

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, SEPTEMBER 29, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 49

### HOUSE OF REPRESENTATIVES

The House convened at 2:40 p.m., e.d.t.

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

#### PRAYER

REV. LARRY KINIRY, pastor of Our Lady of Grace Church, Greensburg, Pennsylvania, guest Chaplain and guest of the gentleman from Cambria, Mr. Wojnaroski, offered the following prayer:

Let us pray:

Creator God, we give You praise and thanksgiving for the gift of a new day. We are grateful for the gift of all creation and the many blessings You have bestowed on us as a global people, as a nation, as a Commonwealth, as an individual. We thank You for inviting us to be cocreators with You to continue Your work of building up a people who can enjoy their God-given rights to life, liberty, and the pursuit of happiness.

Bless this astute gathering of women and men today who have been chosen by their constituents to be the protectors of those God-given rights. Strengthen them and guide them in all their deliberations. Bless them in their humanness with Your gifts of wisdom, understanding, counsel, fortitude, knowledge, piety, and fear of the Lord. Bless their families, their staffs, and all who work with them in their awesome responsibilities.

And as the sun goes down on this day, may we all look back and be able to say, "I have spoken the truth. I have acted rightly and justly before God." 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 Wednesday, September 24, 1997, will be postponed until printed. The Chair hears no objection.

#### JOURNAL APPROVED

The SPEAKER. Without objection, the Journal for Tuesday, April 1, 1997, will stand approved as printed. The Chair hears no objection, and the Journal will stand approved.

The House will stand momentarily at ease.

**THE SPEAKER PRO TEMPORE  
(J. SCOT CHADWICK) PRESIDING**

#### CENTRAL DAUPHIN HIGH SCHOOL BASEBALL TEAM PRESENTED

The SPEAKER pro tempore. The Chair requests Representatives Marsico, Tulli, McNaughton, and Buxton to come to the podium for a citation presentation.

The Chair recognizes the gentleman from Dauphin County, Mr. Marsico.

Mr. MARSICO. Thank you, Mr. Speaker.

Just in case our guests are confused, I would like to remind them that today is Monday, September 29, and it is 2:50 p.m., but the citation then will be recorded and presented on Monday, September 29.

I am very pleased to have the personnel and the players and the administration from Central Dauphin High School. Representatives Tulli, McNaughton, and Buxton and I would certainly ask all of you to join us in paying tribute in recognizing and presenting a House citation to the 1997 PIAA Class AAA State baseball champions from Central Dauphin High School from right here in Dauphin County. Please give them a warm welcome.

Joining us accepting the House citation are Dr. Barbara Hasson, the superintendent of Central Dauphin School District; principal Larry Mussoline, who is in the rear of the chamber; the head coach, Sheldon VanScyoc, who is with me in the rear; the athletic director, Gary Sheeler; and players, Erik Hernandez and Kevin Tamanini. We would like to present this citation.

And just for the record to let you know that Central Dauphin High School— In fact, this is Central Dauphin High School's first State championship ever, and we certainly are very proud of that here in Dauphin County and at Central Dauphin. They had an exceptional season with a record of 25 wins and 3 losses.

Again, I would like to present a citation and thank you and thank them for their indulgence and patience today. Thank you very much.

**ANDREW COFFRON PRESENTED**

The SPEAKER pro tempore. The Chair invites the gentleman from York County, Mr. Waugh, to come to the podium for a citation presentation.

The Chair recognizes the gentleman, Mr. Waugh, from York County.

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

Good afternoon, ladies and gentlemen of the House.

I would like to take this opportunity this afternoon to introduce to you a young man from the 93d House District in York County, Andrew Coffron, and his parents, who are seated to the left, Wayne and Marilyn Coffron.

You may recall, several months ago I had the opportunity to introduce a young athlete from the district that I represent who participated in the most recent Olympic Games. We are blessed in York County with outstanding athletes, and today Andrew is with me, and he represents one of our athletic finest in York County.

I am not going to read the entire citation that I have for him, but I am going to pull some pieces out for you, if I could. Andrew is here today to be recognized by the House of Representatives for recently capturing a bronze medal in the World – World – Games of the Cerebral Palsy International Sports and Recreation Association. Those games were held in Nottingham, England. Andrew is a 16-year-old student at Susquehannock High School in the 93d District, and he was the youngest member of the United States team who competed in the adult division of those competitions, and he was the top finisher on that team. In order to be involved in this international competition, Andrew had to win at local, regional, State, and national levels of competition.

So, Andrew, I would like to commend you on receiving this bronze award, for your dedication to sports. I wish you the best, and I would like to offer you this citation on behalf of all the members of the Pennsylvania House of Representatives and wish you the very best for continued success. Andrew.

Mr. COFFRON. It is an honor to be here, and thank you for your continued support. This is pretty cool.

Mr. WAUGH. Thank you, Mr. Speaker.

**GUEST INTRODUCED**

The SPEAKER pro tempore. The Chair would like to take this opportunity to welcome Paul Feenstra. He is a legislative intern in the district office of Representative Jere Strittmatter. He is a student at Penn State University, and he is here as the guest of Representative Strittmatter and the Lancaster County delegation. He is seated to the left of the Speaker. Would he please rise. Welcome to the hall of the House.

**PARLIAMENTARY INQUIRY**

The SPEAKER pro tempore. Does the gentleman, Mr. Sturla, seek recognition?

Mr. STURLA. Thank you, Mr. Speaker.

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

Mr. STURLA. Point of parliamentary inquiry, Mr. Speaker.

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

Mr. STURLA. Thank you.

Mr. Speaker, I would like to return to the question that I asked last week about 10 minutes ago. When the House is, as we were 10 or 15 minutes ago, on Wednesday of last week, is the amendment clerk on Wednesday of last week at that point in time or is the amendment clerk on Monday of this time when the House is on Wednesday of last time even though the amendment clerk is part of the House?

The SPEAKER pro tempore. The amendment clerk is on Monday.

Mr. STURLA. Okay. Just out of curiosity, how can the amendment clerk, which is part of the House, operate outside the timeframe that the House does?

The SPEAKER pro tempore. They are operating under the correct procedures as set forth in House rule 21.

Mr. STURLA. Okay. All right. I just wanted to clarify that for the future. Thank you.

**BILLS REMOVED FROM TABLE**

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

Mr. PERZEL. Mr. Speaker, I move that SB 755 and SB 188 be removed from the table and placed on the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**BILL RECOMMENDED**

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

Mr. PERZEL. Mr. Speaker, I move that SB 755 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**REPUBLICAN CAUCUS**

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Fargo, for the purpose of making a caucus announcement.

Mr. FARGO. Thank you, Mr. Speaker.

There will be a Republican caucus immediately upon recess. We plan to come back at 4 o'clock for continued votes. This is an extremely important Republican caucus, and I would really hope that everyone will show up for this caucus. Please make an effort to be there as quickly as possible. Thank you.

The SPEAKER pro tempore. The gentleman, Mr. DeWeese, is recognized.

Mr. DeWEESE. The gentleman, Mr. Cohen, has an announcement, but he is making his way from the railing. He should be here within 30 seconds.

**DEMOCRATIC CAUCUS**

The SPEAKER pro tempore. Does the gentleman, Mr. Cohen, have a caucus announcement?

