or cat from a releasing agency to a new owner. "Licensed doctor of veterinary medicine." A person licensed to practice veterinary medicine under the act of December 27, 1974 (P.L.995, No.326), known as the Veterinary Medicine Practice Act or licensed under similar laws and qualifications in other states. "Neuter." A procedure to render a male dog or cat unable to reproduce. "New owner." A person who enters into a binding agreement pursuant to section 902-A and who adopts a dog or cat from a releasing agency. "Releasing agency." A public or private pound, animal shelter, humane society, society for the prevention of cruelty to animals or other similar entity that releases a dog or cat for adoption. "Spay." A procedure to render a female dog or cat unable to reproduce. "Sterilize" or "sterilization." The spaying or neutering of a dog or cat. Section 902-A. Spaying or neutering as condition for release of certain animals. No dog or cat may be adopted by a new owner from a releasing agency unless the animal has been sterilized by a licensed doctor of veterinary medicine or unless the new owner signs an agreement to have the animal sterilized by or under the supervision of a licensed doctor of veterinary medicine or unless the new owner signs an agreement to have the animal sterilized by or under the supervision of a licensed doctor of veterinary medicine.

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NOT VOTING—3

Durham | Mayernik | Petrarca |

EXCUSED—5

Corrigan | Pitts | Washington | Williams |

Cowell |

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

On the question recurring, Will the House agree to the bill on third consideration as amended?
medicine and deposits funds with the releasing agency to ensure that the adopted animal will be sterilized. The amount of the deposit required shall be determined by each releasing agency. In no event shall the required deposit be less than $30 for a dog or $20 for a cat.

Section 903-A. Refund of deposit upon proof of sterilization.

The funds deposited with the releasing agency shall be refunded to the new owner upon the presentation of a written statement signed by a licensed doctor of veterinary medicine stating that the animal has been sterilized. However, no refunds shall be made unless the animal was sterilized within 60 days of acquisition in the case of a mature animal or, in the case of an immature animal, within 30 days of the date the animal attained the age of six months.

Section 904-A. Rules and sterilization agreement.

Releasing agencies may establish any additional rules to implement this article, provided that such rules are not in conflict with the provisions or purpose of this article to require the sterilization of all dogs and cats adopted from releasing agencies. The sterilization agreement to be used by releasing agencies shall be in substantially the following form:

**STERILIZATION AGREEMENT**

This agreement is made and entered into this day of , 19, by and between:

(Releasing Agency) (New Owner)

Name Name

Address Address

City Telephone City Telephone

In consideration of the adoption of this animal, and in further consideration of mutual obligations herein, the releasing agency authorizes the adoption of the following animal to the new owner:

(describe animal)

1. The releasing agency agrees to release the above-listed animal into the care of the new owner and refund the new owner's sterilization deposit provided that:

   (1) The animal is sterilized by a licensed doctor of veterinary medicine by (give date).

   (2) A written statement signed by the licensed doctor of veterinary medicine performing the sterilization that the animal has been sterilized by the stated date is given to the releasing agency.

2. The new owner accepts the above-listed animal and agrees:

   (1) To have the animal sterilized by a licensed doctor of veterinary medicine by (give date).

   (2) To provide written evidence to the releasing agency from the licensed doctor of veterinary medicine performing the sterilization that the animal has been sterilized by the above date listed. This agreement shall be binding upon the assigns, heirs, executors, and administrators of the respective parties. The parties hereto have hereunto set their hands the day and year first above written.

Amount of deposit

Releasing Agency

(signature of agent)

New Owner

(signature of)

**WRITTEN STATEMENT OF LICENSED DOCTOR OF VETERINARY MEDICINE**

I hereby certify that the above-described animal has been sterilized on (give date).

Signature of Licensed Doctor of Veterinary Medicine

Address

City State Zip

Section 905-A. Extension of time to sterilize.

Upon presentation of a written report from a licensed doctor of veterinary medicine stating that the life or health of an adopted animal may be jeopardized by sterilization, the releasing agency shall grant a 30-day extension of the period within which sterilization would otherwise be required. Further extensions shall be granted upon additional veterinary reports stating their necessity.

Section 906-A. Exemption from sterilization; refund of deposited funds.

Upon presentation of a written report from a licensed doctor of veterinary medicine stating that the adopted animal has already been sterilized or can never be sterilized due to old age or a health condition that would likely result in the death of the animal, the sterilization deposit shall be refunded.

Section 907-A. Death of adopted animal.

Upon request, the releasing agency shall refund deposited funds to the new owner upon reasonable proof being presented to the releasing agency by the new owner that the adopted animal died before the expiration of the period during which the sterilization was required to be completed.

Section 908-A. Forfeiture of deposited funds and adopted dog or cat.

Failure of a new owner to comply with provisions of this article shall result in the forfeiture of the deposited funds to the releasing agency. The releasing agency may reclaim the dog or cat from the new owner.

Section 909-A. Disposition of forfeited funds; record of accounts.

Funds which have been forfeited by new owners shall be placed in an interest-bearing account belonging to the releasing agency. The releasing agency may allocate the unused funds from such account to programs which directly promote, subsidize or otherwise reduce the cost of sterilization of animals of the releasing agency. Funds may also be used to provide for the health and welfare of animals being cared for by the releasing agency. The releasing agency shall maintain an accurate accounting of these forfeited funds.

Section 910-A. Construction of article.

The provisions of this article shall not be construed to require the sterilization of dogs and cats which are being held in releasing agencies which might be claimed by their rightful owners. Further, this article shall not be construed to interfere with municipal ordinances or the policies and programs of releasing agencies that meet or exceed the sterilization requirements set forth in this article.

Section 911-A. Penalty.

Failure to comply with the provisions of this article relating to the sterilization of animals constitutes a summary offense.

Amend Sec. 24, page 73, line 2, by striking out "24" and inserting "25"

Amend Sec. 25, page 74, line 2, by striking out "25" and inserting "26"

Amend Sec. 26, page 76, line 26, by striking out "26" and inserting "27"

Amend Sec. 27, page 78, line 30, by striking out "27" and inserting "28"

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes Mr. Nailor on the amendment.

Mr. NAILOR. Thank you, Mr. Speaker.

Mr. Speaker, what this amendment does is establish a Dog Law sterilization program. It is for those SPCA’s (Society for the Prevention of Cruelty to Animals) and humane organizations in the Commonwealth that adopt animals out. In order to adopt that animal out, it would either have to be spayed or neutered at the facility or a program would have to be in place where they took a deposit and the owner that adopted the animal would come back
within a 60-day time limit, I believe it is, with a certificate from a veterinarian to redeem that deposit and show that the animal was in fact sterilized.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—197


NAYS—1

Melio

NOT VOTING—0

EXCUSED—5

Corrigan  Cowell  Washington  Williams

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

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

The SPEAKER pro tempore. Mr. Nailor, do you intend to offer amendment A7488?

Mr. NAILOR. I do.

The SPEAKER pro tempore. In that event, you will need to turn it in to the amendment clerk because we appear not to have it.

Mr. NAILOR. They should have it. It was filed yesterday.

The SPEAKER pro tempore. We only have the certificate, Mr. Nailor. The clerk has the certificate only.

Mr. NAILOR. I turned it in about a half hour, 45 minutes ago.

The SPEAKER pro tempore. Mr. Nailor, it has not been duplicated. We will return to you at a later time on the amendment.

Mr. NAILOR. Thank you, Mr. Speaker.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair welcomes to the hall of the House Mr. John Rooney and his son, Fran – father and brother of Brian Rooney on the staff – and they are the guests of Representative E. J. Lucyk.

We also welcome guest pages Brian Schopfer and Ryan Kurutz of the Holy Name of Jesus School, and they are the guests of Representative Ron Marsico. We welcome these guests to the hall of the House.

In addition, we welcome Marti Lightner and Natalie Gilbert from the Waynesburg College of Nursing, and they are the guests of Representative H. William DeWeese. They are to the left of the Speaker.

CONSIDERATION OF HB 2702 CONTINUED

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

Mr. CAPPABIANCA offered the following amendment No. A7150:

Amend Sec. 2 (Sec. 200), page 10, line 2, by inserting after “treasurer” or agent designated by a city of the third class
Amend Sec. 2 (Sec. 200), page 10, line 5, by inserting after “treasurer” or agent designated by a city of the third class
Amend Sec. 2 (Sec. 200), page 10, line 8, by inserting after “treasurer” or agent designated by a city of the third class
Amend Sec. 2 (Sec. 200), page 10, line 9, by inserting after “county” as the case may be
Amend Sec. 2 (Sec. 200), page 11, line 16, by inserting after “treasurer” or city of the third class
On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—97

Amend Sec. 2 (Sec. 200), page 11, line 27, by striking out "All" and inserting

Except in cities of the third class, which have designated an agent to collect dog license fees, all dog license fees shall be paid to the city of the third class.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

Mr. Speaker, presently three cities in the Commonwealth of Pennsylvania – Philadelphia, Pittsburgh, and Scranton – have the ability to license dogs and keep those licensing fees and use them to enforce dog regulations and dog laws. This amendment simply allows or authorizes third-class cities the same privilege, and I would ask for an affirmative vote. This is parity for third-class cities.

The SPOAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Krebs, on the amendment.

Mr. KREBS. Mr. Speaker, I oppose this amendment. I think it is too broadly drawn, because our third-class cities go from the size of Erie, which is the third largest city in Pennsylvania, to some that are very small. I think that this would threaten the integrity of the Dog Law enforcement in Pennsylvania because we would not have any consistency of enforcement, and therefore, I oppose this amendment.

The SPOAKER pro tempore. The Chair thanks the gentleman.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

Mr. Speaker, the city of Erie – and I do not know in other third-class cities, how they do it – has an animal enforcement officer, and that particular individual receives no reimbursement from the Commonwealth, and therefore, these licensing fees would help them offset that expense. The city of Erie, like many other third-class cities and other cities, is struggling to meet its budget, and this is one way that this would assist them in meeting that budget. They presently – At least the city of Erie is presently enforcing the dog laws, not the game wardens and so forth, as far as I know.

I would ask for an affirmative vote for this amendment, please.

The SPOAKER pro tempore. The Chair thanks the gentleman.

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

The SPOAKER pro tempore. The Chair thanks the gentleman.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

Mr. Speaker, presently three cities in the Commonwealth of Pennsylvania – Philadelphia, Pittsburgh, and Scranton – have the ability to license dogs and keep those licensing fees and use them to enforce dog regulations and dog laws. This amendment simply allows or authorizes third-class cities the same privilege, and I would ask for an affirmative vote. This is parity for third-class cities.

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The SPOAKER pro tempore. The Chair thanks the gentleman.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

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I would ask for an affirmative vote for this amendment, please.

The SPOAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—97

Amend Sec. 2 (Sec. 200), page 12, line 3, by inserting after "department."

In the case of cities of the third class that have designated an agent to collect dog license fees, all dog license fees shall be paid to the city of the third class.

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

The following roll call was recorded:

YEAS—97

Amend Sec. 2 (Sec. 200), page 11, line 27, by striking out "All" and inserting

Except in cities of the third class, which have designated an agent to collect dog license fees, all dog license fees shall be paid to the city of the third class.

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The SPOAKER pro tempore. The Chair thanks the gentleman.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

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Except in cities of the third class, which have designated an agent to collect dog license fees, all dog license fees shall be paid to the city of the third class.
AMENDMENT A7419 RECONSIDERED

The SPEAKER pro tempore. The Chair is in receipt of a motion by the gentleman, Mr. Lescovitz, for a reconsideration of a vote. He moves that the vote by which amendment No. 7419 was passed to HB 2702, PN 3861, on the 19th day of November be reconsidered.

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

The following roll call was recorded:

YEAS—194

Adolph       Evans       Levdansky       Sainato
Allen        Fairchild   Lloyd         Santoni
Argall       Fajt         Lucyk         Satter
Armstrong    Fargo        Lynch         Schroder
Baker         Farmer       Maitland       Schuler
Bard          Feese        Mayer         Sereni
Battistio    Fichter      Manderson     Semmel
Bebko-Jones  Fiegl        Markosek      Serafin
Belardi      Flick        Marsico       Shaner
Belfanti     Gamble       Masland       Sheehan
Birmelin     Gannon       Mayrnik        Smith, B.
Bishop       Geist        McCall         Smith, S. H.
Blaum         George       McGeehan      Snyder, D. W.
Boccola      Gigliotti    McGill        Staback
Boyes        Gladeck      Melo          Stairs
Brown        Godshall     Michlovic     Steel
Browne       Gordon       Micozzie      Stern
Bunt         Gruiza       Mihalich      Stetter
Butkovitz    Gruppo       Miller        Stiff
Buxton       Habay        Mundy         Stritmatter
Calcagione   Haluska      Myers         Sturma
Cappabianca  Hanna        Myers         Surra
Carey        Harhart      Nailor         Taylor
Carone       Hay          Nickol        Tangretti
Cawley       Haste        Nyce          Taylor, E. Z.
Chadwick     Hennessey    O'Brien        Taylor, J.
Cibor        Herman       Olsaz         Thomas
Clark         Hershey      Oliver        Tigue
Clymer       Hess         Pasci         Trevaglio
Cohen, L. I.  Horsey       Petracca      Trello
Cohen, M.     Hutchinson   Petrone       Trich
Colafella    Ikin         Pettit         True
Colaizzo     Jadowsiec   Phillips       Vance
Conti        James        Pistella      Van Horne
Cornell      Jarolin      Platts        Veon
Corpora      Josephs      Preston       Vitali
Coy           Kaiser       Ramos         Walko
Curry         Keller       Raymond       Wagon
Daley         Kenney       Readshaw     Wogan
DeLuca        King         Reber         Wozniak
Dempsey      Kirkland     Reinard       Wright, D. R.
Dent          Krebs        Rieger        Wright, M. N.
Dermody      Kukovich     Roberts       Yewic
DeWeese      LaGrotta     Robinson      Youngblood
DiGirolamo   Laughlin     Roebuck       Zimmerman
Donatucci    Lawless      Rohrer        Zug
Drace         Lederer      Rooney        Ryan
Durham        Leh          Rubley        Speaker
NAYS—0

NOT VOTING—4

Barley        Perzel       Saylor       Tulli

EXCUSED—5

Corrigan      Pitts        Washington  Williams

The majority 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 amendment?

The clerk read the following amendment No. A7419:

Amend Sec. 1 (Title), page 2, line 6, by inserting after "theft;" providing for the abandonment of animals;
Amend Sec. 1 (Sec. 102), page 9, line 11, by striking out "providing minimal protection work;"
Amend Sec. 5 (Sec. 207), page 25, line 3, by inserting after "inspected" and approved
Amend Sec. 5 (Sec. 207), page 25, line 15, by inserting after "keep;" for two years.
Amend Sec. 5 (Sec. 207), page 25, line 16, by inserting brackets before and after "for two years;"
Amend Sec. 7 (Sec. 302), page 37, line 15, by inserting after "tattoos;" or permanent identification
Amend Sec. 7 (Sec. 302), page 37, line 16, by inserting after "fed;" at any licensed kennel approved by the secretary for such purposes
Amend Sec. 7 (Sec. 302), page 38, line 7, by inserting after "warden;" employee of the department
Amend Sec. 11 (Sec. 302-A), page 44, line 27, by inserting after "enclosure;" or, when off the property of the owner or keeper for purposes of veterinary care, muzzled and on a leash
Amend Sec. 11 (Sec. 505-A), page 46, lines 21 and 22, by striking out "police officer or licensed doctor of veterinary medicine" and inserting or police officer
Amend Sec. 12 (Sec. 601), page 48, line 3, by striking out "dog;" and inserting animal
Amend Sec. 12 (Sec. 601), page 48, line 15, by striking out "dog;" and inserting animal or place it for adoption
Amend Sec. 12 (Sec. 601), page 48, line 16, by striking out "dog;" and inserting animal
Amend Sec. 12 (Sec. 601), page 48, line 18, by striking out "dog;" and inserting animal
Amend Sec. 12 (Sec. 601), page 48, line 21, by striking out "dog;" and inserting animal
Amend Sec. 12 (Sec. 601), page 48, line 27, by striking out "dog;" and inserting animal
Amend Sec. 15 (Sec. 701), page 54, line 17, by inserting after "A" written
Amend Sec. 16 (Sec. 701.1), page 57, line 13, by inserting after "A" written
Amend Sec. 19 (Sec. 706), page 63, line 17, by inserting after "A" written
Amend Sec. 21 (Sec. 901), page 70, line 19, by inserting after "national;" purebred
Amend Sec. 27, page 78, line 30, by striking out “in 60 days” and inserting immediately.

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

The SPEAKER pro tempore. Mr. Krebs is in order and may proceed.

Mr. KREBS. Basically what this does is it allows veterinarians to dispose of any abandoned animal, not just dogs, and basically it is a technical correction, to put it back to the way it was originally in the law.

The SPEAKER pro tempore. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY
AMENDMENT DIVIDED

The SPEAKER pro tempore. The gentleman, Mr. Lescovitz, is recognized on the amendment.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

Point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his point.

Mr. LESCOVITZ. Is the amendment agreed to?

Mr. KREBS. Yes. I agree to the first part of the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS-198

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NAYS-0

NOT VOTING-0

EXCUSED-5

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Cowell          |       |            |          |
Mr. LESCOVITZ. Thank you, Mr. Speaker.

Mr. Speaker, on your amendment I did not see a fiscal note, and since this section of the amendment deals with making the doubling of the fees for dog licenses effective immediately – I assume that is starting in December – could you tell me what the cost to the individuals within the Commonwealth who are going to have their fees doubled in that period of time, what that will cost?

Mr. KREBS. I believe a fiscal note on this bill has been made available.

The SPEAKER pro tempore. Would the gentleman, Mr. Krebs, repeat the answer, please?

Mr. KREBS. I believe that a fiscal note on this bill has been made available, and I think it pertains to this amendment.

Mr. LESCOVITZ. Mr. Speaker, we do not have a copy of that fiscal note. That is why I have asked the question for the record. Since this amendment deals with making doubling of the fees for dog licenses effectively immediately, what is the cost to the taxpayers of the Commonwealth for this increase with this section of the amendment?

Mr. KREBS. The cost to each individual taxpayer would be, if they owned a dog, would be the new license fee. That is what the cost would be.

Mr. LESCOVITZ. Mr. Speaker, I did not hear the answer. I apologize.

The SPEAKER pro tempore. Mr. Krebs, can you repeat the answer one more time, please?

Mr. KREBS. The cost to the taxpayer would be—

The SPEAKER pro tempore. Would the gentleman suspend.

One of the reasons that the gentleman cannot hear the answer is because there is significant amount of noise in the room. Would the House be in order, please. Would the House be in order.

The gentleman is in order and may proceed.

Mr. KREBS. Okay. The cost to the taxpayer would be, if they owned a dog, would be the increase in the fee. For example, for a nonspayed animal, I think it would go from $4.50 to $7. That would be the cost to the individual taxpayer for each dog that they owned. If you do not own a dog, there is no cost to the taxpayer.

Mr. LESCOVITZ. Mr. Speaker, I still cannot hear the answer.

The SPEAKER pro tempore. We have a couple of options here, Mr. Lescovitz. You can put on your earplugs, earphones, or the gentleman speak louder, or in the alternative, we could be a little quieter here during this interrogation.

Would the House be in order. It is very difficult to carry on interrogation when there is a noise level such as it is at this time. Would the conversations please stop.

Mr. Krebs, are you willing to try it one more time, and if not, you may need to confer.

Mr. KREBS. Basically, the cost to the taxpayer is zero. The cost is to the dog owner if they own a dog, and it would be the license fee increase, which is what the cost would be.

If you want a more appropriate question, if you are asking how much more revenue would the Department of Agriculture take in, according to the fiscal note, the estimate is that they would net an increase in revenue of $2.4 million. That is what the fiscal note says.

Mr. LESCOVITZ. Thank you, Mr. Speaker.
recognizes the gentleman, Mr. Cappabianca.

In the case of cities of the third class that have designated an agent to collect the fee, you can use the same argument then – we are subsidizing them or vice versa. I would say obviously no in this case.

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

The majority 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 amendment?

The clerk read the following amendment No. A7150:

Amend Sec. 2 (Sec. 200), page 10, line 2, by inserting after “treasurer” or agent designated by a city of the third class

Amend Sec. 2 (Sec. 200), page 10, line 5, by inserting after “treasurer” or agent designated by a city of the third class

Amend Sec. 2 (Sec. 200), page 10, line 8, by inserting after “treasurer” or agent designated by a city of the third class

Amend Sec. 2 (Sec. 200), page 10, line 9, by inserting after “county” as the case may be

Amend Sec. 2 (Sec. 200), page 11, line 16, by inserting after “treasurer” or city of the third class

Amend Sec. 2 (Sec. 200), page 11, line 27, by striking out “All” and inserting „Except in cities of the third class, which have designated an agent to collect dog license fees, all dog license fees shall be paid to the city of the third class.“

In the case of cities of the third class that have designated an agent to collect dog license fees, all dog license fees shall be paid to the city of the third class.

On the question recurring,

Will the House agree to the amendment?

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

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

Mr. Speaker, the last time I neglected to tell the House that actually this is a “may” provision. All we are asking here is to have the third-class cities to have the same privilege as Philadelphia, Pittsburgh, and Scranton whereby when they collect a dog licensing fee to enforce those laws, that they can keep that licensing fee. This is a “may” provision, and I would ask for the same consideration that we give our three largest cities, that we allow our third-class cities that same option. I do not see where it would cause any problems, Mr. Speaker.

I would ask for an affirmative vote on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman. Does the gentleman, Mr. Krebs, seek recognition?

Mr. KREBS. Yes.

The SPEAKER pro tempore. You are in order and may proceed.

Mr. KREBS. I disagree with my colleague. I believe that this is a “shall” provision. If we put this in, it says the third-class cities shall be an agent and do the Dog Law enforcement.

So I oppose it for that reason and also from the fact that part of the money that we collect with dog fees goes for inspection services. If we did this, that would mean that the rest of the State would be bearing the cost of all the inspections of the kennels and the third-class cities would not.

Therefore, I oppose this bill.

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

Mr. CAPPABIANCA. Mr. Speaker, thank you once again. It is a “may” because in the case of the cities of the third class, they can designate an agent to collect the dog licensing fee. That makes it a “may” provision. They do not have to designate anyone to collect the fee.

Therefore, Mr. Speaker, this is a “may” provision, in my opinion, and I would ask support of the House. Thank you, Mr. Speaker.

Mr. SERAFINI. Mr. Speaker, the statement that the other counties would have to subsidize the inspection of the kennels in third-class cities, does that specifically apply to your bill since it is a “may” provision?

Mr. CAPPABIANCA. Mr. Speaker, I apologize, but I did not hear the question.

Mr. SERAFINI. The question, Mr. Speaker, is that the statement that was made that the other counties would have to subsidize the inspection of the kennels in third-class cities if this amendment became law, is that specifically true?

Mr. CAPPABIANCA. Well, Mr. Speaker, let me answer it this way: Obviously, Philadelphia, Pittsburgh, and Scranton, who collect this fee, you can use the same argument then – we are subsidizing them or vice versa. I would say obviously no in this case.

Mr. SERAFINI. Thank you, Mr. Speaker.
The SPEAKER pro tempore. The Chair thanks the gentleman.

Does the gentleman, Mr. Allen, seek recognition? Mr. Allen is recognized on the amendment and may proceed.

Mr. ALLEN. Thank you, Mr. Speaker.

I rise in support of the amendment. I think it is a good idea that the third-class cities have this right, and I support the gentleman from Erie’s amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Does the gentleman, Mr. Michlovic, seek recognition on the amendment?

Mr. MICHLovic. Yes, Mr. Speaker.

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

Mr. MICHLovic. Thank you, Mr. Speaker.

Mr. Speaker, I find the statement of the gentleman, Mr. Krebs, in response to earlier discussion on this amendment quite incredible, and that is that he opposes this amendment because the third-class cities are too small; we may get a different configuration across the State of different types of levels of enforcement. I think the third-class cities because they are third-class cities are always the major locality in their region, whether it is Williamsport or Lancaster or Carlisle. Those cities are actually the biggest municipalities around, and as such, they are called upon for a variety of services. They really are the center for a lot of the kinds of innovative local government processes that we see across this State, and to exclude them from this law simply because there are too many of them, I think is wrong. I think they have shown in the past that they are capable of coming up with innovative ways, joint arrangements with surrounding municipalities, of doing things in a responsible way.

I think we ought to write them into this law through the Cappabianca amendment, and that is why I support it and I ask the other members to do so.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

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

On the question recurring,

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

Mr. NAILOR offered the following amendment No. A7488:

Amend Sec. 2 (Sec. 200), page 11, line 10, by striking out "not to exceed" and inserting

of

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. Mr. Nailor is recognized for the amendment.

Mr. NAILOR. Thank you, Mr. Speaker.

Mr. Speaker, my amendment is pretty much a technical amendment. It has to do with the amount—

The SPEAKER pro tempore. Would the gentleman suspend; would the gentleman suspend for a moment.

There really is entirely too much noise. It is very difficult to hear the gentleman, Mr. Nailor. He has an amendment which he is
very much interested in presenting to us. Let us give him the
courtesy of our attention.

Mr. Nailor, you are in order and may proceed.

Mr. NAILOR. Thank you, Mr. Speaker.

Mr. Speaker, my amendment is pretty much a technical
amendment. It addresses the fee which was raised from 50 cents to
$1, and rather than not to exceed $1, it would make it a flat fee of
$1 for each agent rather than giving them options. It would fall in
compliance similar to what the existing law is, and that is what I
have intended it to do. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman,
Mr. Krebs.

Mr. KREBS. I support this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS--193

Adolph
Allen
Argall
Armstrong
Baker
Bard
Barley
Battisto
Bebko-Jones
Belardi
Belfanti
Birmelin
Bishop
Blaun
Boscola
Boyes
Brown
Brown
Bunt
Butkovitz
Buxton
Caliguire
Cappabianca
Carn
Carone
Chadwick
Civera
Clark
Clymer
Cohen, L. I.
Cohen, M.
Colafella
Colaizzo
Conti
Cornell
Corpora
Coy
Curry
Daley
Deluca
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Dermody
DeWeese
DiGirolamo
Donatucci
Fairchild
Fargo
Farmer
Fees
Fichter
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Gamble
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Geist
George
Gigliotti
Gladeck
Godshall
Gordner
Gruitz
Hayab
Halsuska
Hanna
Harhart
Hasay
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Huwellson
Ichkin
Jadlowiec
James
Jarolin
Josephs
Kaiser
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Kenney
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Kirkland
Krebs
Kukovich
LaGrotta
Laughlin
Lawless
Lederer
Leh
Lescovitz
Ledyansky
Mainland
Major
Mandero
Markoske
Marsico
Masland
Mayernik
McCail
McGann
Geest
Melio
Merry
Michlovic
Mihalich
Miller
Mundy
Mayers
Nailor
Nickol
Nye
O’Brien
Olaz
Oliver
Pezel
Pesci
Petra
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Petree
Petron
Petri
Pettit
Phillips
Pistella
Platts
Preston
Keller
Kenny
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Kirkland
Krebs
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Saylor
Schroder
Schuler
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Stoock
Stairs
Steele
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Stetler
Thomas
Tighe
Tilii
Vance
Van Horne
Veon
Vitali
Walko
Waug
Wogan
Wozniak
Wright, D. R.
Wright, M. N.
Yewcic
Zug

Durham
Egolf
Evans
Dempsey
Coy
Corpora
Dent
DeWeese
DiGirolamo
Donatucci
Lloyd
Lucyck
Lynch
Sainato
Santoni
Sather
Ryan

NAYS--0

Mr. Speaker, I rise to support the bill.

When this bill was debated in committee, I opposed it, and I
had an amendment which stripped out the entire fee increase.
Mr. Speaker, the amendments which I offer today are designed to address what were my most serious concerns about the dog license: number one, that the last time that there was an increase, we did not get the additional officers that had been promised; number two, that over half of the dogs in the State which are supposed to be licensed are not and that law-abiding citizens are the ones who are going to pay the increase. We have put two amendments into this bill, frankly without great enthusiasm from the Department of Agriculture, which I think will help us rectify those problems.

The first amendment, Mr. Speaker, requires the department to develop a plan for filling vacancies and hiring an adequate number of Dog Law officers, and that plan is subject to review by the House and Senate Agriculture Committees.

Number two, the bill now requires the department to develop a plan for selling more licenses and increasing the compliance with the law.

Now, Mr. Speaker, if it were up to me, we would finance Dog Law enforcement in an entirely different way. I think it would be reasonable, for example, to put a small fee on dog food and use that to finance enforcement of the Dog Law, and I think you would get a much broader base of people actually contributing toward financing Dog Law enforcement, but we have never been able to get anywhere close to enough votes to pass something like that.

We now have a situation in which probably we can get through the end of this fiscal year, but beyond this fiscal year, there is not going to be enough money to run the Dog Law enforcement effort and there are going to be further layoffs of Dog Law enforcement officers. So not only are you not going to see more enforcement, you are going to see less. Not only are you not going to see people hired, but you are going to see people laid off.

Mr. Speaker, this is the first increase in 14 years, and, Mr. Speaker, I think it is a reasonable increase. I think there are safeguards, and I support the bill.

The SPEAKER pro tempore. The Chair thanks the gentleman. Representative Coy is recognized on final passage.

Mr. COY. Thank you, Mr. Speaker.

Is the House in order, Mr. Speaker?

The SPEAKER pro tempore. The gentleman is correct. Would the House be in order, would the House be in order, please.

The gentleman is in order and may proceed.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, I am against the bill. I am against it because no matter how we try to describe this tax increase, that is what it is. It is a fee increase on what most middle, average Pennsylvanians consider to be something that they could have without much cost, and that is a pet.

Now, if the department does not like the program it has—And I submit that it does not like it. I think it is pretty obvious the Department of Agriculture does not like this program. The bottom line is they do a lousy job on collecting these fees. If they were doing a better job on collecting these fees, they would collect more fees and they would not have to come back in and ask for more.

Now, this tax is being doubled, and I hear all this about there are not going to be Dog Law officers in the future. There are not now. In my county, for example, in Franklin County, the department laid off the Dog Law officer, and they have no intention of filling the job. Now, that is what is going to happen in other counties. There are vacancies in other counties. There are vacancies all over the State in this program, and they are doing a lousy job of handling it now, and we are going to reward them by doubling the fee? We are going to reward them by doubling this amount that they get when they are already doing a poor job?

Let us be about the business of fixing the problem, Mr. Speaker. Let us make a determination, as Representative Lloyd attempted to suggest, about what works for Dog Law, about where Dog Law should be administered. Let us fix it first before we talk about doubling the tax.

Go to a few doors in your district—you know how many people have dogs; a lot of people have dogs—and talk to them about whether or not you feel the State is doing a good job in terms of enforcement, in terms of picking up strays. They are not.

Do you know what you have to do about picking up strays in our State? We depend on Humane Societies and other societies like that that take care of these strays, and you and I have to pay for them out of contributions from our own pocket, and most of us do that. Now we are going to give them an added tax? We are going to double the tax when they do not do a good job with what they have already? Let us think about this before we just jump automatically into this need for a case which has not been made.

As I say, I think it is obvious the Department of Agriculture does not want this program. They do not do a good job with it now, so let us fix the problem. Let us find a solution that works, find a solution that works for strays, for other animals, for animals that cause dangerous problems, but let us not double the fee before we fix the problem.

Let us say no to this bill today, work out a solution to this problem that works in the next session, and then talk about a justification for a fee increase. Let us be sensible about this. Let us be responsible. Vote “no” on this bill.

The SPEAKER pro tempore. The Chair thanks the gentleman. The Chair recognizes Mr. Trello from Allegheny County on final passage.

Mr. TRELLO. Mr. Speaker, could I interrogate the prime sponsor of the bill?

The SPEAKER pro tempore. The sponsor indicates that he will stand for interrogation. The gentleman is in order and may proceed.

Mr. TRELLO. The way I read the bill, it indicates that there are penalties for dogs that chase cats. Is that correct?

Mr. KREBS. No.

Mr. TRELLO. That is not correct?

Mr. KREBS. There are no penalties. I mean, there are no penalties for chasing cats. But, I mean, what it basically says is that if a dog attacks a human being or attacks some other animal or a cat, that they can be killed. That is already present law.

Mr. TRELLO. Well, could I interpret that to mean that a cat could be punished if it chases a dog or attacks a dog?

Mr. KREBS. No. That is not true because we do not have a cat law.

Mr. TRELLO. We do not have a cat law. Thank you. Can I be recognized?

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

Mr. TRELLO. Mr. Speaker, I have a dog, and my dog’s name is Bella. My dog is a very good friend of
Representative Colafella’s, I want you to know. Well, anyway, my dog weighs about 6 pounds, and there are a couple of cats in my neighborhood that often chase my dog. I would appreciate it very much if you would take this very seriously, because I love my dog. And I have never met a dog that could lick a cat yet, believe me, judging by the cats I have in my neighborhood.

Unless I see some language in here to protect dogs like Bella, like I have, I am going to have to oppose the bill. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On that question, the Chair recognizes the gentleman, Mr. Krebs, on final passage.

Mr. KREBS. I just want to comment where people are saying that the Dog Law does not work. I think one of the previous speakers had said that we should fix it. I think if you read this bill, we are trying to fix it. I think the problems of the decline in the enforcement of the Dog Law took place in a previous administration. This administration has come in and has tried to increase enforcement of the bill and has also increased license sales compared to the previous administration. What we are doing now with this plan is we will have a plan in there to make sure that the treasurers, who are the ones who are supposed to sell the dog licenses, actually do that, and we also will have better enforcement, because we will have better trained enforcement officers.

I therefore ask for support of this bill.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes Mr. Lloyd on final passage.

Mr. LLOYD. Mr. Speaker, very briefly, I was asked by a number of members what position the various dog clubs and so forth have taken. The federated Humane Society supports the bill, the Pennsylvania Legislative Animal Network supports the bill, and the Pennsylvania Federation of Dog Clubs has advised my office that it also supports the bill.

So for those who are interested in knowing that, all of the dog organizations, the major organizations, have indicated their support for the legislation. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Trello, is recognized for the second time on final passage.

Mr. TRELLO. Just a point of information, Mr. Speaker.