Mr. COHEN. Yes, Mr. Speaker.

There will be a Democratic caucus immediately upon recess to go over today's calendar and tomorrow's calendar.

The SPEAKER pro tempore. Without objection, this House will stand in recess until 4 o'clock.

The Chair hears objection.

**APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER pro tempore. The Chair recognizes the chairman of the Appropriations Committee, the gentleman, Mr. Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

I was not necessarily objecting, but I have an order of business that I need to call for. I would ask for a meeting of the Appropriations Committee in the majority Appropriations meeting room at approximately 3:50 this afternoon. Thank you, Mr. Speaker.

**RECESS**

The SPEAKER pro tempore. This House will stand in recess then until 4 o'clock.

**RECESS EXTENDED**

The time of recess was extended until 4:15 p.m.; further extended until 4:30 p.m.

**AFTER RECESS**

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

**THE SPEAKER (MATTHEW J. RYAN)  
PRESIDING****BILL REREPORTED FROM COMMITTEE**

**SB 755, PN 1337**

By Rep. BARLEY

An Act amending the act of April 9, 1929 (P.L.343, No.176), entitled, as amended, The Fiscal Code, further providing for redevelopment assistance capital projects; providing limitations on redevelopment assistance capital projects; and making editorial changes.

APPROPRIATIONS.

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

**HB 656, PN 2260 (Amended)**

By Rep. MICOZZIE

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for reimbursement for diabetic supplies.

INSURANCE.

**HB 1755, PN 2179**

By Rep. REINARD

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for the valuation of property in counties of the second class A and third class and for auxiliary boards of assessment appeals.

URBAN AFFAIRS.

**HOUSE BILLS  
INTRODUCED AND REFERRED**

**No. 1804** By Representatives SAYLOR, E. Z. TAYLOR, BARLEY, RUBLEY, BELARDI, BELFANTI, SURRA, MELIO, STEELMAN, ROONEY, SCRIMENTI, McNAUGHTON, BENNINGHOFF, ROBERTS and SEYFERT

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for limited winery licenses.

Referred to Committee on LIQUOR CONTROL, September 25, 1997.

**No. 1805** By Representatives SAYLOR, E. Z. TAYLOR, TRELLO, WASHINGTON, ROHRER, McNAUGHTON, BROWN, FLEAGLE, ARMSTRONG, BOSCOLA, TRAVAGLIO, STERN, EGOLF, STABACK, YOUNGBLOOD, LYNCH, HERSHEY, CLYMER, SEYFERT, BENNINGHOFF, FLICK and TRUE

An Act providing for health and safety requirements for religious child-care facilities; requiring registration with the Department of Public Welfare; providing for powers and duties of the department; and prescribing penalties.

Referred to Committee on AGING AND YOUTH, September 25, 1997.

**No. 1806** By Representatives SAYLOR, WAUGH, GRUPPO, BELARDI, OLASZ, HALUSKA, E. Z. TAYLOR, COY, DALLY, HENNESSEY and SEYFERT

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further authorizing school bus lighting.

Referred to Committee on TRANSPORTATION, September 25, 1997.

**No. 1807** By Representatives CORNELL, DERMODY, L. I. COHEN, BAKER, COY, BELARDI, GODSHALL, TIGUE, TRELLO, PESCI, DEMPSEY, GEIST, PETRARCA, HESS, WAUGH, SHANER, ITKIN, STABACK, MAITLAND, CURRY, DeLUCA, FICHTER, STERN, ADOLPH, FAIRCHILD, BOSCOLA, WOJNAROSKI, TRUE, WALKO, E. Z. TAYLOR, ORIE, LAUGHLIN, BARD, GLADECK, BROWNE, SATHER, MILLER, HENNESSEY, ROBERTS, SEMMEL, LEVDANSKY, McGILL, RAMOS and SEYFERT

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing a sales tax exclusion for purchases of stair lifts or stair glides necessary for persons with certain disabilities.

Referred to Committee on FINANCE, September 25, 1997.

**No. 1808** By Representatives BARD, E. Z. TAYLOR, FARGO, THOMAS, GEORGE, LAUGHLIN, MELIO, BELARDI, ROONEY, HENNESSEY, TIGUE, McNAUGHTON, ROBINSON, SHANER, YOUNGBLOOD, TRELLO, HORSEY, TRAVAGLIO, JAMES, STABACK, PISTELLA, DeLUCA, C. WILLIAMS, BOSCOLA, BARRAR, MILLER, PLATTS, JOSEPHS, SEYFERT, A. H. WILLIAMS, BENNINGHOFF, STEELMAN and PETRONE

An Act requiring certain elder care facilities to provide refunds and payments in certain circumstances.

Referred to Committee on AGING AND YOUTH, September 29, 1997.

**No. 1809** By Representatives BUNT, CAPPABIANCA, BARLEY, KREBS, PRESTON, STABACK, LAUGHLIN, ROSS, MAJOR, ARMSTRONG, STEELMAN, GEIST, B. SMITH, BARRAR, HERMAN, WAUGH, FICHTER, TANGRETTI, HENNESSEY, SAYLOR, NICKOL, CURRY and TRUE

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, further defining "garbage" for purposes of domestic animals.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, September 29, 1997.

### SENATE BILL FOR CONCURRENCE

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

**SB 573, PN 602**

Referred to Committee on STATE GOVERNMENT, September 29, 1997.

### SENATE MESSAGE

HOUSE BILL  
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 231, PN 253**, with information that the Senate has passed the same without amendment.

### SUPPLEMENTAL CALENDAR B

#### BILLS ON SECOND CONSIDERATION

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

**SB 188, PN 1336; and SB 755, PN 1337.**

#### BILL SIGNED BY SPEAKER

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

**HB 231, PN 253**

An Act amending the act of May 16, 1921 (P.L.579, No.262), referred to as the County Prison Board Law, further providing for the board of prison inspectors; and making editorial changes.

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

#### LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Mr. Itkin, who requests that the gentleman from York, Mr. STETLER; the gentleman from Philadelphia, Mr. McGEEHAN; the gentleman from Westmoreland, Mr. MIHALICH, be placed on leave of absence. The Chair hears no objection. The leaves are granted.

#### BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that the following bills be removed from the tabled-bill calendar:

HB 437;  
HB 1412;  
SB 307; and  
SB 682.

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 the following bills be recommitted to the Committee on Appropriations:

- HB 437;
- HB 1412;
- SB 307; and
- SB 682.

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

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move, on page 2 of the tabled-bill calendar, HB 1059 be taken from the table.

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

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that HB 1059 be recommitted to the Committee on Appropriations.

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

**RULES COMMITTEE MEETING**

The SPEAKER. There will be an immediate meeting of the Rules Committee at the majority leader's desk.

**RESOLUTIONS REPORTED FROM COMMITTEE**

HR 222, PN 2104 By Rep. PERZEL

A Concurrent Resolution to re-create a commission of public and private cost-minded leaders of this Commonwealth to study the management of current government operations and make recommendations of cost-cutting measures.

RULES.

HR 226, PN 2193

By Rep. PERZEL

A Resolution amending House Resolution No. 111, adopted April 29, 1997, entitled "A resolution directing the Subcommittee on Telecommunications of the House Committee on Consumer Affairs to investigate all aspects of cellular transmission antennas," further providing for the date of submission of recommendations.