You indicated that you wondered if my 90-year-old father had a dog? Well, my 92-year-old father, who is not with us anymore, had two dogs. One was named “Guido,” and the other was named “Sarducci,” and he loved both of them, for your information. Thank you.

The SPEAKER pro tempore. I feel better about it now. Thank you very much.

The gentleman, Mr. Hershey, seeks recognition on final passage and is recognized.

Mr. HERSCHEY. Thank you, Mr. Speaker.

On final passage.

We have several counties, we have a lot of counties that do not have a dog officer. We cannot hire a dog officer unless we have the revenues, and the past administration left the enforcement go down where less than half the dogs were licensed. Less than half the dogs in my community have a license, and we need to enforce that, and a small increase in the fees is not too much.

We need the bill. I ask for your support. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring, Shall the bill pass finally?

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

YEAS—135

Adolph          Fairchild    Lloyd          Rubley
Allen           Fargo         Lynch         Sather
Argall          Farmer        Mailand       Saylor
Armstrong       Feese         Major         Schroder
Baker           Fichter       Mandarino     Schuler
Bard            Fleagle       Marsico       Semmel
Bartley         Flick         Masland       Serafini
Battisto        Gamble        McCall        Smith, B.
Bebko-Jones     Gannon        McGeehan     Snyder, D. W.
Belardi         Geist          McGill        Staback
Belianti        Gigliotti     Melio         Stairs
Birmelin        Gladeck       Michlovic     Steil
Bishop          Godshall      Micozzie      Stern
Bunt            Gordner       Mihalich      Stish
Butkovicz       Gruitzia      Moyer         Strittmatter
Caltagirone     Gruppo        Myers         Taylor, E. Z.
Cappabianna     Haluska       Nairl         Taylor, J.
Carn            Hanna         Nickol        Thomas
Carone          Haste         Nyce          Trich
Chadwick        Hennessey     O’Brien        True
Civera           Herman       Perzel        Tulli
Clark           Hershey        Petrone       Vance
Clymer          Hess           Pettit        Van Horn
Cohen, L. 1.    Horsey        Phillips      Vitali
Conti           Ikin           Pistella      Wogan
Cornell         James         Platts        Wozniak
Curry            Keller        Preston      Wright, M. N.
Daleys          Kenney         Ramos         Yewec
DeLuca           King          Raymond      Youngblood
Dempsey          Kirkland      Reber         Zimmermann
DiGirolamo      Krebs         Reinard      Zug
Donatucci        Lawless       Rieger
Driscoll         Lederer       Reebuck       Ryan
Durham           Leb            Rohnr         Speaker
Egolf

NAYS—63

Blaum           Fajt           Markosek      Shaner
Boscola         George        Mayernik      Sheehan
Boyce           Habay         Merry         Smith, S. H.
Brown           Harhart        Mundy         Steelman
Brownes         Hasay          Olasz         Stetler
Buxton         Hutchinson    Oliver         Sturla
Cawley          Jadwowiec    Pesci          Surra
Cohen, M.       Jarolin       Petrarca      Tangerini
Colafella       Josephs       Readshaw     Tigue
Colalazzo       Kaiser        Roberts       Travaglio
Corpora         Kuivovich     Robinson      Trello
Coy             LaGrotta      Rooney        Tracy
Dent            Laughlin     Rudy          Walko
Dermody         Lescovitz     Sainato       Waugh
DeWeese         Ledvansky     Santoni      Wright, D. R.
Evans           Lucyk         Serimenti

NOT VOTING—0

EXCUSED—5

Corrigan       Pitts           Washington     Williams
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.

**LEAVE OF ABSENCE CANCELED**

Mr. COWELL. Mr. Speaker?

The SPEAKER pro tempore. The Chair returns to earlier reports and puts Mr. Cowell on the master roll.

**VOTE CORRECTION**

Mr. COWELL. Mr. Speaker, I had previously asked to be added to the master roll, and my vote was not recorded on the bill that we just approved. I wish to be recorded in the affirmative.

The SPEAKER pro tempore. The gentleman’s remarks will be spread upon the record, and the Chair apologizes to the gentleman.

**FAREWELL ADDRESS**

**BY MR. D. R. WRIGHT**

The SPEAKER pro tempore. Thank you very much, Mr. Speaker, for the opportunity to preside for the last time. I am not sure whether there is any significance that the last time that I preside over this House we deal with the Dog Law. But in any event, I am honored to have this opportunity.

When I told my wife that the Speaker was extending a courtesy to members who were retiring to preside for a few minutes and to have some closing remarks, she thought that that was a little bit like a substitute football player who was put in the last 2 seconds so that he would not cause too much damage. But in any event, I am honored by this. I am reminded of the Apostle Paul’s remarks that in all situations he has learned to be exalted and he has learned to be abased. And serving in this House for two decades, I have learned the exhilaration of some success and the disappointment of some defeat, but this afternoon with the courtesy of the Speaker, I feel exhilarated.

If I had text, I guess, for these brief remarks — And I thought about some of the former members who have made remarks at the end — some have been extensive remarks — giving us advice about how we might better manage our affairs, and in retrospect, not much of that advice seems to have been taken, so I will forgo this opportunity to do that. But I will say that the woods are lovely, dark and deep; but I have promises to keep, and miles to go before I sleep, and miles to go before I sleep.

Someone asked the poet, what do you mean, you have promises to keep, and he said, I have promises to the past, to the present, and to the future, and we who have had the great privilege of serving in this House do indeed have promises to keep to the past, to the present, and to the future. We have promises to keep to those good folks who sent us here to do their business. We have promises to keep to the families who have stayed by the stuff while we have been here doing the people’s business. And I would say that we have promises to ourselves.

My joy in life has been at each turning of the road to find the strong arm of a comrade kind to help me onward with my load, and since I have no gold to give and love alone must make amends, my only prayer is, while I live, God make me worthy of my friends.

If I were to say anything, I would say that my great wish for you is the same wish that I have for myself, and that is that we be clear in thought, accurate in speech, temperate in our work, generous in our feelings, mindful of those we love, and thoughtful of those who love us.

I would say perhaps the one thing that I might do for you as my parting gift is not mine, but it belongs to all: May the road rise up to meet you; may the wind be always at your back; may the sun shine warm upon your face; and until we meet again, may God hold you in the palm of his hand.

I will tell you as I tell my wife when she starts off to the beauty shop, good luck to you.

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

**STATEMENT BY MR. BLAUM**

The SPEAKER. The gentleman, Mr. Blaum. For what purpose does the gentleman rise?

Mr. BLAUM. A point of personal privilege, Mr. Speaker.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I kind of like what we have seen over the last couple of days, when retiring members have spoken and, for the first time that I can remember, one or two individuals got up and said something about the previous speaker.

In 1980, when I was first elected and went to the orientation in preparation for the House, there are two things I remember, and one was waking up in the morning at the Penn Harris Hotel and finding out John Lennon had been killed, and the other was a guy by the name of Dave Wright, who told me how a district office should be run. He should know that 16 years later, that district office is still being run quite well as per his advice.

And one of the finest speakers, I think, of any of us here on the floor of the House, and we all like to listen every once in a while when somebody has something serious to say, and Dave has been one of the best, and I wish him well.

The SPEAKER. The Chair thanks the gentleman.

Having listened to the gentleman, Mr. Wright, I have a better understanding of why it has been so difficult to get close to beating him over all these many years.

**GUESTS INTRODUCED**

The SPEAKER. The Chair is pleased to welcome to the hall of the House today the seventh grade class from the St. Charles School in Bensalem, here today as the guests of the Bucks County delegation in general and Representative DiGirolamo in particular. Would the guests please rise.

The Chair is pleased to welcome to the hall of the House today four guests of Representative Larry Roberts, seated in the gallery — Cheryl McAbe, Kristie Morris, Heather Machosky, and
Mr. Lloyd, on the amendment.

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

Mr. Lloyd offered the following amendment No. A7536:

Amend Title, page 1, line 3, by removing the period after “practices” and inserting : and prohibiting use of tobacco in schools.

Amend Bill, page 6, by inserting between lines 14 and 15 Section 2. Title 18 is amended by adding a section to read: § 6306.1. Use of tobacco in schools prohibited.

(a) Offense defined.—A pupil who possesses or uses tobacco in a school building, a school bus or on school property owned by, leased by or under the control of a school district commits a summary offense.

(b) Grading.—A pupil who commits an offense under this section shall be subject to prosecution initiated by the local school district and shall, upon conviction, be sentenced to pay a fine of not more than $50 for the benefit of the school district in which such offending pupil resides, and to pay court costs. When a pupil is charged with violating subsection (a), the court may admit the offender to an adjudication alternative as authorized under 42 Pa.C.S. § 1520 (relating to adjudication alternative program) in lieu of imposing the fine.

(c) Nature of offense.—A summary offense under this section shall not be a criminal offense of record, shall not be reportable as a criminal act and shall not be placed on the criminal record of the offending school-age person if any such record exists.

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

“Pupil.” A person between the ages of 6 and 21 years who is enrolled in school.

“School.” A school operated by a joint board, board of directors or school board where pupils are enrolled in compliance with Article XIII of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, including area vocational schools and intermediate units.

“Tobacco.” A lighted or unlighted cigarette, cigar, pipe or other lighted smoking product and smokeless tobacco in any form.

Section 3. Section 3.5 of the act of April 27, 1927 (P.L.465. No.299), referred to as the Fire and Panic Act, is repealed insofar as it is inconsistent with the requirements of section 6306.1

Amend Sec. 2, page 6, line 15, by striking out “2” and inserting “4”.

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Lloyd, on the amendment.

Mr. Lloyd. Thank you, Mr. Speaker.

Mr. Speaker, several years ago we passed legislation which said that it is not permissible for a school student to possess or use tobacco products on school grounds or in a schoolbus, and my recollection is Mike Dawida might have started that and maybe George Saurman, I think, might have amended it later on. In any event, the problem which has arisen in many school districts is that it is very cumbersome to get those actions brought before the district justices. This amendment attempts to solve that problem by, first, putting the offense in the Crimes Code — now it is in the Fire and Panic Act — and secondly, by specifically designating that the local school district has the authority to initiate the prosecution and does not need the intervention of the district attorney or the intervention of the local municipality, that the school district may bring this action.

Mr. Speaker, this proposal parallels a bill which Representative Stairs had introduced, a bill which I had introduced, and I keep getting asked by my school officials, when are you guys going to do this, and I would like us to vote on it one way or the other.

Mr. Speaker, I ask for an affirmative vote.

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—198

Adolph Egolf Levandsky Sainato
Allen Evans Lloyd Santoni
Argall Fairchild Lucyk Sather
Armstrong Fajt Lynch Sibley
Baker Fargo Maitland Schroeder
Bard Farmer Major Schuler
Barley Feese Manderino Scrimenti
Battisto Fichter Markosek Semmel
Bebko-Jones Fleagle Marsico Serafini
Belardi Flick Masland Sharer
Belianti Gamble Mayrnik Sheehan
Bimelis Gannon McCaul Smith, B.
Bishop Geist McGeehan Smith, S. H.
Blaum George McGill Snyder, D. W.
Boscola Gigliotti Mello Staback
Boyce Gladeck Merry Stairs
Brown Godshall Michlovic Steelman
Brownie Goodman Micozzi Steil
Bunt Gruitz Mihalicz Stelman
Butkowski Gruppo Miller Stetter
Buxton Haby Mundy Stish
Caltagirone Haluska Myers Strittmatter
Cappabianca Hanna Nailor Sturla
Cam Harhart Nickol Surra
Carone Hasay Nyce Tangretti
Cawley Haste O’Brien Taylor, E. Z.
Chadwick Hennessey Olasz Taylor, J.
Civera Herman Oliver Thomas
Clark Hershey Perzel Travaglio
Clymer Hess Pesci Trello
Cohen, L. I. Horsey Petracca Trich
Cohen, M. Hutchinson Petrone True
Colafella Ikin Pettit Tulli
Colazzo Jadwloczki Phillips Vance
Conti James Pistella Van Horn
Cornell Jarelin Platts Vence
Corpora Josephs Preston Venti
Cowell Kaiser Ramos Walko
Coy Keller Raymond Waugh
Curry Kemney Readshaw Wogan
Daley King Reber Womack
DeLuca Kirkland Reinard Wright, D. R.
Dempsey Krebs Rieger Wright, M. N.
Dent Kukovich Roberts Yewcic
to have more than one residence. People have more than one apartment somewhere. There are numerous reasons why a person place. People have more than one residence because they are looking to buy a home and have a temporary residence because they go to school in some place and they have roots in another place. People have more than one residence because they have roots in one place and they work in another.

Tigue
Corrigan

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

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, in today's society it is not uncommon for a person to have more than one residence. People have more than one residence because they go to school in some place and they have roots in another place. People have more than one residence because they have roots in one place and they work in another place. People have more than one residence because they are separated from a spouse. People have more than one residence because they are looking to buy a home and have a temporary apartment somewhere. There are numerous reasons why a person would have more than one residence in today's society.

Recently, in May, the district attorney of Philadelphia announced that, in her opinion, anybody with more than one residence who is not paying the higher rate on the automobile insurance was committing insurance fraud, and she ran a very expensive series of radio advertisements with her interpretation of the law, that anybody with more than one residence who is listing the less expensive place as their residence was committing a crime.

There was a great furor that arose in the city of Philadelphia, and not a single person was prosecuted by the district attorney in the ensuing 6 months. Indeed, in the whole history of the Commonwealth of Pennsylvania, no one has been prosecuted for insurance fraud for listing one residence instead of another.

I think that the judgment of all the 67 district attorneys of Pennsylvania is accurate. It is not a crime to list one residence instead of another. It is up to the insurance companies to ask questions, to ask the question, is there more than one residence; how many hours of the day does one spend in one residence as opposed to the other; how many hours a week, a month, a year? Now, the insurance companies are not historically unaware of this phenomenon. It is not a new phenomenon in 1996. It is a phenomenon that has existed for many, many years, probably throughout the entire 20th century, if not before that.

So I would urge support of this amendment to remove the threat of criminal prosecution from people who have no intention of committing crimes and who are not by any reasonable judgment actually committing crimes. I would urge support of this amendment to just put this issue to bed and let everybody rest easy.

The SPEAKER. The gentleman, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

I would ask that the chamber pay particular attention to the gentleman's attempt here. While I did not speak to him about this, I think this is a very damaging amendment — very damaging to the city of Philadelphia in our attempt to try to curb insurance fraud and uninsured drivers.

I would disagree with the gentleman's last statement, that people are in fact listing other residences simply for the reason to defraud the insurance company. It is a controversial issue that has occurred in Philadelphia where the district attorney has in fact gone after people who say that they live someplace else when in fact they live, work, and drive in the city of Philadelphia. This is why our rates are as high as they are.

I think that this is a particular kind of fraud that should be gone after. We should not exempt them with this kind of language, and I would urge your defeat of this amendment.

The SPEAKER. The gentleman, Mr. Cohen, for the second time on the issue.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman, Mr. Taylor, submit to interrogation?

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

Mr. COHEN. Thank you.

Mr. Speaker, you said that the district attorney is going after people. Has the district attorney made any prosecutions of anybody to this day?

Mr. TAYLOR. I wish she would, Mr. Speaker.

Mr. COHEN. I am sorry, Mr. Speaker? I did not—
Mr. TAYLOR. I said I wish she would. I have no idea whether she has actually prosecuted people, but because of some talk-show host, I do not know whether in fact she has backed off that. But I would encourage her to increase the pressure on people who are registering their vehicles in one spot and living and driving in another.

Mr. COHEN. Thank you, Mr. Speaker.
I have no further questions for the gentleman.
The SPEAKER. The Chair thanks the gentleman.

Mr. COHEN. I would like to make remarks though, Mr. Speaker.
The SPEAKER. The gentleman is in order.

Mr. COHEN. Mr. Speaker, it is up to the insurance companies to ask people full information about any risk. That is their duty. They should know that in modern society it is not uncommon for a person to have more than one residence, and they should specifically ask that question. They should ask how many days a month, a year, a person is there. They can ask whatever supporting documentation they want. But to make something a crime, to argue that somebody ought to go to jail for listing one residence instead of another residence, is rather extreme, and there is a general sense among Philadelphians and people who are aware of this issue that that is an extreme person.

Now, what this amendment says is, “An individual maintaining more than one residence and listing any such residence for purposes of motor vehicle insurance is not violating this paragraph.” This language does not say that a person who is just fabricating an address out of nowhere is not committing insurance fraud. This is for somebody who legitimately has more than one residence, not for someone who is conspiring to commit a crime.

This is a reasonable consumer-protection amendment. This is an amendment that says that the district attorney’s office ought to be focused on real crime, street crime, real fraud, not harassing innocent people. If the district attorney of Philadelphia or any other county ever harasses any person who legitimately has two residences with a criminal prosecution, that district attorney will suffer tremendously in loss of public esteem and the law will suffer from lack of legitimacy. We have to pass laws that make sense, that are perceived as fair.

It is not our goal to throw the most possible people in jail. It is not our goal to make people scared of every law enforcement authority in Pennsylvania. It is our goal to be fair; it is our goal to be just. The threatened prosecution of people who are not criminals is not justice. Lynne Abraham has shown wisdom in not making any prosecutions to date, and this amendment would serve to make clear what the law is in view of the perceived ambiguity and the questions raised by her radio and television commercials of May 1996.

The SPEAKER. The Chair recognizes the gentleman from Warren, Mr. Lynch.

Mr. LYNCH. Thank you, Mr. Speaker.
I would like to interrogate the maker of the amendment, if I could?
The SPEAKER. The gentleman, Mr. Cohen, indicates he will stand for interrogation. You may begin.

Mr. LYNCH. Thank you, Mr. Speaker.
I just want to ask him a quick question, if I could.
I am going to give you a scenario, and if you could tell me if your amendment would aid or hinder in this scenario — okay? — the scenario being that there are maybe 20 guys from Philadelphia who want to get a cheaper insurance rate, so they buy a hunting camp in Forest County and list it as their place of residence and save thousands of dollars in insurance premiums. Does your amendment aid or hinder in the committing of that crime?

Mr. COHEN. I seriously doubt a hunting camp would be a residence. A hunting camp would generally be of short duration.

Mr. LYNCH. Well—

Mr. COHEN. The gentleman is more familiar with the hunting laws than I am, but my knowledge is that the hunting season is rather brief, and if somebody was away a week or two or three a year, that is not a residence, Mr. Speaker.

Mr. LYNCH. Okay. Mr. Speaker, whether it is a hunting camp or another building that these people would then list as their primary place of residence — okay?—

Mr. COHEN. If it is an actual, genuine residence — and there are huge amounts of law as to what an actual, genuine residence is — if it is an actual, genuine residence where people stay a considerable amount of time, not just a week or two or three for a hunting season or any chronological equivalent of a hunting season, if it is an actual, genuine residence where people stay, then this would protect them. If it is just a sham, if people are just establishing ownership of something — you know, you get 20 people who rent a small apartment or something, and everybody puts in $10 or $20 a month or something — that is a sham; that is not a real residence. But if it is a real, genuine residence, then this amendment would say it is not a crime.

Mr. LYNCH. Thank you, Mr. Speaker.

Now, the comment I would like to ask you now, if I could, is I recognize what you are saying, and obviously that is a sham, and obviously you and I recognize that as a sham. But now the next question I would have, since it is a sham, who is going to determine from an enforcement standpoint whether that is a sham or not and whether or not they can get away with it, which begs the question again, does your amendment aid or hinder this scenario?

Mr. COHEN. I do not think it aids or hinders. I think it gives relief from prosecution for somebody who is a college student from your district, who goes to school at Temple University in Philadelphia and who, under the interpretation of law in the radio and television commercials, could be criminally prosecuted if he lists his residence in Warren County instead of Philadelphia.

Mr. LYNCH. Thank you, Mr. Speaker.
I have concluded my interrogation.

I want to speak briefly on the bill in that. Unfortunately, I do believe that this amendment would have the effect of aiding this scenario in taking place, and I am personally going to vote against this amendment and I strongly encourage my colleagues to do the same. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.
The Chair recognizes the gentleman from Lehigh, Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, when it comes to insurance, the law provides that people who face a higher risk than others will pay higher premiums for that insurance. It is the only fair way to compensate for when there is a loss or a theft or an injury.

Mr. Speaker, certainly the city of Philadelphia has higher risks and higher costs than other regions of the State, but, Mr. Speaker, the sponsor of this amendment from Philadelphia seeks to ask the support of this House to permit people to list another residence
other than perhaps their primary residence for insurance purposes, and I think we all see through this as a way to find lower premiums for those people who otherwise would be paying higher insurance rates or perhaps even unable to get insurance because of the higher risks that they face.

Mr. Speaker, under this amendment, as was previously raised during interrogation, any residence that the insured could list would be legitimate, and we would put the burden on the insurance company. The purpose of having a law, Mr. Speaker, is to provide the ability to enforce the falsification of insurance applications and to provide the means to enforce the fact that the risk is commensurate with the premium.

Mr. Speaker, we have laws that require you to register to vote where your residence is located. We do not allow people to pick and choose where they want to have their address for registration to vote. The same should be true with the insurance. We need a law, because anyone trying to find another address for the simple purpose of trying to evade or trying to not pay their fair share for insurance certainly would be fraud, because they would be imposing those costs onto the rest of the Commonwealth by reducing their risk and their cost.

Mr. Speaker, this amendment should be defeated, and we ask for a "no" vote.

The SPEAKER. The gentleman from Philadelphia County, Mr. Horsey.

Mr. HORSEY. Mr. Speaker, I rise to support the Cohen amendment.

Mr. Speaker, the right of the individual to choose his or her residence goes back to old common law, and the same argument about residence was made when we were arguing relative to the quartering act, when the British wanted to live in different people’s houses. That same argument was made that we are not living in their houses; it is just an open, empty facility. It is not, Mr. Speaker.

Now, on the right of the individual to choose his or her residence, Mr. Speaker, and it is an individual liberty—it is guaranteed, I believe, under the Constitution—Mr. Speaker, that right is fundamental to the Constitution, Mr. Speaker, and the courts, the judicial branch even represents or respects this right in that they allow the individual who has said to the world, whoever wants to challenge his residency, to come into court and prove—and the standard is a preponderance of the evidence—as to where he or she lives, Mr. Speaker. The district attorney does not need this bill, Mr. Speaker. The district attorney just needs to do her job.

Now, if there is a question relative to where a person lives, what their residence is, and the district attorney does the appropriate investigation and finds that they are using a residence outside the confines of the city, Mr. Speaker, she can bring that person in and prosecute that person today. She does not need any extra laws; she can do it today under the rules of fraud. You are absolutely right. And why she will not do it and why she needs a special law to do it, I do not understand and I do not know, Mr. Speaker. I really do not know. We have given her all the tools that she needs, and she refuses to use them, Mr. Speaker. But fraud is what we are talking about.

Now, the last comment, Mr. Speaker, is that this issue of insurance is a smokescreen, Mr. Speaker. It is a smokescreen because in Philadelphia we are not preoccupied, Mr. Speaker, with the people with insurance, the ones who are doing the fraud, wherever it is outside the confines of the city. We should be preoccupied with the people who do not have any insurance at all, Mr. Speaker. Those are the people that we need to go after, not people who are paying insurance. So if you come from Erie or the Pittsburgh-Allegheny area and you have an accident in Philadelphia, there is only one question that should come to mind, and that is, does the other person have insurance, you know, no matter where it is? That is the only question that should come to mind.

This idea of where a person lives, here or there, it is a smokescreen. My only preoccupation is, does the person have insurance, and those are the people we are after—the ones without insurance. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Bucks County, Mr. Reinard.

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the Cohen amendment.

Mr. Speaker, on my small street, I have three neighbors who all have other residences outside of their house on my street. One of them happens to have a house in the Poconos. That person goes up there in the winters; the person goes up there for the summers. Their family goes back and forth between Richboro and the Poconos. What does not go back and forth between Richboro and the Poconos is any losses they have, because they live in Richboro, and if they have an automobile accident, the loss exposure will go to where they live. What we are saying under this amendment is, we are going to transfer that loss exposure to the Poconos. I have another one that lives in Cape May for the summer, and then there is even another one that has another house up in Brigantine.

People have secondary locations, and insurance companies recognize secondary locations, but everyone knows where they live, and the primary location is what the rating basis is for your automobile and for the losses that follow it. If we are going to follow this logic, then we are going to also follow logic that the losses that incur in every one of these accidents will transfer to wherever in the Commonwealth this other individual has a location.

One final thought, because we are talking about the city of Philadelphia. Those residents of Philadelphia who work outside the city could also then avoid the city wage tax under this amendment, because if their primary residence happens to be the Poconos, well, that will work as well.

I think the amendment has a lot of flaws. It just does not make a lot of sense. I would ask the House to vote "no."

The SPEAKER. The gentleman, Mr. Godshall, from Montgomery County.

Mr. GODSHALL. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment.

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

Mr. GODSHALL. Thank you, Mr. Speaker. This amendment, I think, goes beyond Philadelphia, as the previous speaker just said. I myself and a lot of the other members of this House have purchased homes here in the Harrisburg area.

I have a home in the Harrisburg area. I get a per diem from the House of Representatives. I pay a very large amount of insurance in Montgomery County. Under your amendment, could I substitute Montgomery County for Harrisburg, since I have a residence...
here in Harrisburg, and cut my insurance costs probably by 75 percent.

Mr. COHEN. Mr. Speaker, that is a complicated question, because we are mixing a whole lot of factual situations.

First, your residence is Montgomery County, not Harrisburg. Obviously, you have a house in Harrisburg to do your work. You get paid a per diem for being in Harrisburg precisely because your residence is Montgomery County. But for the purpose of setting insurance rates, it would depend on how many days you are here. If you are here 4 days a week, many insurance companies would say, for their purposes, you count, and you might, if you disclose the facts to them, depending on how many days you are here, get cheaper rates. That is under current law.

Now, all this amendment does is not deal with rates but deal with what you list as your residence, and your residence obviously is Montgomery County. You could not be a State legislator from Montgomery County if you did not live in Montgomery County.

Mr. GODSHALL. But at the same time, Harrisburg is a dual residence. I have a residence here, I pay taxes here, and I get paid for working here in the Capitol. My check comes from this Capitol Building. So it is a dual residence.

I have another residence. I have a residence in Potter County. It is a home that I own. Potter County has probably the cheapest rates in the whole State.

But presently— You know, I disagree with you about what present law says. You said present law says wherever you spend the most amount of time. Present law—

Mr. COHEN. Wherever your car spends the most amount of time, Mr. Speaker.

Mr. GODSHALL. Present law says where you have the car registered, at what address. If I have my car registered in Montgomery County, which I have to because that is where my residence is, my official residence, where I live, I must domicile that car out of Montgomery County. Under your amendment, I believe I could domicile it either here or possibly in Potter County.

Mr. COHEN. Mr. Speaker, where the insurance company decides you live is a different question than whether there should be criminal prosecution of you for what you and the insurance company together decide. You know, you may be able to, if you spend enough time in Harrisburg, meet the insurance company’s definition of having your car in Harrisburg here. There is no legal requirement as to how an insurance company sets rates. Each insurance company can set the rates the way they want.

What this amendment deals with is not how the rates are set but whether there are criminal prosecutions, and I think the more time you would spend away from your home in Montgomery County, the more chance you would have of getting a lower rate than you do. If you, for instance, hypothetically, spend 80 percent of your time away from Montgomery County and you listed your residence for insurance purposes somewhere else, you should not be criminally prosecuted.

All this amendment deals with is criminal prosecution. That is all it deals with. Getting auto insurance is something that everybody ought to do. It is a scandal that large numbers of people in Pennsylvania—in Philadelphia, in particular—do not have auto insurance, and to try to weigh down the getting of auto insurance with criminal prosecution is something that overburdens the criminal justice system and undermines the legitimacy of law.

Mr. GODSHALL. Thank you, Mr. Speaker. Just a brief comment, please.

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

Mr. GODSHALL. Exactly what Mr. Reinard had said earlier and what Mr. Lynch had said also, I have literally hundreds and there are literally thousands of sportsmen in this State that have camps which are a secondary residence, and it is a residence. I am looking at Representative Major; a lot of my people have camps up in her area, in Wayne County. Well, they would love, absolutely love, to have their car registered in Wayne County for insurance purposes. I think this is exactly what this amendment would do. In Montgomery and Bucks Counties, it would cut their premiums by 75 percent. I am not sure this is what the insurance law was intended to do, and I think we have to be very careful with this amendment, because what we are going to do, what we are going to do is increase the rates dramatically in those areas, for the cars that really belong in the Philadelphia rating area and Montgomery County rating area will now be rated in Wayne or Potter County.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Taylor, for the second time.

Mr. TAYLOR. Thank you, Mr. Speaker.

Very briefly, Mr. Speaker, this particular amendment creates an exemption for those who commit insurance fraud. I want to make sure that that is clear.

It is really an insult and a burden on everybody who is trying to play by the rules in Philadelphia and do the right thing and pay outrageous insurance rates, and it really encourages people to find another address to decrease their rates and in effect raise the rates for those people doing the right thing, and I encourage a “no” vote on this amendment.

The SPEAKER. The gentleman, Mr. Horsey.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, where a person lives is discretionary and it is consistent with American and constitutional doctrine. It is discretionary. If someone chooses to challenge that person as to where their residency is, then they must come into court or come in front of a board and must prove by a preponderance of the evidence insurance papers. As a matter of fact, Mr. Speaker, we had a legislator in this caucus or in the House here who said, “I live in Philadelphia,” when the reality, Mr. Speaker, is that they lived in Harrisburg here. And what they had to do to prove, Mr. Speaker, in front of a judge, and there, you know, you become reasonable, when their insurance and their kids and, you know, where the car is registered, all that is in front of a person, and then a determination is made as to where they live, Mr. Speaker.

If we operate—and I am supporting Mr. Cohen’s amendment, and I would urge all my colleagues to do the same—if we operate on the same premise that the D.A. needs to be able to fix people into certain residencies, Mr. Speaker, then most of the corporations that operate in this country, Mr. Speaker, will be illegal, because most of them, beyond a shadow of a doubt—and this can be documented—are registered in Delaware, but most of their business is done in other States. They do that for tax purposes, for the same reason that people choose other residencies—they get an advantage—and that is the reason why many corporations that are registered in Delaware and have one office with one person in that
office in Delaware do 99 percent of their business in some other State.

The same principle is true here, Mr. Speaker. It is left up to the individual to make the determination as to where they live, Mr. Speaker. It is consistent with individual liberty for a person to say I live here or I live there. The only thing that we should be preoccupied with, Mr. Speaker, is, do they have insurance? Where they have insurance is not a relevant point, Mr. Speaker. We are not after the people who have insurance; we are after the people who drive without insurance.

Thank you, Mr. Speaker.

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

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

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

AMENDMENT A7536 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman, Mr. Fargo, who moves that the vote by which amendment 7536 passed to SB 1315 be reconsidered.

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

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Ryan, Speaker

NOT VOTING-4

Keller
Lederer
Mayernik
McGehee

EXCUSED-4

Corrigan
Pits
Washington
Williams

NOT VOTING-4

EXCUSED-4
The majority 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 amendment?

The clerk read the following amendment No. A7536:

Amend Title, page 1, line 3, by removing the period after “practices” and inserting 

: and prohibiting use of tobacco in schools.

Amend Bill, page 6, by inserting between lines 14 and 15

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

§ 6306.1. Use of tobacco in schools prohibited.

(a) Offense defined.—A pupil who possesses or uses tobacco in a school building, a school bus or on school property owned by, leased by or under the control of a school district commits a summary offense.

(b) Grading.—A pupil who commits an offense under this section shall be subject to prosecution initiated by the local school district and shall, upon conviction, be sentenced to pay a fine of not more than $50 for the benefit of the school district in which such offending pupil resides, and to pay court costs. When a pupil is charged with violating subsection (a), the court may admit the offender to an adjudication alternative as authorized under 42 Pa.C.S. § 1520 (relating to adjudication alternative program) in lieu of imposing the fine.

(c) Nature of offense.—A summary offense under this section shall not be a criminal offense of record, shall not be reportable as a criminal act and shall not be placed on the criminal record of the offending school-age person if any such record exists.

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

“Pupil.” A person between the ages of 6 and 21 years who is enrolled in school.

“School.” A school operated by a joint board, board of directors or school board where pupils are enrolled in accordance with Article XIII of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, including area vocational schools and intermediate units.

“Tobacco.” A lighted or unlighted cigarette, cigar, pipe or other lighted smoking product and smokeless tobacco in any form.

Section 3. Section 3.5 of the act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act, is repealed insofar as it is inconsistent with the requirements of section 6306.1.

Amend Sec. 2, page 6, line 15, by striking out “2” and inserting 4

On the question recurring,

Will the House agree to the amendment?

The Speakers. The Chair recognizes the gentleman, Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

It is my concern that a lot of the members did not have the opportunity to read this amendment before we voted on it, and I just felt that we ought to take a second look at it.

This amendment really will mean that a pupil who possesses an unlighted or a lighted cigarette or cigar on any school property or bus could be fined $50 plus costs, and I do not know what those costs would be.

Now, I just tried to imagine in my own mind what a scenario would be, and I can see a football game on school property at which the pupils, the students, come to see the football game, and if they are between the ages of 6 and 21 and they are a pupil, they are enrolled in a school, whether it be the school that is the property that they are on or another school, and they have a cigarette or a can of snuff or whatever it might be in their possession – and recognizing the fact that this may not be legal, but still, it is there – the school can then fine them $50 plus costs. And not only that, but the $50, under this amendment, will go to the school system. It almost appears to me that it could be a moneymaker for the school if they wanted to go around and check all the pupils and try to find out if they have an unlighted cigarette, a cigar, or snuff.

So I am wondering if the amendment is really one that we should be voting for. I personally will be voting against it.

The Speaker. The gentleman, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, the law today reads as follows: “Tobacco use by pupils is prohibited in school buildings and school buses and on school property owned by, leased by or under the control of a school district.” That is the law today, in section 3.5 of the Fire and Panic Act. So we are not making something illegal which is legal today.

The issue in this amendment has to do with enforcement. The secondary school principals have been pushing, trying to get an easier way to enforce this requirement, and they have asked for an amendment to allow the school districts to go into the district justice’s office and file those charges.