RULES.

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that HB 1755 be taken from the table.

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

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that HB 1755 be recommitted to the Committee on Appropriations.

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

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—200**

Adolph	DiGirolamo	Lynch	Saylor
Allen	Donatucci	Maher	Schroder
Argall	Druce	Maitland	Schuler
Armstrong	Eachus	Major	Scrimenti
Baker	Egolf	Manderino	Semmel
Bard	Evans	Markosek	Serafini
Barley	Fairchild	Marsico	Seyfert
Barrar	Fargo	Masland	Shaner
Battisto	Feese	Mayernik	Smith, B.
Bebko-Jones	Fichter	McCall	Smith, S. H.
Belardi	Fleagle	McGill	Snyder, D. W.
Belfanti	Flick	McIlhattan	Staback
Benninghoff	Gannon	McNaughton	Stairs
Birmelin	Geist	Melio	Steelman
Bishop	George	Michlovic	Steil
Blaum	Gigliotti	Mioozzie	Stern
Boscola	Gladeck	Miller	Stevenson
Boyes	Godshall	Mundy	Strittmatter
Brown	Gordner	Myers	Sturla
Browne	Gruitza	Nailor	Surra
Bunt	Gruppo	Nickol	Tangretti
Butkovitz	Habay	O'Brien	Taylor, E. Z.
Buxton	Haluska	Olasz	Taylor, J.
Caltagirone	Hanna	Oliver	Thomas

Cappabianca	Harhart	Orie	Tigue
Carn	Hasay	Perzel	Travaglio
Carone	Hennessey	Pesci	Trello
Casorio	Herman	Petrarca	Trich
Cawley	Hershey	Petrone	True
Chadwick	Hess	Phillips	Tulli
Civera	Horsey	Pippy	Vance
Clark	Hutchinson	Pistella	Van Home
Clymer	Itkin	Platts	Veon
Cohen, L. I.	Jadlowiec	Preston	Vitali
Cohen, M.	James	Ramos	Walko
Colafella	Jarolin	Raymond	Washington
Colaizzo	Josephs	Readshaw	Waugh
Conti	Kaiser	Reber	Williams, A. H.
Cornell	Keller	Reinard	Williams, C.
Corpora	Kenney	Rieger	Wilt
Corrigan	Kirkland	Roberts	Wogan
Cowell	Krebs	Robinson	Wojnaroski
Coy	LaGrotta	Roebuck	Wright, M. N.
Curry	Laughlin	Rohrer	Yewcic
Daley	Lawless	Rooney	Youngblood
Dally	Lederer	Ross	Zimmerman
DeLuca	Leh	Rubley	Zug
Dempsey	Lescovitz	Sainato	
Dent	Levdansky	Santoni	Ryan,
Dermody	Lloyd	Sather	Speaker
DeWeese	Lucyk		

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

McGeehan	Mihalich	Stetler
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LEAVES ADDED—2

Miller	Tangretti
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LEAVES CANCELED—1

Miller
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SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mr. BUXTON called up HR 245, PN 2252, entitled:

A Resolution designating September 29, 1997, as "J. Horace McFarland Day" and promoting public recognition of his accomplishments in environmental protection, the study of horticulture, the development of printing processes and the advancement of civic projects that improved the quality of life for citizens in Pennsylvania, the United States and internationally.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—3

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

## CALENDAR

## BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 601, PN 2227**, entitled:

An Act providing for community education councils and for powers and duties of community education councils.

On the question,

Will the House agree to the bill on third consideration ?

Mr. **LYNCH** offered the following amendment No. **A3519**:

Amend Bill, page 1, lines 1 through 13, by striking out all of said lines and inserting

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," providing for community education councils and for powers and duties of community education councils.

It is the intent of the General Assembly, through this act, to provide for postsecondary education services in educationally underserved areas of this Commonwealth through the creation of community education councils. In light of the increasing emphasis on advanced degrees and retraining in the work force, this act seeks to provide access to postsecondary educational opportunities that are appropriate to the needs of the local community. The councils will assess the regional needs and interests of potential students as well as those of employers in the community.

Amend Bill, page 1, lines 16 and 17; pages 2 through 5, lines 1 through 30; page 6, line 1, by striking out all of said lines on said pages and inserting

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

## ARTICLE XX-B.

## COMMUNITY EDUCATION COUNCILS.

Section 2001-B. Definitions.—When used in this article, the following words and phrases shall have the following meanings:

(1) "Community education council" shall mean a nonprofit institutionally neutral educational organization, governed by a community-based board of directors, which serves to provide access to postsecondary education and training resources for citizens in educationally underserved areas of this Commonwealth.

(2) "Educationally underserved area" shall mean an area designated by the Secretary of Education of the Commonwealth as an adult education, continuing education and/or postsecondary education shortage area using criteria which take into account special barriers to the provision of education services.

(3) "Institutionally neutral" shall mean having no exclusive legal affiliation with any provider of postsecondary education or a branch campus, branch location, or outreach center of a provider of postsecondary education.

(4) "Postsecondary education resources" shall include, but is not limited to, area vocation-technical schools, degree-granting institutions of higher education accredited by an accrediting agency recognized by the Federal Government, institutions licensed under the act of December 15, 1986 (P.L.1585, No.174), known as the "Private Licensed Schools Act," professional, vocational or occupational certification or licensure programs, and educational technology.

(5) "Secretary" shall mean the Secretary of Education of the Commonwealth of Pennsylvania.

Section 2002-B. Recognition and Approval of Community Education Councils; Withdrawal of Recognition and Approval.—(a) The secretary shall establish procedures and criteria for formally recognizing existing community education councils under this article. The secretary shall also establish procedures and criteria for the assessment of community need and approval of additional councils, such approval to be conditioned upon the appropriation of additional State funding necessary for those new councils.

(b) The secretary shall also establish procedures for withdrawing formal recognition and approval of any council covered by subsection (a).

(c) Withdrawal of recognition and approval of a council shall last until expiration of the Commonwealth's current fiscal year, after which time the secretary may reconsider the council for inclusion in the State allocation of funds. If funds have been allocated for the current fiscal year, a council whose recognition and approval subsequently have been withdrawn shall return the proportionate share of annual allocations to the secretary for the remainder of the fiscal year.

Section 2003-B. State Funds.—(a) (1) The secretary, upon consultation with approved councils, shall be responsible for the allocation of State funding among community education councils approved under this article.

(2) The allocation may not exceed eighty per centum (80%) of the council's projected total expenditures for the fiscal year of allocation.

(b) Community education councils shall use allocated State funds to meet the cost of operation, including, but not limited to, personnel, rent, utilities, insurance, supplies, equipment and technology needs, staff development, marketing, maintenance, and instructional services.

Section 2004-B. Purpose of Community Education Council.—(a) The purpose of a community education council shall be to identify, implement and oversee new or innovative efforts to provide access to postsecondary education opportunities in educationally underserved communities within this Commonwealth.

(b) Postsecondary educational opportunities may include, but are not limited to, any of the following:

(1) Programs, courses, or classes leading to professional, vocational or occupational certification or licensure, an associate degree, a bachelor's degree, or a master's degree.

(2) GED preparation.

(3) Skill development or skill enhancement for the community work force.