This amendment is essentially what was approved by the House Education Committee. For reasons which are unknown to me, that bill, actually two versions of it have been lodged in the House Appropriations Committee – one since last year; the other since this fall.

Mr. Speaker, I think it is a good amendment, I think we ought to pass it, but I think, at the very least, we ought to vote on it. And I am tired of going to various meetings in my district and being asked by school officials, when are you going to do this?

It seems to me that the Education Committee came up with a reasonable approach to this problem. It seems to me that allowing the school districts to enforce is an integral part of their trying to
The schools clean.
The sand, you and I both know there is an awful lot of marijuana to be able to supervise this problem. And in answer to would think, at least a year; probably more; probably 5. I do not maintain discipline in the schools and also, in their opinion, keep substances. As a matter of fact, if you think about it, when you know that they are all treated as juvenile crimes, and the prohibition on the use of tobacco products in the public schools. We are arguing about a children’s environment and how children should be treated in a children’s environment, and it makes enforceable what is already on the books.

Mr. Lloyd amendment. If they are smoking marijuana on school grounds, that is a violation of the Crimes Code. I do not know if that is a felony or a misdemeanor, but you can probably go to jail for, I would think, at least a year; probably more; probably 5. I do not really know what the penalty for marijuana is in Pennsylvania.

Mr. Olasz. What I am trying to put into focus, Mr. Speaker, is, we are caught up in this hysteria of tobacco, but how do we address this marijuana situation in the same context of this amendment?

Mr. Lloyd. Marijuana is already a violation—Marijuana use is a violation of the Crimes Code. It can be prosecuted by the district attorney, but it carries a much, much more significant penalty and is a much more serious offense than the prohibition on the use of tobacco products in the public schools.

Mr. Olasz. The reason I posed this question, Mr. Speaker, is that we know that they are all treated as juvenile crimes, and the concern I have about this fine with tobacco is, how does it carry over to these students, and believe me, if you get your head out of the sand, you and I both know there is an awful lot of marijuana being used by school students.

Mr. Lloyd. Mr. Speaker, it should be noted that this amendment specifically says that anyone who is convicted for this summary offense, that is not a reportable criminal act, is not placed on a criminal record, so that this student does not get a criminal record under this amendment. I do not know whether under current law—It is possible that the student does get a criminal record. I do not really know, but that is current law.

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

In lieu of what I have spoken to, I agree with the previous speaker, Mr. Fargo. I would ask for a “no” vote. Thank you.

Mr. Horsey. I am going to keep it short, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Delaware, Mrs. Durham.

Mrs. Durham. Thank you, Mr. Speaker.

I rise to support the Lloyd amendment.

Currently under Pennsylvania law, it is illegal for a minor to buy cigarettes, so therefore, would it not also follow logic that it should be illegal for them to use them?

I think this is a good compromise to allow the school authorities to be able to supervise this problem. And in answer to questions by a prior speaker, I believe that there are specific criminal penalties for anyone that is involved in a crime dealing with controlled substances. As a matter of fact, if you think about it, when you pass a lot of schools, they will have signs that say, “This Is a Drug-Free Zone,” and if you are involved in any type of a crime dealing with illegal use of drugs, the penalty is stiffer because you are near a school. So we have already dealt with the issue of smoking marijuana in school, which would be a crime under the criminal code today.

So I think if we are truly concerned about encouraging young people not to smoke, and as a policy statement, we have said that because it is illegal for them to buy cigarettes, then it should also be illegal for them to smoke them. I therefore urge everyone to support the Lloyd amendment. Thank you.

Mr. Horsey. I am going to keep it short, Mr. Speaker.

Mr. Speaker, I, too, rise to speak in favor of the Lloyd amendment.

The Lloyd amendment does not create a new offense. It simply makes enforceable what is already on the books.

Too often we in the legislature are quick to talk about new policies, new requirements, that may sound well, may be well intentioned, may sound good, but we duck the question of consequences. We have been quick to embrace all kinds of policies around here that are intended to discourage smoking on the part of young people or to prohibit smoking in our schools. This amendment only deals with the question of consequences if somebody violates those policies or violates those existing laws.

Mr. Speaker, this is a reasonable effort at making enforceable what we already have on the books. It is being requested by and it is supported by our school officials, to whom we turn when we ask for enforcement of this kind of rule. It is a reasonable thing to do. It is a smart thing to do. Let us support the Lloyd amendment.

The Speaker recognizes the lady, Mrs. True.

Mrs. True. Thank you, Mr. Speaker.

I rise to support the Lloyd amendment.

Just to add to what the previous speaker said, in regards to marijuana, if you stop and think about it, most kids have to learn to smoke before they use marijuana. You have to inhale marijuana, and you start on cigarettes. So anything we can do to stop kids from smoking perhaps will alleviate some of the marijuana problem.

I do urge support on this amendment. Thank you.

Mr. Horsey. Do you desire recognition?

Mr. Horsey. I am going to keep it short, Mr. Speaker.

The Speaker. I thought that would do it.

On the question of the adoption of the Lloyd amendment, Mr. Horsey.

Mr. Horsey. I am going to keep it short, Mr. Speaker.

I rise to support the Lloyd amendment, and I am going to make it short.

We are arguing about a children’s environment and how children should be treated in a children’s environment, and it should be smoke-free, Mr. Speaker.

You know, the elections are over, Mr. Speaker; the November election is over. The people who are with the tobacco industry and the people who are not has already been decided.

It is a bad idea not to support this amendment. We need to support the Lloyd amendment. Thank you, Mr. Speaker.
Mr. ROEBUCK. Thank you, Mr. Speaker.
I wondered if the maker of the amendment would stand for a brief interrogation.

Mr. ROEBUCK. Thank you, Mr. Speaker.

Mr. REBER. No. I just want to make sure that the gentleman is aware or is in agreement with my knowledge of the system. So I am about ready to ask him if he agrees with that.

But my concern is, Mr. Speaker, will not the defendant be paying also the criminal filing fees and all the other add-on costs that we are very much aware of in summary offenses, vis-a-vis other proceedings, which in fact very well are going to be far in excess — far in excess — of the filing fees as the law currently is?

Mr. ROEBUCK. Okay. Thank you, Mr. Speaker.

Mr. ROEBUCK. What would happen, Mr. Speaker, if you had employees in the school who are over 18, between 18 and 21? It does not affect them at all?

Mr. LLOYD. No, it would not.

Mr. ROEBUCK. So that the intent is purely to focus upon students as the problem area and it is not an effort then to control smoking; it is an effort to control smoking only by students?

Mr. LLOYD. It is an effort to control smoking by students. It is an effort to help school districts enforce the current law, which says that it is illegal for students to be in possession of tobacco on school grounds.

Mr. ROEBUCK. Okay. Thank you, Mr. Speaker.

Mr. REBER. Okay. That is my understanding as well.

Mr. REBER. I apologize, Mr. Speaker, for not speaking about this earlier, but I was detained when it was discussed before.

My concern is now what it was in 1988 when I offered this amendment. It is twofold. First of all, I have a very, very serious concern about allowing any student to have his or her record criminalized, if you will, which is what will really happen here. I am not so sure that the disclaimer language on lines 20 through 24

Mr. Roebuck.

The SPEAKER. Mr. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.
I wondered if the maker of the amendment would stand for a brief interrogation.

Mr. ROEBUCK. Thank you, Mr. Speaker.

Mr. REBER. Yes, I do, Mr. Speaker.

Mr. Speaker, would Representative Lloyd stand for a brief interrogation, please?

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

Mr. REBER. Mr. Speaker, my concern emanates from the fact that I was the original author of the school tobacco control act, which you are repealing on line 37 of the amendment.

One of the concerns that we had when Representative Manderino, the late Representative Manderino, and I worked on this issue back in the late eighties was to make sure that an individual who would be in violation would in no way, shape, or form have their record stigmatize them. That was the reason why we chose the civil penalty route as opposed to the summary offense criminal penalty that is being proffered by yourself today in amendment 7536.

Now, I still have serious concern and reservation about criminalizing this particular type of conduct, notwithstanding the language on line 20 of the bill.

My concern is twofold. First of all, could you elucidate for the members why a civil citation to enforce the civil penalty is so much more onerous than the filing of a civil citation which would emanate procedurally if in fact this was amended into the current law?

Mr. LLOYD. As I understand it, Mr. Speaker, the problem has a lot to do with having to pay a filing fee for the civil action, as I recall, and I am trying to look through my files — they go back a couple years — as to what— When this was originally brought to my attention by the school superintendent or the high school principal, that was my understanding, that they have to pay a filing fee which, in their view, is excessive, and so consequently, they are not as likely to bring the action.

Mr. REBER. Mr. Speaker, I think you and I both know that the filing fee is recoverable against the defendant in a civil proceeding. Likewise, in a criminal proceeding such as offered in this particular format, the filing fees on the criminal side as well as a plethora of other add-on offenses are also going to be assessed against the defendant.

The SPEAKER. Has the gentleman, Mr. Reber, concluded his interrogation?

Mr. REBER. No. I just want to make sure that the gentleman is aware or is in agreement with my knowledge of the system. So I am about ready to ask him if he agrees with that.

But my concern is, Mr. Speaker, will not the defendant be paying also the criminal filing fees and all the other add-on costs that we are very much aware of in summary offenses, vis-a-vis other proceedings, which in fact very well are going to be far in excess — far in excess — of the filing fees as the law currently is?

Mr. LLOYD. As far as I know, with the exception of not reporting this as a criminal offense, any other criminal fees that attach to an action before the district justice would attach in this case, as far as I am aware.

Mr. REBER. Okay. That is my understanding as well.

Mr. Speaker, if I can just speak on this for a few seconds.

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

Mr. REBER. I apologize, Mr. Speaker, for not speaking about this earlier, but I was detained when it was discussed before.

My concern is now what it was in 1988 when I offered this amendment. It is twofold. First of all, I have a very, very serious concern about allowing any student to have his or her record criminalized, if you will, which is what will really happen here. I am not so sure that the disclaimer language on lines 20 through 24 may in fact take care of all those kinds of concerns.

I also find it rather confusing where there is probably going to be, under this particular scenario, assessable to the defendant, whether it be the defendant in your criminal action or the
defendant in a civil penalty action, which the current law allows for at the present time, to have to actually pay in excess of the cost of the respective type of filing action. So I am not so sure that we are really accomplishing anything other than criminalizing, through a civil proceeding, conduct that otherwise heretofore has been a civil penalty.

I frankly think there was a lot of wisdom where we were and the mere fact that a prosecuting school district, if you will, is somewhat troubled by having to pay the up-front costs, which frankly they are going to recover just like the Commonwealth or the local district justice on their behalf will be recovering in the criminal proceeding as well.

On top of that, I have some reservation, and with all due respect, Mr. Speaker, if I could just ask the maker of the amendment one more question, if he will stand for a short interrogation.

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

Mr. REBER. With all due respect, Mr. Speaker, on lines 21 and 22, you say, "...shall not be reportable as a criminal act...." Now, does this mean that a pupil when he is making application for college or is making application for a prospective job situation, that this allows him to not have to report this as a criminal act? Is this a sufficient defense? Is this a sufficient disclaimer that would allow him to not have to worry about reporting this where the language is, "Have you ever been convicted of a criminal act, misdemeanor, summary offense, felony?"

Mr. LLOYD. Yes.

Mr. REBER. So in essence, if this is enacted into law, an individual who would be convicted under this particular summary offense proceeding would not be committing a form of perjury, if you will, or a form of falsification of an application for school, for higher education, for a job if in fact he would be convicted of this. This is not on his record and is not a reportable offense, and as I understand it, that is the intent of this language – to provide for that defense to the individual.

Mr. LLOYD. I agree with your interpretation.

Mr. REBER. Thank you very much.

Mr. Speaker, if I could just return for the last time and very briefly summarize.

I really have mixed emotions about this. I can see exactly where Representative Lloyd is coming from because there is no doubt in my mind that it is a lot easier to file a citation, if you will, if you are given authority by the legislature and law to do it, than it may be from the standpoint of filing a complaint in a civil forum to impose a civil penalty that we currently have in the law. But when I weigh that, when I weigh that against the potential of excessive costs being put upon the defendant under this new proposal as well as the always outstanding concern of criminal stigmatization of an individual – and I think we have had some stepping back from that concern as a result of the dialogue and the intent – I still prefer to see the statute stay as it currently is for those reasons.

And with those reasons and with this particular debate and with this dialogue, I hope the wisdom of the membership is appropriately mind-jogged as to where we were when we enacted this in the first place, and I would respectfully ask for a defeat of the Lloyd amendment. Thank you, Mr. Speaker.
Ms. BISHOP. Okay. Thank you very much.

The SPEAKER pro tempore. The Chair recognizes Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

I am sorry for taking another second here, but I would just like to ask the maker of the amendment one question.

The SPEAKER pro tempore. Mr. Lloyd indicates acceptance.

Mr. FARGO. I appreciate the fact that you read the statutes. If I heard you correctly when you read the actual statutes as they stand now, it is illegal for a student to use tobacco products. Is that correct, and if so, are you extending this to possess with this amendment or was it illegal to possess in the prior statutes?

Mr. LLOYD. A section of the Fire and Panic Act says that tobacco use by pupils is prohibited.

Mr. FARGO. Then I would say that with your amendment—

Mr. LLOYD. Tobacco use is defined as smoking and the use of smokeless tobacco in any form.

Mr. FARGO. So the carrying of a cigarette then would not be a punishable fine under the present statutes.

Mr. LLOYD. If you are carrying a lighted cigarette, if you are carrying a cigar, if you are carrying a pipe or any other lighted smoking equipment, whether you are actually smoking it or not, that is considered to be smoking under current law.

Mr. FARGO. You are saying two different things—if you are carrying a lighted one or whether you are smoking it or not.

This amendment says if you possess it. Now, I am questioning whether you are extending the present law from use to possess.

Mr. LLOYD. I think you probably are correct, Mr. Speaker, with regard to someone who has an unused pack of cigarettes in his pocket. This amendment is essentially patterned after what was approved by the House Education Committee. I do not know whether anyone in that committee can address that issue. But under the current law, smoking does not require you to actually have the cigarette in your mouth. It does require you to have it lighted, and under the current law, tobacco use includes the use of smokeless tobacco. At what point a judge would say that you are using that smokeless tobacco, clearly if you have it in your mouth, you are. Whether you have the snuff can out and you are taking it out, whether you are using it or not, I do not know.

Mr. FARGO. Thank you, Mr. Speaker.

I could just say one quick sentence.

It would appear that we are not just setting up something to help the school systems, but we are extending the present law in a major step, really, from a requirement that you cannot use it to a requirement that you cannot carry it around in your pocket, and I think that is a consideration when we vote on this amendment. Thank you.

The SPEAKER pro tempore. Are there any further members who would like to speak to this issue?

On the question recurring,

Will the House agree to the amendment?

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NOT VOTING-2

Keller Levdansky

EXCUSED-4

Corrigan Pitts Washington Williams

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.
On the question recurring,
Will the House agree to the bill on third consideration as amended?
Bill as amended was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—199

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NAVS—0
NOT VOTING—0
EXCUSED—4
Corrigan  Pitts  Washington  Williams

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

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

***

The House proceeded to third consideration of SB 1316, PN 2398, entitled:

An Act amending the act of December 17, 1968 (P. L. 1224, No. 387), entitled “Unfair Trade Practices and Consumer Protection Law,” further defining “unfair methods of competition” and “unfair or deceptive acts or practices”; and further providing for unlawful acts or practices, for sales contracts and for civil penalties.

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

Mr. LLOYD offered the following amendment No. A7179:

Amend Sec. 1 (Sec. 2), page 5, by inserting between lines 13 and 14 (xx) Failing to inform the purchaser of a new motor vehicle offered for sale at retail by a motor vehicle dealer of the following:
(A) that any rustproofing of the new motor vehicle offered by the motor vehicle dealer is optional;
(B) that the new motor vehicle has been rustproofed by the manufacturer and the nature and extent, if any, of the manufacturer’s warranty which is applicable to that rustproofing;

The requirements of this subclause shall not be applicable and a motor vehicle dealer shall have no duty to inform if the motor vehicle dealer rustproofed a new motor vehicle before offering it for sale to that purchaser, provided that the dealer shall inform the purchaser whenever the dealer rusticproofing has an effect on any manufacturer’s warranty applicable to the vehicle. This subclause shall not apply to any new motor vehicle which has been rustproofed by a motor vehicle dealer prior to the effective date of this subclause.

Amend Sec. 1 (Sec. 2), page 5, line 14, by striking out “(xx)” and inserting

(xx)

Amend Sec. 1 (Sec. 2), page 5, line 20, by striking out “(xx)” and inserting

(xx)

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

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

Mr. LLOYD. Mr. Speaker, I hope this is a little easier than the last one.

This is an amendment which we passed as a bill, as HB 172, passed on March 1 of last year by a vote of 201 to nothing.

What this amendment does is to make it actionable under the Unfair Trade Practices Act for a dealer to sell a new motor vehicle without advising the customer if the vehicle has been rustproofed already and if that rustproofing in any way affected the manufacturer’s warranty, and if the vehicle has not been rustproofed, giving the dealer the requirement to tell the customer
that it is the customer’s choice as to whether or not that has been done.

We have passed this a number of times. We passed this unanimously last year. I would ask for an affirmative vote.