(c) A second function of a community education council shall be to assist in the provision of resources and to serve as a vehicle for employment opportunities which meet the community's current and future economic development needs.

Section 2005-B. Board of Directors.—(a) The policies of any community education council established under this article shall be administered and supervised by a community-based board of directors.

(b) The board of directors shall, for purposes of operating and maintaining a community education council, have the following powers and duties:

(1) To hold, rent, lease, sell, purchase, and improve buildings, furnishings, equipment, materials, books, and supplies.

(2) To enter into contracts or agreements for services with postsecondary institutions, other educational providers, or local government agencies in order to carry out the intent and purposes of this article.

(3) To accept and receive gifts of real and personal property.

(4) To apply for Federal, State and local funds and grants, and to expend funds obtained from these sources.

(5) To determine the needs and aspirations of potential students and employers in the community.

(6) To make policies providing for identification of students, programs, courses, or classes to be offered and any other matters related to administration of the community education council.

(7) To hire employes to conduct the day-to-day operations and carry out the policy of the board.

(8) To exercise such other powers and perform such other duties as are necessary to effect the intent and purposes of this article.

Section 2. This act shall take effect July 1, 1998.

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

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

Mr. LYNCH. Thank you, Mr. Speaker.

What this amendment will do is turn this bill from a freestanding bill into a School Code bill.

I ask for an affirmative vote.

The SPEAKER. On the question of the adoption of the Lynch amendment—

Mr. DeWEESE. Mr. Speaker?

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

Mr. DeWEESE. Mr. Speaker, could I ask for a 30-second — repeat — 30-second recess?

The SPEAKER. The House will stand at ease.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The House will come to order.

The gentleman, Mr. DeWeese, is recognized.

Mr. DeWEESE. I thank the Speaker for the recess. The reason I asked for it was I thought that the gentleman from Allegheny might have an observation, and he was doing other business. I thank the gentleman.

The SPEAKER. The gentleman, Mr. Cowell.

Mr. COWELL. Mr. Speaker, would the maker of the amendment consent to interrogation, please?

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, as you know, I have supported your effort to provide authorization for community education councils and for some appropriate level of State funding.

This bill, as I recall, was, earlier this year, in the House Education Committee, and my recollection is, it was unanimously supported because it, in its original form, represented a good idea. At that time it was not a School Code bill and you did not suggest that we make it a School Code bill, and frankly, as a result, a lot of us were respectful of your intent that it be a stand-alone act and declined any opportunity to offer School Code amendments. Why at this time are you suggesting that this be converted to a School Code bill?

Mr. LYNCH. For the possibility of amendments, Mr. Speaker.

Mr. COWELL. Mr. Speaker, it was impossible to hear the gentleman.

The SPEAKER. Will the gentleman yield a moment.

Mr. Cowell, I am not sure that I heard your question. If I heard it the way I think I heard it, it sounded like you were questioning the motives of the gentleman in putting in the amendment that he did. I may be wrong on that. If so, you are not permitted to do that, so rephrase the question.

Mr. COWELL. Mr. Speaker, I was not questioning the motive; I was questioning the purpose.

Given the fact that it was not necessary—

The SPEAKER. The gentleman is in order. You may continue.

#### AMENDMENT WITHDRAWN TEMPORARILY

Mr. LYNCH. Mr. Speaker? Mr. Speaker?

The SPEAKER. The gentleman, Mr. Lynch.

Mr. LYNCH. I would like to temporarily withdraw this amendment.

The SPEAKER. The amendment is withdrawn temporarily.

On the question recurring,

Will the House agree to the bill on third consideration?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia County, Mr. Evans. Does the gentleman, Mr. Evans, have an amendment?

Mr. EVANS. I am waiting. It is en route coming down, Mr. Speaker.

#### BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 601, we will go over that temporarily.

\*\*\*

The House proceeded to third consideration of **HB 10, PN 2194**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for marking of dams.

On the question,

Will the House agree to the bill on third consideration?

Mr. STABACK offered the following amendment No. **A3546**:

Amend Title, page 1, line 2, by removing the period after "dams" and inserting

; and making a repeal.

Amend Bill, page 5, by inserting between lines 16 and 17

Section 2. The act of February 4, 1808 (P.L.34, No.18), entitled "An act declaring part of Wallenpaupack Creek, in Wayne County, a Public Highway," is repealed.

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

On the question,

Will the House agree to the amendment?

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

Mr. STABACK. Thank you, Mr. Speaker.

Mr. Speaker, amendment 3546 is technical in nature and is agreed to by the prime sponsor of HB 10.

It would repeal the act of February 4 of 1808, which designated a part of the Wallenpaupack Creek, which is located in Wayne and Pike Counties, as a public highway.



The creek in question has not been used as a trade route since the Wallenpaupack was dammed back in the early 1920's, and the stream in question is the only part of the lake that still carries the designation. The lake itself is classed as nonnavigable in nature under Pennsylvania law.

The amendment is supported by the owners of the lake, PP&L, as well as the Pennsylvania Fish and Boat Commission. I am unaware of any opposition to the measure at this point.

I would ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

I rise in support of this amendment.

For the very same reasons that Mr. Staback has indicated, I think it removes an antiquated portion of the law that may, in the future, create some problems. By removing it at this point in time, I think it is in the best interest of my constituents as well as his, and would ask for an affirmative vote. Thank you.

The SPEAKER. The gentleman from York, Mr. Smith, on the amendment.

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

I concur with the previous remarks. This is an agreed-to amendment, and I would urge all our members to vote "yes." Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-200

Adolph	DiGirolamo	Lynch	Saylor
Allen	Donatucci	Maher	Schroder
Argall	Druce	Maitland	Schuler
Armstrong	Eachus	Major	Scrimenti
Baker	Egolf	Manderino	Semmel
Bard	Evans	Markosek	Serafini
Barley	Fairchild	Marsico	Seyfert
Barrar	Fargo	Masland	Shaner
Battisto	Feese	Mayernik	Smith, B.
Bebko-Jones	Fichter	McCall	Smith, S. H.
Belardi	Fleagle	McGill	Snyder, D. W.
Belfanti	Flick	Mellhattan	Staback
Benninghoff	Gannon	McNaughton	Stairs
Birmelin	Geist	Melio	Steelman
Bishop	George	Michlovic	Steil
Blaum	Gigliotti	Micozzie	Stern
Boscola	Gladeck	Miller	Stevenson
Boyes	Godshall	Mundy	Strittmatter
Brown	Gordner	Myers	Sturla
Browne	Gruitza	Nailor	Surra
Bunt	Gruppo	Nickol	Tangretti
Butkovitz	Habay	O'Brien	Taylor, E. Z.
Buxton	Haluska	Olasz	Taylor, J.
Caltagirone	Hanna	Oliver	Thomas
Cappabianca	Harhart	Orie	Tigue
Carn	Hasay	Perzel	Travaglio
Carone	Hennessey	Pesci	Trello
Casorio	Herman	Petrarca	Trich
Cawley	Hershey	Petrone	True
Chadwick	Hess	Phillips	Tulli
Civera	Horsey	Pippy	Vance
Clark	Hutchinson	Pistella	Van Horne
Clymer	Itkin	Platts	Veon
Cohen, L. I.	Jadlowiec	Preston	Vitali
Cohen, M.	James	Ramos	Walko