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

The following roll call was recorded:

| YEAS—199 |
|-----------------|-----------------|
| Adolph | Evans | Lloyd | Santoni |
| Allen | Fairchild | Lucyk | Sather |
| Argall | Fajt | Lynch | Saylor |
| Armstrong | Fargo | Maitland | Schroder |
| Baker | Farmer | Major | Schulter |
| Bard | Feese | Manderino | Scrimenti |
| Barley | Fichter | Markosek | Semmel |
| Battisto | Fleagle | Marsico | Serafini |
| Bebko-Jones | Flick | Masland | Shaner |
| Belardi | Gamble | Mayernik | Sheehan |
| Belfanti | Gannon | McCaill | Smith, B. |
| Birmelin | Giest | McGechan | Smith, S. H. |
| Bishop | George | McGill | Snyder, D. W. |
| Blau | Gigliotti | Melio | Staback |
| Boccola | Gladack | Merry | Stairs |
| Boys | Godshall | Michlovic | Steelman |
| Brown | Gorder | Miccozie | Steil |
| Browne | Gruita | Mihalich | Stern |
| Bunt | Gruppo | Miller | Stoter |
| Butkovitz | Habay | Mundy | Stish |
| Buxton | Haluska | Myers | Strittmatter |
| Caltagirone | Hanna | Nailor | Sturla |
| Cappabianca | Harhart | Nickol | Surra |
| Carn | Hassay | Nyce | Tanguetti |
| Carone | Haste | O'Brien | Taylor, E. Z. |
| Cawley | Hennessey | Olaz | Taylor, J. |
| Chadwick | Herman | Oliver | Thomas |
| Civera | Hershey | Perzel | Tigue |
| Clark | Hess | Pesci | Tragliolo |
| Clymer | Horsey | Petrarca | Trello |
| Cohen, L. I. | Hutchinson | Petrone | Trich |
| Cohen, M. | Itkin | Pettit | True |
| Colafella | Jadowiec | Phillips | Tulli |
| Colaiizzo | James | Fistella | Vance |
| Conti | Jarolin | Platts | Van Horne |
| Cornell | Josephs | Preston | Veon |
| Corpora | Kaiser | Ramos | Vitali |
| Cowell | Keller | Raymond | Walko |
| Coy | Kenney | Readshaw | Waugh |
| Curry | King | Reber | Wogan |
| Daley | Kirkland | Reinard | Wozniak |
| Della | Krebs | Rieger | Wright, D. R. |
| Dempsey | Kukovich | Roberts | Wright, M. N. |
| Dent | LaGrotta | Robinson | Yewick |
| Dermody | Laughlin | Roebuck | Youngblood |
| DeWeese | Lawless | Rohrer | Zimmerman |
| DiGirolamo | Lederer | Rooney | Zug |
| Donatucci | Leh | Rubley | |
| Drue | Lescowitz | Rudy | Ryan, |
| Durham | Levdansky | Sainato | Speaker |

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| Corrigan | Pitts | Washington | Williams |

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

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

Mr. SCRIMENTI offered the following amendment No. A7226:

Amend Title, page 1, line 7, by striking out “and” where it appears the second time
Amend Title, page 1, line 9, by removing the period after “penalties” and inserting
; and providing for attorney fees in private actions.
Amend Bill, page 7, by inserting between lines 17 and 18
Section 4. Section 9.2(a) of the act, repealed in part April 28, 1978 (P.L.202, No.53), is amended to read:
Section 9.2. Private Actions.—(a) Any person who purchases or leases goods or services primarily for personal, family or household purposes and thereby suffers any ascertainable loss of money or property, real or personal, as a result of the use or employment by any person of a method, act or practice declared unlawful by section 3 of this act, may bring a private action to recover actual damages or one hundred dollars ($100), whichever is greater. The court may, in its discretion, award up to three times the actual damages sustained, but not less than one hundred dollars ($100), and may provide such additional relief as it deems necessary or proper. The court may award to the plaintiff, in addition to other relief provided in this section, costs and reasonable attorney fees.

Amend Sec. 4, page 7, line 18, by striking out “4” and inserting

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

The SPEAKER pro tempore. The gentleman, Mr. Scrimenti. Mr. SCRIMENTI. Thank you, Mr. Speaker.

My amendment would permit the court to award plaintiffs in consumer rights court cases costs and reasonable attorney fees in addition to actual damages. The fact that attorney fees and court costs can cost more than the award keeps victims of proven violations from seeking justice.

My amendment corrects that weakness in our consumer rights law, and I ask for a “yes” vote for my amendment. Thank you.

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

The following roll call was recorded:

| YEAS—194 |
|-----------------|-----------------|
| Adolph | Durham | Lescowitz | Rudy |
| Allen | Egolf | Levdansky | Sainato |
| Argall | Evans | Lloyd | Santoni |
| Armstrong | Fairchild | Lucyk | Sather |
| Baker | Fajt | Lynch | Saylor |
| Bard | Farmer | Maitland | Schroder |
| Barley | Feese | Major | Schulter |
| Battisto | Fichter | Manderino | Scrimenti |
| Bebko-Jones | Fleagle | Markosko | Sennel |
| Belardi | Flick | Marsico | Serafini |
| Belfanti | Gamble | Masland | Shaner |
The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

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

Bill as amended was agreed to.

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

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

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

Ordered, That the clerk return the same to the Senate with the concurrence of the Senate is requested.
FAREWELL ADDRESS
BY MR. KING

The SPEAKER pro tempore. Thank you, Mr. Speaker, for the opportunity to stand here at the podium and proceed with these important issues.

I would like to say that since I decided to run for office early in November in 1989, that since that time, the Berlin Wall has come down, we defeated the Iraqis in Desert Storm, we now have a Republican Congress, and the Governorship, the House, and the Senate are in Republican hands, and Matt Ryan has now returned to Speaker of the House. I can do no more.

I would like to pay tribute to certainly those who have helped me – my brother, Tom, who served here back in the 1960’s.

It is a privilege to be here, to serve with you. I thank you for your courtesy at all times, your well wishes, and I know that the Commonwealth is in good hands. The system is at work, as placed here by our Founding Fathers. I see from this dais not only a vision to Speaker of the House. I can do no more.

I wish to publicly thank the following people for their support throughout my legislative career: my wife, Judy Grabert King, and my sons, David, Ryan, and Matthew. I wish to thank Denise Bell, who has served alongside me and through her efforts has served the public beyond the call of duty: Mr. Sam Aubel; Mr. Jack Dershimer; Mr. Warren Pilgrim; Mr. Allen Collins; Mrs. Nettie Pantall; Mrs. Pauline Marsh; Miss Tonya Chason; Mrs. Jan Appli; Dr. Tom King; Lois King; Mr. and Mrs. Joseph Hood; Garth and Mary Shay; Paul and Chuckie Gillespie; and Karen Masterofrancesco.

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 1317, PN 2388, entitled:

An Act providing for registration requirements for telemarketers and for powers and duties of the Office of Attorney General.

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?

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

Mr. GODSHALL. Thank you, Mr. Speaker.
Over the last 2 years, the Tourism and Recreational Development Committee has been working diligently on the issue of preventing travel fraud. We have found that fraudulent travel practices often occur through the telemarketing industry.

To SB 1317, I had sponsored amendment 7078, which I believe was distributed. This amendment would have targeted a large portion of travel fraud by including travel or tour services as one of the covered consumer goods and services in SB 1317. However, after discussions with Senator Fisher’s office, it is my understanding that telemarketers soliciting travel or tour services would be covered under the act by the consumer goods and services or prize promotion definitions.

Many of you are all too familiar with telemarketers calling you on the phone to congratulate you on winning a dream vacation. So often these dream vacations do not exist or end up being anything but free, costing the consumer up to thousands of dollars.

I urge you to vote “yes” on SB 1317 to end these kinds of fraudulent practices.

I wanted to read this statement into the House record to make it very clear to all concerned that travel and tourism are covered under this telemarketing bill. Thank you, Mr. Speaker.

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—199

Adolph        Evans        Lloyd
Allen         Fairchild   Lucyk
Argall        Fajt         Lynch
Armstrong     Fargo        Maitland
Baker         Farmer       Major
Bard          Feese        Manderino
Barley        Fichter      Markosek
Batisto       Fleagle      Marsico
Bebko-Jones   Flick        Masland
Belardi       Gamble       Mayernik
Belfanti      Gannon       McColl
Birmelin      Geist        McGeehan
Bishop        George       McGill
Blaun         Gigliotti    Melio
Boscola       Gladeck      Merry
Boyes         Godshall     Michelovic
Brown         Gorder       Miccozie
Browne        Gruitzia     Milesich
Butt          Gruppo       Miller
Butkowitz     Habay        Mundy
Buxton        Haluska      Myers
Caltagirone   Hanna        Nailor
Cappabianca   Harhart      Nickol
Carn          Hassay       Nyce
Carone        Haste        O’Brien
Caskey        Hennessey    Olasz
Chadwick      Herman       Oliver
Civera        Hershey      Perzel
Clark         Hess         Pesci
Clymer        Horsey       Petrcsa
Cohen, L. I.  Hutchinson   Petrone
Cohen, M.     Iklin        Petit
Colafella     Jadowiec     Phillips
Colaizzo      James        Pistoria
Coni          Jarolin      Platts
Cornell       Josephs      Preston
Corpora       Kaiser       Ramos
Cowell        Keller       Raymon
The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

* * *

The House proceeded to third consideration of SB 1469, PN 2399, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for reappointment of district justice; further providing for law enforcement records; authorizing immunity for employers who disclose certain information regarding employees; empowering the Governor to authorize the transfer of certain convicted offenders pursuant to outstanding treaties; providing for Accelerated Rehabilitative Disposition; further providing for restitution: convicted offenders pursuant to outstanding treaties; providing for

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

Mr. GEORGE offered the following amendment No. A7348:

Amend Title, page 1, line 5, by inserting after "EMPLOYEES;" providing for procedural protections in certain environmental matters:

Amend Bill, page 3, by inserting between lines 23 and 24 Section 4. Chapter 83 of Title 42 is amended by adding a subchapter to read:

SUBCHAPTER F
ENVIRONMENTAL POLICY PARTICIPATION LAW

Sec.
8361. Short title of subchapter.
8362. Definitions.
8363. Immunity from suit.
8364. Motion to strike.
8365. Attorney fees.
8366. Intervention of government agency.
8367. Abuse of legal process.
8368. Construction of subchapter.

§ 8361. Short title of subchapter.
This subchapter shall be known and may be cited as the Environmental Policy Participation Law.

§ 8362. Definitions.
The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Act in furtherance of a person's right of petition or free speech under the United States Constitution or the Constitution of Pennsylvania in connection with a public issue." Any written or oral statement or writing made before a legislative, executive or judicial proceeding, or any other official proceeding authorized by law; any written or oral statement or writing made in connection with an issue under consideration or review by a legislative, executive or judicial body, or any other official proceeding authorized by law; any written or oral statement or writing made in a place open to the public or a public forum in connection with an issue of public interest; or any written or oral statement or writing made to a government agency in connection with the implementation and enforcement of environmental law and regulations.

"Enforcement of environmental law and regulations." Any activity related to the identification and elimination of violations of environmental laws and regulations, including investigations of alleged violations, inspections of activities subject to regulation under environmental law and regulations and responses taken to produce correction of the violations.

"Government agency." The Federal Government, the Commonwealth and all of its departments, commissions, boards, agencies and authorities, and all political subdivisions and their authorities.

"Implementation of environmental law and regulations." Any activity related to the development and administration of environmental programs developed under environmental law and regulations.

§ 8363. Immunity from suit.
A person who acts in furtherance of the person's right of petition or free speech under the Constitution of the United States or the Constitution of Pennsylvania in connection with an issue related to enforcement or implementation of environmental law or regulation shall be immune from civil liability in any action regardless of intent or purpose except where the communication to the government agency is not genuinely aimed at procuring a favorable governmental action, result or outcome. A communication is not genuinely aimed at procuring a favorable governmental action, result or outcome if it is not material or relevant to the enforcement or implementation of environmental law or regulation.

§ 8364. Motion to strike.
(a) General rule.—A cause of action against a person arising from any act of that person in furtherance of the person's right of petition or free speech under the Constitution of the United States or the Constitution of Pennsylvania in connection with a public issue shall be subject to a special motion to strike unless the court determines that the plaintiff has established that there is a substantial likelihood that the plaintiff will prevail on the claim. In making its determination, the court shall consider the pleadings and supporting and opposing affidavits stating the facts upon which the liability or defense is based. The court shall advance any motion to strike so that it may be heard and determined with as little delay as possible.

(b) Discovery.—The court shall stay all discovery proceedings in the action upon the filing of a motion to strike, provided, however, that the court, on motion and after a hearing and for good cause shown, may order that specified discovery be conducted. The stay of discovery shall remain in effect until notice of the entry of the order ruling on the motion to strike.

(c) Determination not evidence.—If the court determines that the plaintiff has established that there is a substantial likelihood that he will prevail on the claim, either that determination nor the fact of that determination shall be admissible in evidence at any later stage of the case, and no burden of proof or degree of proof otherwise applicable shall be affected by that determination.
(d) Time of filing.—The special motion may be filed within 60 days of the service of the complaint or, in the court’s discretion, at any later time upon terms it deems proper.

§ 8365. Attorney fees.

If a person successfully defends against an action under this subchapter, that person shall be awarded reasonable attorney fees and the costs of litigation. If the person prevails in part, the court may award reasonable attorney fees and costs of litigation or an appropriate portion thereof. A person successfully defends against an action if the person prevails on a motion to strike a cause of action under section 8364 (relating to motion to strike) or later prevails on the merits in the action.

§ 8366. Intervention of government agency.

The government agency involved in the act in furtherance of a person’s right of petition or free speech under the Constitution of the United States or the Constitution of Pennsylvania in connection with a public issue shall have the right to intervene or otherwise participate as an amicus curiae in the action involving public petition and participation.

§ 8367. Abuse of legal process.

Nothing in this subchapter shall be construed to limit any constitutional, statutory or common-law protections of defendants to actions involving public petition and participation.

Amend Sec. 4, page 3, line 24, by striking out “4” and inserting 5
Amend Sec. 5, page 4, line 6, by striking out “5” and inserting 6
Amend Sec. 6, page 4, line 11, by striking out “6” and inserting 7
Amend Sec. 7, page 5, line 1, by striking out “7” and inserting 8
Amend Sec. 8, page 5, line 5, by striking out “8” and inserting 9
Amend Sec. 9, page 5, line 10, by striking out “9” and inserting 10

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

AMENDMENT WITHDRAWN

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

Mr. GEORGE. Mr. Speaker, this amendment is withdrawn, and the reason that we are withdrawing these amendments—

The SPEAKER. That is all right. The amendment is withdrawn.

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

The SPEAKER. Is the gentleman offering his second amendment?

Mr. GEORGE. Mr. Speaker, please allow me some flexibility, if you will, sir.

The SPEAKER. The Chair recognizes the gentleman.

Mr. GEORGE. The gentleman, Mr. Gannon, and our colleague have agreed to an amendment. Mr. Clark agrees to join with me in an amendment that has been put together that will do the job of both of these amendments.

With your permission, we will ask the members to acknowledge and give us the right to suspend the rules when you allow me to make that motion.

The SPEAKER. The gentleman, Mr. Gannon.

Mr. GANNON. Mr. Speaker, Mr. George states the situation correctly. We would like to agree to a suspension to offer an amendment that we have worked out and agreed to, and Mr. George will withdraw the other amendment.

The SPEAKER. The Chair thanks the gentleman.

Do I understand you have withdrawn 7527? Oh, pardon me. Mr. Gannon, are you offering 7527 as the agreed-to amendment?

I have it marked as “George and Clark.” Is that the amendment?

Mr. GANNON. Yes, Mr. Speaker.

The SPEAKER. The clerk will read the amendment.

RULES SUSPENDED

Mr. GANNON. Mr. Speaker, if I may.

If I may, I would like to make a motion to suspend the rules—

The SPEAKER. Yes; yes, I am sorry.

Mr. GANNON. —to offer the Clark-George amendment.

The SPEAKER. The gentleman, Mr. Gannon, moves that the rules of the House be suspended to permit the offering of amendment A7527.

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

The following roll call was recorded:

YEAS—192

Adolph
Allen
Argall
Armstrong
Baker
Bard
Barto
Battisto
Bebek-Jones
Belardi
Bellanti
Birmelin
Bishop
Blaum
Boscola
Boyes
Brown
Browne
Bunt
Butkovitz
Buxton
Calagione
Cappabianca
Carn
Cawley
Chadwick
Civera
Clark
Clymer
Cohen, L. I.
Cohen, M.
Colalillo
Colatizzo

Egolf
Evans
Fairchild
Fajl
Fargo
Farmer
Feese
Fichter
Fleagle
Flick
Gamble
Gannon
Gcis
George
Gigliotti
Glaideck
Godshall
Gordner
Gruita
Gruppo
Habay
Haluska
Hanna
Harhart
Hasay
Haste
Hennessey
Hershey
Hess
Horsey
Hutchinson
Itkin

Lloyd
Lucy
Major
Mandarino
Markosek
Marsico
Masland
Mast
Mayerink
Melio
McCall
McClehan
McGill
Michevich
Micozzie
Mihalich
Miller
Mundy
Myers
Nickol
Nyece
O’Brien
Oranz
Oliver
Perzel
Petracca
Petrone
Pettit
Phillips
Pistella

Sather
Saylor
Schroder
Schuler
Scrimenti
Semmel
Serafini
Shaner
Sheehan
Smith, B.
Smith, S. H.
Snyder, D. W.
Staback
Stairs
Steelman
Stern
Stetler
Stish
Strittmatter
Sturla
Tangetti
Taylor, E. Z.
Taylor, J.
Thomas
Travaglio
Trello
Trich
True
Tulli
Vance
Van Home
who dares to come forward having a complaint about legislation. That is legislation that will, during communication, shall he the subject of petition.

The SPEAKER. Mr. George, I have recognized you on your question.

Mr. GEORGE. Mr. Speaker?

Will the House agree to the amendment?

Mr. GEORGE offered the following amendment No. A7527:

Amend Title, page 1, line 4, by inserting after “AUTHORIZING” qualified immunity for certain communications and

Amend Sec. 3, page 3, line 7, by striking out “A SECTION” and inserting sections

Amend Sec. 3, page 3, by inserting between lines 7 and 8 § 832.6. Qualified immunity from suit.

A person who, in good faith, acts in furtherance of the person’s right of petition or free speech under the Constitution of the United States or the Constitution of Pennsylvania in connection with a public issue shall be immune from civil liability in any action except where the communication to the government agency is not genuinely aimed at procuring a favorable governmental action, result or outcome and the communication caused actual injury to the person bringing the action.

On the question,

Will the House agree to the amendment?

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

Mr. GEORGE. Mr. Speaker?

The SPEAKER. Mr. George, I have recognized you on your amendment.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, this amendment attends to the concern that many of us had over the months in regard to the necessity of “slap” legislation. That is legislation that will, hopefully, alleviate anyone who dares to come forward having a complaint about State government and then for some reason having a lawsuit slapped against that individual.

The gentleman, Mr. Clark, and myself along with the committee feel that this is necessary legislation, and it will go a long way in allowing people to speak their mind and present a case when in fact they have been intimidated by a potential lawsuit.

I ask that we all support this amendment, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Gannon.

Mr. GANNON. Mr. Speaker, I agree with this amendment.

Will the House agree to the amendment?

The following roll call was recorded:

NAYS–7

Carone Lynch Platts Tigue

Krebs Maitland Steil

NOT VOTING–0

EXCUSED–4

Corrigan Pitts Washington Williams

The majority 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?

NAYS–0

NOT VOTING–0
Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is agreed to.

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. It will be necessary to strike this vote. The machine has a problem, or the machine operator has a problem.

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

The following roll call was recorded:

YEAS—199

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Argall
Armstrong
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Barley
Battisto
Bebko-Jones
Bercardi
Belfanti
Birmelin
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Cendron
Cayley
Chadwick
Civera
Clark
Clymer
Cohen, L. I.
Cohen, M.
Coletta
Croll
Corallo
Coates
Cori
Corliss
Corporale
Cotter
Cour
Coyle
Coyne
Cragun
Crist
Crowley
Dale
Daley
Deluca
Dempsey
Dent
Dermody
DeVoe
DelGirolamo
Donatucci
Duce
Dunham
Egolf
Evans
Fairchild
Fajt
Fargo
Farmer
Feese
Fichter
Fleagle
Flick
Gambini
Gannon
Geist
Gigliotti
Gladeck
Godshall
Gordon
Gruita
Gruppo
Habay
Haluska
Hannah
Harhart
Hasay
Harshay
Hastie
Hennessey
Herman
Hershey
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Hoyt
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Miller
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O'Brien
Olmos
Oliver
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O'Malley
Olson
Orlando
O'Toole
Osborne
O'Sullivan
O'Very
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Parrish
Parum
Pascarella
Parisi
Pasquale
Pastore
Patterson
Patton
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Payne
Peet
Pelletier
Pemberton
Pepitone
Peters
Peters
Persan
Pettini
Petula
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Platts
Preston
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Roebuck
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Rubley
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Scheurer
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Smith, B.
Smith, M.
Smith, S. H.
Snyder, D. W.
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Taylor, E. Z.
Taylor, J.
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Van Horne
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Walsh
Wagner
Wogan
Wozniak
Wozniak
Wozniak
Zimmerman
Zug
Ryan
Speaker
The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

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

Mr. WOGAN offered the following amendment No. A7398:

Amend Title, page 1, lines 2 and 3, by striking out “PROVIDING FOR REAPPOINTMENT OF DISTRICT JUSTICE;”
Amend Sec. 1 (Sec. 3132.2), page 1, lines 14 through 19, by striking out all of said lines
Amend Sec. 2, page 1, line 20, by striking out “2” and inserting “1”
Amend Sec. 3, page 1, line 20, by striking after “42” of the Pennsylvania Consolidated Statutes
Amend Sec. 3, page 3, line 7, by striking out “3” and inserting “2”
Amend Sec. 3 (Sec. 8339.1), page 3, line 21, by striking out “OR”
Amend Sec. 3 (Sec. 8339.1), page 3, line 23, by removing the period after “INFORMATION” and inserting a semicolon

; or
(5) violated or interfered with any civil right or statutory right of the current or former employee.
Amend Sec. 4, page 3, line 24, by striking out “4” and inserting “3”
Amend Sec. 5, page 4, line 6, by striking out “5” and inserting “4”
Amend Sec. 6, page 4, line 11, by striking out “6” and inserting “5”
Amend Sec. 7, page 5, line 1, by striking out “7” and inserting “6”
Amend Sec. 8, page 5, line 5, by striking out “8” and inserting “7”
Amend Sec. 9, page 5, line 10, by striking out “9” and inserting “8”

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

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

Mr. WOGAN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is the product of negotiations with various organizations, including the State AFL-CIO. It adds language which we think would enhance the protection of employees vis-a-vis HB 1972, which is the bill that grants limited immunity to employers for sharing information in good faith about prospective employees.

This bill passed this chamber by a vote of 143 to 58 on June 18, 1996. I would ask for support for this amendment.

The following roll call was recorded:

**YEAS—198**

Adolph
Allen
Argall
Armstrong
Baker
Bess
Barley
Battistico
Bebko-Jones
Belardi
Bellanti
Birmelin
Bishop
Brown
Boyce
Browne
Burt
Butkovitz
Buxton
Calagione
Cappabianca
Carn
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Cawley
Chadwick
Chervon
Clark
Climer
Cohen, L. I.
Cohen, M.
Cola
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Cornell
Corpora
Coffell
Cowell
Coy
Curry
DeLuca
Dempsey
Dent
Demody
DeWeese
DiGrolamo
Donatucci
Druce
Durham
Egolf

Evans
Fairchild
Fajt
Fargo
Farmer
Fene
Fichter
Flexag
Flick
Gamble
Gannon
Geist
George
Gladek
Hubay
Haluiska
Hanna
Harhart
Hasay
Henicse
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James
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Olaz
Oliver
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Readshaw
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Sainato
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Sather
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Schrader
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Smith, S. H.
Snyder, D. W.
Staback
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Wright, M. N.
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Youngblood
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**NAYS—0**

**NOT VOTING—0**

Daley

**EXCUSED—4**

Corrigan

Washington

Williams

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

Will the House agree to the amendment?

The following roll call was recorded:

**YEAS—198**

Adolph
Allen
Argall
Armstrong
Baker
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Battistico
Bebko-Jones
Belardi
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DeWeese
DiGrolamo
Donatucci
Druce
Durham
Egolf

Evans
Fairchild
Fajt
Fargo
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Hubay
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Kenney
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Kirkland
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LaGrotta
Laughlin
Lawless
Lederer
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Levdansky

Lloyd
Lucyk
Lynch
Mailand
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McGill
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O’Brien
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Van Horne
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Vitali
Walko
Wagon
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Wozniak
Wright, D. R.
Wright, M. N.
Yepec
Yewcic
Youngblood
Zimmerman
Zug
Zryan
Zub
Zimmerman

**NAYS—0**

**NOT VOTING—0**

Daley

**EXCUSED—4**

Corrigan

Washington

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

Mr. FEES offered the following amendment No. A7399:

Amend Title, page 1, line 4, by inserting after "RECORDS" and for conduct of certain proceedings and inserting 6336(e) of Title 42 are
Amend Sec. 2, page 1, line 20, by striking out "OF TITLE 42 IS" and inserting § 6336. Conduct of hearings.

** Open proceedings.--The general public shall not be excluded from any [hearing] hearing or other proceeding brought under this chapter:

(1) Pursuant to a petition alleging delinquency where the child was 14 years of age or older at the time of the alleged conduct and the alleged conduct would be considered a felony if committed by an adult.

(2) Pursuant to a petition alleging delinquency where the child was 12 years of age or older at the time of the alleged conduct and where the alleged conduct would have constituted one or more of the following offenses if committed by an adult:

(i) Murder.
(ii) Voluntary manslaughter.
(iii) Aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault).
(iv) Arson as defined in 18 Pa.C.S. § 3301(a)(1) (relating to arson and related offenses).
(v) Involuntary deviate sexual intercourse.
(vi) Kidnapping.
(vii) Rape.
(viii) Robbery as defined in 18 Pa.C.S. § 3701(a)(1), (ii) or (iii) (relating to robbery).
(ix) Robbery of motor vehicle.
(x) Attempt or conspiracy to commit any of the offenses in this paragraph.

Notwithstanding anything in this subsection, the proceedings shall be closed upon and to the extent of any agreement between the child and the attorney for the Commonwealth.

**

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

The SPEAKER. The Chair recognizes the gentleman.

Mr. FEES. Thank you, Mr. Speaker.

Mr. Speaker, this amendment clarifies the open-proceedings act which we passed and was signed by the Governor during the special session on crime. The intent of the act was to open all juvenile proceedings, including the adjudication phase as well as the dispositional phase. There has been a county court decision, however, which has interpreted the act only to apply to the adjudication phase. This amendment should correct that to make it clear once again that the intent of this act is to open all juvenile proceedings under the juvenile code as it applies to this particular law.

So we would ask your support for the amendment. Thank you.

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

The following roll call was recorded:

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<th>YEAS—199</th>
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</table>

NAYS—0

NOT VOTING—0

EXCUSED—4

Corrigan Pitts Washington Williams

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

On the question recurring,
Will the House agree to the bill on third consideration as amended?
Mr. O'BRIEN offered the following amendment No. A7400:

Amend Title, page 1, line 9, by inserting after “restitution;”
suspending a statute;
Amend Title, page 1, line 9, by striking out “A REPEAL” and inserting
repeals
Amend Bill, page 5, line 4, by inserting after line 30
knew as the DNA Detection of Sexual and Violent Offenders Act, is
hereby suspended until October 1, 1997.
Amend Sec. 7, page 5, line 1, by striking out “7.” and inserting
8. (a)
Amend Sec. 7, page 5, by inserting between lines 4 and 5
(b) Section 1102(1) of the act of May 28, 1995 (1st Sp.Sess.,
P.L.1009, No.14), known as the DNA Detection of Sexual and Violent
Offenders Act, is repealed.
Amend Sec. 8, page 5, line 5, by striking out “8” and inserting
9
Amend Sec. 8, page 5, line 9, by striking out THE EFFECTIVE
DATE OF THIS ACT.” and inserting
October 1, 1997.
Amend Sec. 9, page 5, line 10, by striking out all of said line and inserting
Section 10. This act shall take effect as follows:
(1) Sections 7, 8, 9 of this act and this section shall take effect
immediately.
(2) The remainder of this act shall take effect in 60 days.

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

The SPEAKER. The Chair recognizes the gentleman, Mr. O'Brien.

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

Mr. Speaker, this amendment simply delays the implementation
of the DNA Detection of Sexual and Violent Offenders Act from
January 1, 1997, until October 1, 1997, pending further funding
and promulgation of regulations.

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

The following roll call was recorded:

YEAS—199

Adolph       Evans       Lloyd       Santoni
Allen        Fairchild   Lucyk       Sather
Argall       Fait        Lynch       Saylor
Armstrong    Fargo        Maitland   Schroeder
Baker        Farmer       Major       Schuler
Bard         Feese        Manderino  Scrimenti
Barley       Fichter      Markosek   Semmel
Battisto     Fleagle      Marsico    Serafini
Bebb-Jones   Flick        Masland    Shank
Belardi      Gamble       Mavrichak Sheehan
Belfanti     Gannon       McCall     Smith, B.
Bermelin     Geist        McGehee     Smith, S. H.
Bishop       George       McGill     Snyder, D. W
Blau         Gigliotti    Melo        Staback
Boscola      Gladbeck     Merry       Stairs
Boyce        Godshall     Michlovic  Steelman
Brown        Gordin      Miscocie    Steil
Brownie      Gruiza       Mihalich    Stern
Bunt         Gruppo       Miller     Stetler

Butkovitz   Habay       Mundy       Stish
Buxton       Haluska     Myers       Strittmatter
Calagione   Hanna       Naiikor     Sturla
Cappabianca Harhart     Nickol       Surra
Carrone      Haske        Nyce        Tangretti
Cawley       Hennessey   O'Brien     Taylor, E. Z.
Chadwick     Herman       Olasz       Taylor, J.
Civara       Hershey      Oliver       Thomas
Clark        Hess         Pecsi       Tigu
Clmyer       Horseby      Petrarca    Tivoli
Cohen, L. J. Hutchinson  Petrone     Trello
Cohen, M.    Itkin        Pettit       Trich
Colalvilla   Jadowiec    Phillips     True
Colaiazzo    James       Pistella    Tulli
Conti        Jarolin      Platts      Van Horne
Cornell      Josephs     Preston      Veon
Corpora      Kaoer       Ramos       Vitali
Cowell       Keller       Raymond     Walko
Coy          Kenney      Readshaw   Waugh
Curry        King         Reber       Wogan
Daley        Kirkland    Reinard     Wozniak
DeLuca       Krebs       Rieger      Wright, D. R
Dempsey      Kukovich    Roberts     Wright, M. N.
Dent         LaGrotta    Robinson     Yevice
Dermody      Laughlin    Roebuck     Youngblood
DeWeese      Lawless    Rohrer       Zimmerman
DiGirolamo   Lederer    Rooney       Zug
Donatucci    Leb         Rubley     Yim
Ducce        Lescovitz  Rudy         Yank
Durham       Levdansky  Sainato    Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Corrigan  Pitts  Washington  Williams

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

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

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

The clerk will suspend.

The gentleman, Mr. Belfanti, withdraws his amendment.

The gentleman, Mr. Veon, is recognized— The gentleman, Mr. Veon, withdraws his amendment.

Are there no further amendments? The question recurs, shall
the bill pass finally as amended—

Mr. HORSEY. Mr. Speaker?

The SPEAKER. Mr. Horsey.

Mr. HORSEY. Mr. Speaker, I have a couple amendments that
should have been timely filed to this bill.

The SPEAKER. We will check.

Mr. Horsey, we have no record of them. I have no record of
them.

Mr. Horsey, you filed amendments today.

Mr. HORSEY. Oh, okay. All right. Okay.

The SPEAKER. You know, that is too late.
Mr. HORSEY. Okay. Thank you, Mr. Speaker. I thought the bill was going to be run tomorrow.

Okay. It is on the calendar for both days. Thank you, Mr. Speaker.

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS--199

Adolph  Evans  Lloyd  Santoni
Allen    Fairchild  Lucyk  Satterfield
Argall   Fajt  Lynch  Saylor
Armstrong  Fargo  Maitland  Schroder
Baker    Farmer  Major  Schuler
Bard     Feece  Manderino  Scrimanti
Barley   Fichter  Markosek  Semmel
Battisto Flegg  Marzico  Serafini
Belko-Jones  Flick  Masland  Shaner
Belardi  Gamble  Mayernik  Sheehan
Belfanti  Gannon  McCall  Smith, B.
Birmelin  Geist  McGregor  Smith, S. H.
Bishop   George  Metio  Snyder, D. W.
Blum     Gigliotti  Michl  Stablack
Boscola  Gladeck  Micon  Steelman
Boyce    Godshall  Micozzi  Stiel
Brown    Gordon  Mihalic  Stern
Browne   Gruitzka  Mihalek  Stetter
Bunt     Gruppo  Miller  Strick
Butkovitz  Halay  Mundy  Straight
Buxton   Haluska  Myers  Strittmatter
Caltagirone  Hanna  Nickol  Surra
Cappabianca  Harhart  Nycz  Tantarri
Carin    Hasay  O'Brien  Taylor, E. Z.
Carone   Haste  Olaz  Taylor, J.
Cawley   Hennessey  Oliver  Thomas
Chadwick  Herman  Perzel  Tigue
Civera   Hershey  Pesce  Trisch
Clark    Hess  Petrocchiaro  True
Clramer  Horsey  Phillips  Tulli
Cohen, L. I.  Hutchinson  Petrone  Vance
Cohen, M.  Itkin  Pettit  Van Horn
Colafella  Jadlowiec  Phillips  Veon
Colaiazzo  James  Pistella  Vermont
Conti    Jarolim  Platts  Walker
Cornell  Josephs  Preston  Waugh
Corpora  Kaiser  Ramos  Wogan
Cowell  Keller  Raymond  Wozniak
Coy      Kenney  Readshaw  Wright, D. R.
Curry    King  Reber  Wright, M. N.
Daley    Kirkland  Reimund  Ycvke
DeLuca   Krebs  Rieger  Youngblood
DeMpsay  Kukovich  Roberts  Zwolinski
Dent     LaGrotta  Robinson  Zwolinski
Dermody  Laughlin  Roebeck  Youngblood
DeWeese  Lawless  Rohrer  Zimmerman
DiGirolamo  Lederer  Rooney  Zug
Donattucci  Leh  Rubley  Ryan,
Druce    Leskovitz  Rudy  Sainato
Durham   Ledvinsky  Sainato  Speaker

NAYS--0

Corrigan  Pitts  Washington  Williams

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

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

* * *

The House proceeded to third consideration of SB 1322, PN 2401, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, amending provisions relating to child victims and witnesses.