Colaifella	Jarolin	Raymond	Washington
Colaizzo	Josephs	Readshaw	Waugh
Conti	Kaiser	Reber	Williams, A. H.
Cornell	Keller	Reinard	Williams, C.
Corpora	Kenney	Rieger	Wilt
Corrigan	Kirkland	Roberts	Wogan
Cowell	Krebs	Robinson	Wojnaroski
Coy	LaGrotta	Roebuck	Wright, M. N.
Curry	Laughlin	Rohrer	Yewcic
Daley	Lawless	Rooney	Youngblood
Dally	Lederer	Ross	Zimmerman
DeLuca	Leh	Rubley	Zug
Dempsey	Lescovitz	Sainato	
Dent	Levdansky	Santoni	Ryan,
Dermody	Lloyd	Sather	Speaker
DeWeese	Lucyk		

NAYS-0

NOT VOTING-0

EXCUSED-3

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS-172

Adolph	DeWeese	Maitland	Schroder
Allen	DiGirolamo	Major	Schuler
Argall	Donatucci	Manderino	Scrimenti
Bard	Druce	Markosek	Semmel
Barley	Eachus	Marsico	Serafini
Barrar	Evans	Masland	Shaner
Battisto	Fairchild	Mayernik	Smith, B.
Bebko-Jones	Fargo	McCall	Snyder, D. W.
Belardi	Fichter	McGill	Staback
Belfanti	Fleagle	Mellhattan	Stairs
Birmelin	Flick	McNaughton	Steelman
Bishop	Gannon	Melio	Steil
Blaum	George	Michlovic	Strittmatter
Boscola	Gigliotti	Micozzie	Sturla
Boyes	Gladeck	Miller	Surra
Browne	Gordner	Mundy	Tangretti
Bunt	Gruitza	Myers	Taylor, E. Z.
Butkovitz	Gruppo	Nailor	Taylor, J.
Buxton	Haluska	Nickol	Thomas
Caltagirone	Hanna	O'Brien	Tigue
Cappabianca	Harhart	Olasz	Travaglio
Carn	Hasay	Oliver	Trello
Carone	Hennessey	Perzel	Trich
Casorio	Herman	Pesci	True
Cawley	Hershey	Petrarca	Tulli
Chadwick	Horsey	Petrone	Vance
Civera	Hutchinson	Pistella	Van Horne
Clymer	Itkin	Platts	Veon
Cohen, L. I.	James	Preston	Vitali

Cohen, M.	Jarolin	Ramos	Walko
Colaafella	Josephs	Raymond	Washington
Colaizzo	Kaiser	Readshaw	Waugh
Conti	Keller	Reinard	Williams, A. H.
Cornell	Kenney	Rieger	Williams, C.
Corpora	Kirkland	Roberts	Wogan
Corrigan	Krebs	Robinson	Wojnaroski
Cowell	LaGrotta	Roebuck	Wright, M. N.
Coy	Laughlin	Rooney	Yewcic
Curry	Lawless	Ross	Youngblood
Daley	Lederer	Rubley	Zug
Dally	Lescovitz	Sainato	
DeLuca	Levdansky	Santoni	Ryan,
Dent	Lloyd	Saylor	Speaker
Dermody	Lucyk		

**NAYS-28**

Armstrong	Feese	Lynch	Sather
Baker	Geist	Maher	Seyfert
Benninghoff	Godshall	Orie	Smith, S. H.
Brown	Habay	Phillips	Stern
Clark	Hess	Pippy	Stevenson
Dempsey	Jadlowiec	Reber	Wilt
Egolf	Leh	Rohrer	Zimmerman

**NOT VOTING-0**

**EXCUSED-3**

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

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

**GUESTS INTRODUCED**

The SPEAKER. The Chair is pleased to welcome to the hall of the House today the brother-in-law of Representative Dennis O'Brien and the constituent of Representative Keller, Mr. William Demchuck. Would the gentleman please rise to be recognized.

The Chair is also pleased to welcome to the hall of the House today David and Janet Keller from Dover Township in York County, here today as the guests of Representative Todd Platts. Will these guests please rise. Here to the left of the Speaker.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1760, PN 2185**, entitled:

An Act repealing the act of May 13, 1925 (P.L.663, No.355), entitled "An act providing for the enumeration of registered persons in the Commonwealth, and the publication of a tabulation thereof by the Secretary of the Commonwealth; and imposing certain duties upon registrars, assessors, registry assessors, and county commissioners."

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-200**

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

**NAYS-0**

**NOT VOTING-0**

**EXCUSED-3**

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

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

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The House proceeded to third consideration of HB 1761, PN 2186, entitled:

An Act repealing the act of December 1, 1965 (P.L.977, No.357), entitled "An act authorizing cities of the first class and counties of the first class to adopt the food stamp program and providing for payment of the costs of administration thereof."

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?

Does the gentleman, Mr. Barrar, seek recognition? Mr. BARRAR. Yes, I do, Mr. Speaker. Thank you, Mr. Speaker.

HB 1761 would repeal Act 357 of 1965, which authorizes cities and counties of the first class to adopt the food stamp program. The repeal of this act would have no effect on our current food stamp program.

I would ask for an affirmative vote. Thank you, Mr. Speaker. The SPEAKER. The Chair thanks the gentleman.

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-200

- Adolph, Allen, Argall, Armstrong, Baker, Bard, Barley, Barrar, Battisto, Bebko-Jones, Belardi, Belfanti, Benninghoff, Birmelin, Bishop, Blaum, Boscola, Boyes, Brown, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappabianca, Carn, Carone, Casorio, Cawley, DiGirolamo, Donatucci, Druce, Eachus, Egolf, Evans, Fairchild, Fargo, Feese, Fichter, Fleagle, Flick, Gannon, Geist, George, Gigliotti, Gladeck, Godshall, Gordner, Gruitza, Gruppo, Habay, Haluska, Hanna, Harhart, Hasay, Hennessey, Herman, Hershey, Lynch, Maher, Maitland, Major, Manderino, Markosek, Marsico, Masland, Mayernik, McCall, McGill, McIlhattan, McNaughton, Melio, Michlovic, Micozzie, Miller, Mundy, Myers, Nailor, Nickol, O'Brien, Olasz, Oliver, Orié, Perzel, Pesci, Petrarca, Petrone, Saylor, Schroder, Schuler, Scriminti, Semmel, Serafini, Seyfert, Shaner, Smith, B., Smith, S. H., Snyder, D. W., Staback, Stairs, Steelman, Steil, Stern, Stevenson, Strittmatter, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Travaglio, Trello, Trich, True

- Chadwick, Civera, Clark, Clymer, Cohen, L. I., Cohen, M., Colafella, Colaizzo, Conti, Cornell, Corpora, Corrigan, Cowell, Coy, Curry, Daley, Dally, DeLuca, Dempsey, Dent, Dermody, DeWeese, Hess, Horsey, Hutchinson, Itkin, Jadlowiec, James, Jarolin, Josephs, Kaiser, Keller, Kenney, Kirkland, Krebs, LaGrotta, Laughlin, Lawless, Lederer, Leh, Lescovitz, Levdansky, Lloyd, Lucyk, Phillips, Pippy, Pistella, Platts, Preston, Ramos, Raymond, Readshaw, Reber, Reinard, Rieger, Roberts, Robinson, Roebuck, Rohrer, Rooney, Ross, Rubley, Sainato, Santoni, Sather, Tulli, Vance, Van Horne, Veon, Vitali, Walko, Washington, Waugh, Williams, A. H., Williams, C., Wilt, Wogan, Wojnaroski, Wright, M. N., Yewcic, Youngblood, Zimmerman, Zug, Ryan, Speaker

NAYS-0

NOT VOTING-0

EXCUSED-3

- McGeehan, Mihalich, Stetler

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.

FILMING PERMISSION

The SPEAKER. The Chair advises the members that permission has been given to Fox, channel 43, news to videotape on the floor.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 1762, PN 2187, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, repealing the food stamp program.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that HB 1762, on page 2 of today's calendar, be recommitted to the Committee on Appropriations.

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

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The House proceeded to third consideration of **HB 1763, PN 2226**, entitled:

An Act repealing certain parts of acts as being supplemented or superseded by other acts or otherwise obsolete.

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

Ryan,  
Speaker

NAYS-0

NOT VOTING-1

Horsey

EXCUSED-3

McGeehan Mihalich Stetler

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.

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The House proceeded to third consideration of **HB 1764, PN 2189**, entitled:

An Act repealing the act of May 8, 1889 (P.L. 125, No. 138), entitled "An act providing for the paving and curbing of such portions of Third street, Fourth street, Walnut street and North street in the City of Harrisburg, as the Public Grounds of the Commonwealth abut on, as is properly chargeable to the State, and making appropriation for the cost of the same."

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-200**

Adolph	DiGirolamo	Lynch	Saylor
Allen	Donatucci	Maher	Schroder
Argall	Druce	Maitland	Schuler
Armstrong	Eachus	Major	Scrimenti
Baker	Egolf	Manderino	Semmel
Bard	Evans	Markosek	Serafini
Barley	Fairchild	Marsico	Seyfert
Barrar	Fargo	Masland	Shaner
Battisto	Feese	Mayernik	Smith, B.
Bebko-Jones	Fichter	McCall	Smith, S. H.
Belardi	Fleagle	McGill	Snyder, D. W.
Belfanti	Flick	McLhattan	Staback
Benninghoff	Gannon	McNaughton	Stairs
Birmelin	Geist	Melio	Steelman
Bishop	George	Michlovic	Steil
Blaum	Gigliotti	Micozzie	Stern
Boscola	Gladeck	Miller	Stevenson
Boyes	Godshall	Mundy	Stritmatter
Brown	Gordner	Myers	Sturla
Browne	Gruitza	Nailor	Surra
Bunt	Gruppo	Nickol	Tangretti
Butkovitz	Habay	O'Brien	Taylor, E. Z.
Buxton	Haluska	Olasz	Taylor, J.
Caltagirone	Hanna	Oliver	Thomas
Cappabianca	Harhart	Orie	Tigue
Carn	Hasay	Perzel	Travaglio

Carone	Hennessey	Pesci	Trello
Casorio	Herman	Petrarca	Trich
Cawley	Hershey	Petrone	True
Chadwick	Hess	Phillips	Tulli
Civera	Horshey	Pippy	Vance
Clark	Hutchinson	Pistella	Van Horne
Clymer	Itkin	Platts	Veon
Cohen, L. I.	Jadlowiec	Preston	Vitali
Cohen, M.	James	Ramos	Walko
Colaafella	Jarolin	Raymond	Washington
Colaizzo	Josephs	Readshaw	Waugh
Conti	Kaiser	Reber	Williams, A. H.
Cornell	Keller	Reinard	Williams, C.
Corpora	Kenney	Rieger	Wilt
Corrigan	Kirkland	Roberts	Wogan
Cowell	Krebs	Robinson	Wojnaroski
Coy	LaGrotta	Roebuck	Wright, M. N.
Curry	Laughlin	Rohrer	Yewcic
Daley	Lawless	Rooney	Youngblood
Dally	Lederer	Ross	Zimmerman
DeLuca	Leh	Rubley	Zug
Dempsey	Lescovitz	Sainato	
Dent	Levdansky	Santoni	Ryan,
Dermody	Lloyd	Sather	Speaker
DeWeese	Lucyk		

NAYS-0

NOT VOTING-0

EXCUSED-3

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

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

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The House proceeded to third consideration of HB 1765, PN 2190, entitled:

An Act repealing certain acts as being supplemented or superseded by other acts or otherwise obsolete.

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	Donatucci	Lynch	Saylor
Allen	Druce	Maher	Schroder
Argall	Eachus	Maitland	Schuler
Armstrong	Egolf	Major	Scrimenti
Baker	Evans	Manderino	Semmel
Bard	Fairchild	Markosek	Serafini
Barley	Fargo	Marsico	Seyfert

Barrar	Feese	Masland	Shaner
Battisto	Fichter	Mayernik	Smith, B.
Bebko-Jones	Fleagle	McCall	Smith, S. H.
Belardi	Flick	McGill	Snyder, D. W.
Belfanti	Gannon	Mclhattan	Staback
Benninghoff	Geist	McNaughton	Stairs
Birmelin	George	Melio	Steelman
Blaum	Gigliotti	Michlovic	Steil
Boscola	Gladeck	Micozzie	Stern
Boyes	Godshall	Miller	Stevenson
Brown	Gordner	Mundy	Strittmatter
Browne	Gruitza	Myers	Sturla
Bunt	Gruppo	Nailor	Surra
Butkovitz	Habay	Nickol	Tangretti
Buxton	Haluska	O'Brien	Taylor, E. Z.
Caltagirone	Hanna	Olasz	Taylor, J.
Cappabianca	Harhart	Oliver	Thomas
Carn	Hasay	Orie	Tigue
Carone	Hennessey	Perzel	Travaglio
Casorio	Herman	Pesci	Trello
Cawley	Hershey	Petrarca	Trich
Chadwick	Hess	Petrone	True
Civera	Horshey	Phillips	Tulli
Clark	Hutchinson	Pippy	Vance
Clymer	Itkin	Pistella	Van Horne
Cohen, L. I.	Jadlowiec	Platts	Veon
Cohen, M.	James	Preston	Vitali
Colaafella	Jarolin	Ramos	Walko
Colaizzo	Josephs	Raymond	Washington
Conti	Kaiser	Readshaw	Waugh
Cornell	Keller	Reber	Williams, A. H.
Corpora	Kenney	Reinard	Williams, C.
Corrigan	Kirkland	Rieger	Wilt
Cowell	Krebs	Roberts	Wogan
Coy	LaGrotta	Robinson	Wojnaroski
Curry	Laughlin	Roebuck	Wright, M. N.
Daley	Lawless	Rohrer	Yewcic
Dally	Lederer	Rooney	Youngblood
DeLuca	Leh	Ross	Zimmerman
Dempsey	Lescovitz	Rubley	Zug
Dent	Levdansky	Sainato	
Dermody	Lloyd	Santoni	Ryan,
DeWeese	Lucyk	Sather	Speaker
DiGirolamo			

NAYS-0

NOT VOTING-1

Bishop
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EXCUSED-3

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

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

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BILL PASSED OVER

The SPEAKER. Without objection, HB 1766 will be over. The Chair hears none.