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

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentleman, Mr. Roberts, who would like to offer amendments but will first have to ask the House for a suspension of the rules.

Mr. Roberts is recognized.

Mr. Roberts, who would like to offer amendments but will first have to ask the House for a suspension of the rules.

Mr. Roberts is recognized.

Mr. Roberts is entitled to your attention.

Mr. Roberts is recognized.

I would like to make a motion to suspend the rules so that I may offer—

The SPEAKER. The gentleman will yield.

The gentleman, Mr. Roberts, is entitled to your attention.

The gentleman, Mr. Roberts, is recognized.

Mr. Roberts is recognized.

Mr. Speaker, I would like to make a motion to suspend the rules so that I may offer amendment A7590.

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

The SPEAKER. On the question of suspension of the rules for the purpose of offering amendment A7590, those in favor will vote—

The Chair recognizes the gentleman— The Republican floor leader shifts his responsibility for the moment to Mr. Gannon.

Mr. GANNON. Yes, Mr. Speaker. We are opposed to the suspension of the rules for purposes of offering an amendment and would ask the members to vote “no” on the suspension of the rules.

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

The following roll call was recorded:
having voted in the affirmative, the question was determined in the affirmative.

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.

Bill was agreed to.

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

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

***

The House proceeded to third consideration of HB 2610, PN 4072, entitled:

An Act establishing the State Tax Collectors’ Commission; and providing for the certification of State tax collectors and for continuing education.

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—193

Adolph Evans Lloyd Santoni
Allen Fairchild Lucyk Sather
Argall Fajt Lynch Saylor
Armstrong Fargo Maitland Schroder
Baker Farmer Major Schuler
Bard Feese Manderino Semmenti
Barley Fichter Markosek Semmel
Battisto Fleagle Marsico Serafini
Bebko-Jones Flick Masland Shaner
Belardi Gamble Mayernik Smith, B.
Belhart Gannon McCall Smith, S. H.
Birmelin Geist McGeehan Snyder, D. W.
Bishop George McGill Staback
Blau Gigliotti Melio Stairs
Boscwalla Gladeck Miccozzi Steel
Browne Godshall Michlovic Steil
Bunt Gordon Mihalich Stetler
Butkovitz Gruitzka Miller Stish
Buxton Gruppo Mundy Strittmatter
Caltagirone Habay Myers Sturla
Ilianska Caro Hulsa Sturla
Carn Habay Myers Surra
Carone Hasay Nickol Tangretti
Cawley Haste O’Brien Taylor, E. Z.
Chadwick Hennessey Olaz Taylor, J.
Civara Herman Oliver Thomas
Clark Hesey Perzel Tugyalgo
Clymer Hess Petracca Trello
Cohen, L. I. Horsey Petrone Trich
Cohen, M. Hutchinson Phillips True
Colafella Itkin Petit Tulli
Colaizzi Jadowiec Phillips Tulli
Conti James Phillips Tulli
Cornell Jarolin Platts Van Home
Coppola Josephs Preston Veon
Cowell Kaiser Ramos Vitali
Coy Keller Raymond Waugh
Curry Kenney Readshaw Wogan
Daley King Reber Wozniak
Deluca Kirkland Reinard Wright, D. R.
Dempsey Krebs Rieger Wright, M. N.
Dent Kulovich Roberts Youngblood
Demody LaGrotta Robinson Zimmerman
DeWeese Laughlin Roebuck Zug
DiCirolla Lawless Rohrer
Donatucci Lederer Rooney

YEAS—198

Adolph Evans Lloyd Santoni
Allen Fairchild Lucyk Sather
Argall Fajt Lynch Saylor
Armstrong Fargo Maitland Schroder
Baker Farmer Major Schuler
Bard Feese Manderino Semmenti
Barley Fichter Markosek Semmel
Battisto Fleagle Marsico Serafini
Bebko-Jones Flick Masland Shaner
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Bunt Gordon Mihalich Stetler
Butkovitz Gruitzka Miller Stish
Buxton Gruppo Mundy Strittmatter
Caltagirone Habay Myers Sturla
Carn Hasay Nyce Taylor, E. Z.
The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.
The House proceeded to third consideration of SB 1165, PN 1361, entitled:

An Act amending the act of July 20, 1974 (P. L. 564, No. 193), entitled “Peer Review Protection Act,” extending the protection given by the act to review committees of associations of veterinarians; and redefining “professional health care providers” to include veterinarians.

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 Lloyd Santoni
Allen Fairchild Lucyk Sather
Argall Fajt Lynch Saylor
Armstrong Fargo Maitland Schroder
Baker Farmer Major Schuler
Bard Feese Manderino Scriminti
Barley Fichter Markosek Semmel
Battisto Flicgle Marsico Serafini
Bebko-Jones Flick Masland Shaper
Belardi Gamble Mayernik Sheehan
Belfanti Gannon McCall Smith, B.
Birmelein Geist McGechan Smith, S. H.
Bishop George McGill Snyder, D. W.
Blaua Giggliotti Melio Staback
Boscola Gladcky Merry Stairs
Boyces Godshall Michlovic Steelman
Brown Gorden Miroczzie Stel
Browne Gruitzka Mahichich Sichert
Bunt Gruppo Miller Stelter
Butkovitz Habay Mundy Stish
Buxton Haluska Myers Strittmatter
Caltagirone Hanna Naiznik Sturla
Cappabianca Harhart Nickol Surra
Carn Hassay Nyce Tangretti
Carone Jaste O'Brien Taylor, E. Z.
Cawley Hennesey Olasz Taylor, J.
Chadwick Herman Oliver Thomas
Civera Hershey Perzel Tigue
Clark Hess Pesci Travaglio Trello
Clymer Horsey Petrarca Trich
Cohen, L. I. Hutchinson Petrone Trull
Cohen, M. Itkin Pettit True
Colafella Jadlowiec Philips Tulli
Colaiazzo James Pizzella Vance
Conti Jarolin Platts Van Horne
Cornell Josephs Preston Veen
Corpora Kaiser Ramos Vialto
Cowell Keller Raymond Walko
Coy Kenney Readshaw Waugh
Curry King Reber Wogan
Daley Kirkland Reinard Wozima
Deluca Krebs Rieger Wright, D. R.
Dempsey Kukovich Roberts Wright, M. N.
Dent LaGrotta Robinson Yewicz
Dermody Laughlin Roebuck Youngblood
DeWeese Lawless Rohrer Zimmerman
DeGirolamo Ledetter Rooney Zug
Donatucci Lef Rubley

NAYS—0

NOT VOTING—0

EXCUSED—4

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

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

RESOLUTION PURSUANT TO RULE 35

Mr. DEMPESEY called up HR 475, PN 4228, entitled:

A Resolution proclaiming the month of November 1996 as “National Home Care Month” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

Adolph Evans Lloyd Santoni
Allen Fairchild Lucyk Sather
Argall Fajt Lynch Saylor
Armstrong Fargo Maitland Schroder
Baker Farmer Major Schuler
Bard Ficth Cities Markosek Semmel
Battisto Flicgle Marsico Serafini
Bebko-Jones Flick Masland Shaper
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Bishop George McGill Snyder, D. W.
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Chadwick Herman Oliver Thomas
Civera Hershey Perzel Tigue
Clark Hess Pesci Travaglio Trello
Clymer Horsey Petrarca Trich
Cohen, L. I. Hutchinson Petrone Trull
Cohen, M. Itkin Pettit True
Colafella Jadlowiec Philips Tulli
Colaiazzo James Pizzella Vance
Conti Jarolin Platts Van Horne

NOT VOTING—0

EXCUSED—4

The following roll call was recorded:

YEAS—199
The following roll call was recorded:

**YEAS—197**

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**NAYS—0**

**NOT VOTING—0**

**EXCUSED—4**

<table>
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<tr>
<th>Corrigan</th>
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<th>Washington</th>
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

**HB 2610 RECONSIDERED**

The SPEAKER. The Chair recognizes the gentleman, Mr. Stern, who moves that the vote by which HB 2610, PN 4072, passed on the 19th of November be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—173**

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<thead>
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<th>Adolph</th>
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**NAYS—0**

**NOT VOTING—2**

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<th>Demodoby</th>
<th>Wright, D. R.</th>
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**EXCUSED—4**

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<th>Corrigan</th>
<th>Pitts</th>
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The majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Shall the bill pass finally?

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

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. On the declaration of recess or adjournment, there will be an immediate meeting of the Appropriations Committee in the Appropriations hearing room, 245.

COMMITTEE MEETING CANCELED

The SPEAKER. The gentleman from Delaware, Mr. Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, the Professional Licensure Committee meeting that was scheduled for tomorrow has been canceled. Thank you.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Cohen, the Democratic whip.

Mr. COHEN. Thank you, Mr. Speaker.

The SPEAKER. Pardon me; caucus chairman.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to remind the members that we will have a caucus at 10 a.m. tomorrow to go over bills that we have not yet had a chance to caucus on and any new amendments that have been filed this afternoon. We will have also a speaker on welfare arranged by Frank Oliver.

I urge the attendance of all Democratic members.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentleman, Mr. Fargo, with respect to Republican caucus announcements, if any.

Mr. FARGO. Thank you, Mr. Speaker.

Yes, there will be a Republican caucus tomorrow morning at 10 o’clock. It will be in room 22 of the Annex; room 22 of the Annex tomorrow at 10 o’clock. We are caucusing on important legislation like the local tax reform, so I would appreciate if you would be there.

The SPEAKER. The Republican members take note that the location of their caucus has been moved to the Annex building. The Republican members will caucus at 10 a.m. in the Annex building.

The Democratic members will caucus at 10 a.m. in their caucus room.

There will be no further votes today.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. There is a meeting of the committee chairmen in the majority leader’s conference room in 10 minutes; a meeting of the committee chairmen – Republican committee chairmen – in the majority leader’s office in 10 minutes.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 2237, PN 2872 By Rep. MICOZZIE

An Act providing for parity in health insurance coverage for persons who suffer from mental illness.

INSURANCE.
SB 496, PN 515  
By Rep. GEIST

An Act designating a section of Route 3013 in Westmoreland County, Pennsylvania, as the C. Vance DeiCas Memorial Highway.

TRANSPORTATION.

SB 1499, PN 2038  
By Rep. MICOZZIE

An Act amending the act of June 5, 1968 (P. L. 140, No. 78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance; and imposing powers and duties on the Insurance Commissioner therefor," further providing for cancellation or refusal to renew and for review procedures and policy termination.

INSURANCE.

BILL REREPORTEED FROM COMMITTEE

SB 1110, PN 2420  
By Rep. MICOZZIE

An Act providing for review procedures pertaining to accident and health insurance form and rate filings; providing penalties; and making repeals.

INSURANCE.

VOTE CORRECTION

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

Mr. CORPORA. Thank you, Mr. Speaker.

Just to correct the record.

With regard to the motion to reconsider amendment 7536 to SB 1315, my button did not register. I should be recorded in the affirmative.

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

Mr. CORPORA. Thank you.

THE SPEAKER PRO TEMPORE
(PATRICIA H. VANCE) PRESIDING

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned HB 774, PN 4199, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

LABOR RELATIONS COMMITTEE AND INTERGOVERNMENTAL AFFAIRS COMMITTEE JOINT MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Flick, for the purpose of an announcement.

Mr. FLICK. Thank you, Madam Speaker.

I would like the members of the Labor Relations Committee and the Intergovernmental Affairs Committee to meet as scheduled tomorrow morning, 9 a.m., for the purpose of reviewing the committees' joint report on HR 156, with the anticipation of voting it out of committee. The meeting will be in room 22, Capitol Annex, tomorrow morning, 9 o'clock.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 1534, PN 2429 (Amended)  
By Rep. GEIST

An Act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing the incurring of indebtedness, with the approval of the electorate, for loans to owners of public airports for capital improvements, facilities and equipment; providing for the creation of the Pennsylvania Airport Capital Loan Fund; adding provisions relating to rail freight preservation and improvement; establishing the Pennsylvania Railroad Authority; providing for the creation of the Pennsylvania Railway Capital Loan Fund; creating the Rail Freight Infrastructure Fund; providing for liquid fuels and fuel use taxes and for taxes held in trust for the Commonwealth; defining the offense of aggravated homicide by vehicle; and making repeals.

TRANSPORTATION.

BILLS REMOVED FROM TABLE

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

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

HB 2237;  
SB 484;  
SB 496;  
SB 1285;  
SB 1320;  
SB 1333;  
SB 1476;  
SB 1499; and  
SB 1534.

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

Motion was agreed to.
The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. PERZEL. Madam Speaker, I move that the following bills be recommitted to the Appropriations Committee:

HB 2237;
SB 484;
SB 496;
SB 1285;
SB 1320;
SB 1333;
SB 1476;
SB 1499; and
SB 1534.

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

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

SB 689, PN 2340
By Rep. FARMER

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, adding revised, codified and compiled provisions relating to local government; and making repeals.

APPROPRIATIONS.

SB 863, PN 2433 (Amended)
By Rep. FARMER

An Act amending the act of July 2, 1996 (P. L. 5A), entitled “An act making appropriations from the Workmen’s Compensation Administration Fund to the Department of Labor and Industry and the Department of Commerce to provide for the expenses of administering the Workers’ Compensation Act, the Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 1996, to June 30, 1997, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1996,” increasing the appropriation.

APPROPRIATIONS.

SB 1590, PN 2434 (Amended)
By Rep. FARMER

An Act authorizing and directing the Department of General Services with the approval of the Governor to grant and convey oil, gas and mineral rights, including coal, that the Commonwealth possesses in a certain parcel of land situate in Cambria Township, Cambria County, Pennsylvania, to Jack L. Scansaroli of Ebensburg, Cambria County, Pennsylvania; authorizing the State Armory Board of the Department of Military and Veterans Affairs and the Department of General Services, with the approval of the Governor, to sell and convey three tracts of land, together with the building and structures thereto, in the Borough of Mt. Pleasant, Westmoreland County, Pennsylvania and the Borough of Warren, Warren County, Pennsylvania and the Borough of Ford City, Armstrong County, Pennsylvania; authorizing the State Armory Board of the Department of Military and Veterans Affairs and the Department of General Services, with the approval of the Governor, to exchange a tract of land and building in the Borough of Wellsboro, Tioga County, with Tioga County, Pennsylvania; authorizing the Department of General Services, with the approval of the Governor and the Secretary of Conservation and Natural Resources, to sell and convey to the Williamsport Sanitary Authority certain land situate in the City of Williamsport, Lycoming County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey a tract of land situate in Conewango Township, Warren County, Pennsylvania, to the Warren County Commissioners; authorizing and directing the Department of General Services, with the approval of the Governor, to convey a tract of land and buildings consisting of a portion of the former Philadelphia State Hospital, located in the 58th Ward of the City of Philadelphia; and making a repeal.

APPROPRIATIONS.

SB 684, PN 2432 (Amended)
By Rep. FARMER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for application for certificate of title, for transfer of ownership of vehicle, for trailers, for limits on number of towed vehicles, for operation of certain combinations on interstate highways, primary highways and highways and for width of vehicles.

APPROPRIATIONS.

SB 686, PN 720
By Rep. FARMER

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled “The Third Class City Code,” further providing for the publication of a certain notice relating to fiscal matters.

APPROPRIATIONS.

BILLS REREPORTED FROM COMMITTEE

HB 2964, PN 4244
By Rep. FARMER

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of unauthorized school bus entry.

APPROPRIATIONS.

SB 355, PN 2431 (Amended)
By Rep. FARMER

An Act providing for the tax exemption of institutions of purely public charity; exempting real property owned by State-related universities from taxation; and providing for unfair competition.

APPROPRIATIONS.

SB 684, PN 2432 (Amended)
By Rep. FARMER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for application for certificate of title, for transfer of ownership of vehicle, for trailers, for limits on number of towed vehicles, for operation of certain combinations on interstate highways, primary highways and highways and for width of vehicles.

APPROPRIATIONS.

SB 686, PN 720
By Rep. FARMER

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled “The Third Class City Code,” further providing for the publication of a certain notice relating to fiscal matters.

APPROPRIATIONS.

BILLS ON SECOND CONSIDERATION

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:
HB 2964, PN 4244; SB 686, PN 720; SB 689, PN 2340; and SB 1590, PN 2434.

ADJOURNMENT

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

Mr. BROWNE. Madam Speaker, I move that this House do now adjourn until Wednesday, November 20, 1996, at 11 a.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 5:08 p.m., e.s.t., the House adjourned.