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The House proceeded to third consideration of **HB 155, PN 165**, entitled:

An Act requiring counties committing offenders to the Department of Corrections to provide certain background information at the time of commitment.

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

The **SPEAKER**. The Chair recognizes the gentleman from Montgomery County, Mr. Lawless— The Chair is in error. The Chair understands you have withdrawn your amendment.

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

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

The question is, shall the bill pass finally?

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

**YEAS—199**

Adolph	Donatucci	Lynch	Saylor
Allen	Druce	Maher	Schroder
Argall	Eachus	Maitland	Schuler
Armstrong	Egolf	Major	Scrimenti
Baker	Evans	Manderino	Semmel
Bard	Fairchild	Markosek	Serafini
Barley	Fargo	Marsico	Seyfert
Barrar	Feese	Masland	Shaner
Battisto	Fichter	Mayernik	Smith, B.
Bebko-Jones	Fleagle	McCall	Smith, S. H.
Belardi	Flick	McGill	Snyder, D. W.
Belfanti	Gannon	McIlhattan	Staback
Benninghoff	Geist	McNaughton	Stairs
Birmelin	George	Melio	Steelman
Blaum	Gigliotti	Michlovic	Steil
Boscola	Gladeck	Micozzie	Stern
Boyes	Godshall	Miller	Stevenson
Brown	Gordner	Mundy	Strittmatter
Browne	Gruitza	Myers	Sturla
Bunt	Gruppo	Nailor	Surra
Butkovitz	Habay	Nickol	Tangretti
Buxton	Haluska	O'Brien	Taylor, E. Z.
Caltagirone	Hanna	Olasz	Taylor, J.
Cappabianca	Harhart	Oliver	Thomas
Carn	Hasay	Orie	Tigue
Carone	Hennessey	Perzel	Travaglio
Casorio	Herman	Pesci	Trello
Cawley	Hershey	Petrarca	Trich
Chadwick	Hess	Petrone	True
Civera	Horshey	Phillips	Tulli
Clark	Hutchinson	Pippy	Vance
Clymer	Itkin	Pistella	Van Home
Cohen, L. I.	Jadlowiec	Platts	Veon
Cohen, M.	James	Preston	Vitali
Colaella	Jarolin	Ramos	Walko
Colaizzo	Josephs	Raymond	Washington
Conti	Kaiser	Readshaw	Waugh
Cornell	Keller	Reber	Williams, A. H.
Corpora	Kenney	Reinard	Williams, C.
Corrigan	Kirkland	Rieger	Wilt
Cowell	Krebs	Roberts	Wogan

Coy	LaGrotta	Robinson	Wojnaroski
Curry	Laughlin	Roebuck	Wright, M. N.
Daley	Lawless	Rohrer	Yewcic
Dally	Lederer	Rooney	Youngblood
DeLuca	Leh	Ross	Zimmerman
Dempsey	Lescovitz	Rubley	Zug
Dent	Levdansky	Sainato	
Dermody	Lloyd	Santoni	Ryan,
DeWeese	Lucyk	Sather	Speaker
DiGirolamo			

NAYS—0

NOT VOTING—1

Bishop

EXCUSED—3

McGeehan Mihalich Stetler

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.

**CONSIDERATION OF HB 601 CONTINUED**

The **SPEAKER**. The Chair returns to page 1 of today's calendar, HB 601, PN 2227.

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

Mr. **EVANS** offered the following amendment No. **A3606**:

Amend Bill, page 1, lines 1 through 13, by striking out all of said lines and inserting

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," providing for community education councils, for powers and duties of community education councils and for maximum class sizes in certain classrooms.

Amend Bill, page 1, lines 16 and 17; pages 2 through 5, lines 1 through 30; page 6, line 1, by striking out all of said lines on said pages and inserting

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

**ARTICLE XIX-D.**

**COMMUNITY EDUCATION COUNCIL.**

Section 1901-D. Declaration of policy.—It is the intent of the General Assembly, through this article, to provide for postsecondary education services in educationally underserved areas of this Commonwealth through the creation of community education councils. In light of the increasing emphasis on advanced degrees and retraining in the work force, this article seeks to provide access to postsecondary educational opportunities that are appropriate to the needs of the local community. The councils will assess the regional needs and interests of potential students as well as those of employers in the community.

Section 1902-D. Definitions.—For purposes of this article:

(1) "Community education council." A nonprofit institutionally neutral educational organization, governed by a community-based board of directors, which serves to provide access to post-secondary education and training resources for citizens in educationally underserved areas of this Commonwealth.

(2) "Educationally underserved area." An area designated by the Secretary of Education of the Commonwealth as an adult education, continuing education and/or post-secondary education shortage area using criteria which take into account special barriers to the provision of education services.

(3) "Institutionally neutral." Having no exclusive legal affiliation with any provider of post-secondary education or a branch campus, branch location or outreach center of a provider of postsecondary education.

(4) "Post-secondary education resources." The term includes, but is not limited to, area vocational-technical schools, degree-granting institutions of higher education accredited by an accrediting agency recognized by the Federal Government, institutions licensed under the act of December 15, 1986 (P.L.1585, No.174), known as the "Private Licensed Schools Act", professional, vocational or occupational certification or licensure programs, and educational technology.

(5) "Secretary." The Secretary of Education of the Commonwealth.  
 Section 1903-D. Recognition and Approval of Community Education Councils: Withdrawal of Recognition and Approval.—(a) The secretary shall establish procedures and criteria for formally recognizing existing community education councils under this article. The secretary shall also establish procedures and criteria for the assessment of community need and approval of additional councils, such approval to be conditioned upon the appropriation of additional State funding necessary for those new councils.

(b) The secretary shall also establish procedures for withdrawing formal recognition and approval of any council covered by subsection (a).

(c) Withdrawal of recognition and approval of a council shall last until expiration of the Commonwealth's current fiscal year, after which time the secretary may reconsider the council for inclusion in the State allocation of funds. If funds have been allocated for the current fiscal year, a council whose recognition and approval subsequently have been withdrawn shall return the proportionate share of annual allocations to the secretary for the remainder of the fiscal year.

Section 1904-D. State Funds.—(a) (1) The secretary, upon consultation with approved councils, shall be responsible for the allocation of State funding among community education councils approved under this article.

(2) The allocation may not exceed eighty per centum (80%) of the council's projected total expenditures for the fiscal year of allocation.

(b) Community education councils shall use allocated State funds to meet the cost of operation, including, but not limited to, personnel, rent, utilities, insurance, supplies, equipment and technology needs, staff development, marketing, maintenance and instructional services.

Section 1905-D. Purpose of Community Education Council.—(a) The purpose of a community education council shall be to identify, implement and oversee new or innovative efforts to provide access to post-secondary education opportunities in educationally underserved communities within this Commonwealth.

(b) Post-secondary educational opportunities may include, but are not limited to, any of the following:

(1) Programs, courses or classes leading to professional, vocational or occupational certification or licensure, an associate degree, a bachelor's degree or a master's degree.

(2) GED preparation.

(3) Skill development or skill enhancement for the community work force.

(c) A second function of a community education council shall be to assist in the provision of resources and to serve as a vehicle for

employment opportunities which meet the community's current and future economic development needs.

Section 1906-D. Board of Directors.—(a) The policies of any community education council established under this article shall be administered and supervised by a community-based board of directors.

(b) The board of directors shall, for purposes of operating and maintaining a community education council, have the following powers and duties:

(1) To hold, rent, lease, sell, purchase and improve buildings, furnishings, equipment, materials, books and supplies.

(2) To enter into contracts or agreements for services with post-secondary institutions, other educational providers or local government agencies in order to carry out the intent and purposes of this article.

(3) To accept and receive gifts of real and personal property.

(4) To apply for Federal, State and local funds and grants and to expend funds obtained from these sources.

(5) To determine the needs and aspirations of potential students and employers in the community.

(6) To make policies providing for identification of students, programs, courses or classes to be offered and any other matters related to administration of the community education council.

(7) To hire employees to conduct the day-to-day operations and carry out the policy of the board.

(8) To exercise such other powers and perform such other duties as are necessary to effect the intent and purposes of this article.

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

Section 2115. Maximum Class Size.—(a) No classroom in any public school district shall exceed the maximum class size for the grade levels and after the implementation dates set forth in this section. Except as otherwise provided in this section, the maximum class sizes shall be as follows:

Grade Level	Maximum Class Size	Implementation Date
Kindergarten	20	July 1, 1998
First grade	20	July 1, 1999
Second grade	20	July 1, 2000
Third grade	20	July 1, 2001

(b) This section shall not apply to special education classes established and operated pursuant to 22 Pa. Code Pt. 1 Subpt. A Ch. 14 (relating to special education services and programs) and Pt. XVI Ch. 342 (relating to special education services and programs). Any other special education classes shall utilize a maximum class size that the State Board of Education deems appropriate for the specific nature or special needs of the students being instructed in those special education classes.

(c) The maximum class sizes set forth in subsection (a) shall not apply in instrumental or vocal music classes, or similar classes, unless the effectiveness of the instructional program in those classes would be impaired.

(d) (1) No school district shall utilize split-grade classes in order to comply with this section, unless the board of education for the district gives its prior approval.

(2) This section shall not prohibit a school district from utilizing transitional, ungraded or unstructured classes.

(3) All additional costs incurred by school districts shall be reimbursed from State funds appropriated for this purpose during the school year during which such costs are incurred.

Section 3. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes Mr. Evans.

Mr. EVANS. Thank you, Mr. Speaker.

Mr. Speaker, the amendment that I am offering is not a concept that is a new concept. This concept, Mr. Speaker, all around the nation, more and more people have been talking about the question of class size.

In the State of California, Governor Pete Wilson, and in the State of Tennessee, Governor Lamar Alexander when he was Governor of Tennessee, they did a study, and they did a study about basically dealing with the question of class size, particularly from kindergarten to third grade.

Under this particular amendment, Mr. Speaker, I talk about reducing class size statewide on a phase-in basis from July 1, 1998, to July 1, 2001. In the class size, Mr. Speaker, I basically say that we need to reduce down to 20 children or less, but I also say, Mr. Speaker, that all additional costs to school districts shall be reimbursed from State funds. I say that fundamentally, Mr. Speaker, because, in my view, all the documentation that has been put out has basically said that the reduction of class size in the early years basically sends a very firm message as we move ahead in the future. This particular amendment, Mr. Speaker, I would hope, would not be an issue about battling back and forth, but it would be an issue, Mr. Speaker, that we all can join in.

I ask for your support on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Lynch.

Mr. LYNCH. Thank you, Mr. Speaker.

I would like a brief interrogation of the maker of the amendment.

The SPEAKER. The gentleman— Are you asking the gentleman, Mr. Evans, to stand for interrogation? The gentleman indicates he will stand. You may begin.

Mr. LYNCH. Briefly, and I am sure it is correct, that you did leave the original provisions of HB 601 in your amendment?

The SPEAKER. I am sorry; would you repeat that? Stand closer to—

Mr. LYNCH. Mr. Speaker, I would assume that you left the original provisions of HB 601 in.

Mr. EVANS. Yes; yes. Correct; correct, Mr. Speaker.

Mr. LYNCH. This is an agreed-to amendment, Mr. Speaker. I would ask for an affirmative vote.

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

Mr. PERZEL. Thank you, Mr. Speaker.

I rise to support the gentleman, Mr. Evans' amendment.

I would like to focus for a moment on class size and the situation particularly in the city of Philadelphia public schools. Mr. Evans is right. Class size does make a difference in how children learn. I believe we have an obligation to give each child an opportunity to learn and to succeed, Mr. Speaker. We can make classes smaller, but the violence in our schools will still remain.

The SPEAKER. Will the gentleman yield; will the gentleman yield.

Conferences on the floor, please. Conferences on the floor— Will the members take their seats.

Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

We can make classes smaller, but the violence in our schools will still remain a serious problem. Over the last 3 years, according to the data we have studied — and we have it here — there has been an alarming increase in crime in the Philadelphia schools. The incidence of violence increased by 45 percent between 1993 and 1996. Mr. Speaker, our schools are simply not safe. They are not safe for students and they are not safe for the teachers that teach there. Rape, sexual assault, stabbings, robberies, and simple assaults take place every single day. We are talking about thousands of incidents, Mr. Speaker, not a few and not a hundred, Mr. Speaker; thousands reported every single year. We read and hear about the terrible ones — students raping students behind blackboards, students attacking teachers, a student being shot in the stomach while being robbed in a school.

We are talking very nicely, Mr. Speaker, lately about creating an opportunity for children to learn in our schools. Children achieving is nice to hear, but how can our children learn math, science, history, and English when they are trying their best simply to survive without being attacked inside the school system, Mr. Speaker?

Mr. Speaker, I agree with Representative Evans, and I am asking for an affirmative vote on the amendment, but the subject of school violence is very, very important. It is something we have to look at, Mr. Speaker, and I would urge again an affirmative vote.

The SPEAKER. The gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, would the architect of the amendment stand for interrogation?

The SPEAKER. The gentleman, Mr. Evans, indicates he will stand for interrogation from the gentleman, Mr. Thomas. You may begin.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, to somewhat follow up on a question raised by Representative Lynch when he asked the question of whether or not your amendment continues, well, contains provisions from HB 601, and my specific question is whether or not your amendment talks about education councils, community councils.

Mr. EVANS. Yes, Mr. Speaker.

Mr. THOMAS. Okay.

Mr. Speaker, how do these community education councils fit into reduction of class size?

Mr. EVANS. Repeat that question again, Mr. Speaker.

Mr. THOMAS. Well, Mr. Speaker, you stated affirmatively that your amendment does contain language from HB 601 dealing with community education councils, and my question is, how does the educational council concept fit into your initial proposal of reducing class size?

Mr. EVANS. Mr. Speaker, that is two separate issues. The issue of class size, Mr. Speaker, is an issue that— What I am expressing is that it should be the policy of the Commonwealth of Pennsylvania from kindergarten to third grade that we should be reducing class sizes across the board.

I also indicated, Mr. Speaker, that in Tennessee and in California, that is the State policy. What I am suggesting, Mr. Speaker, is that this should not be an issue that is limited to one district versus another district, Mr. Speaker, but across the



board. This should be an issue that is across the board in terms of the reduction of class size.

Mr. THOMAS. Okay, Mr. Speaker, I understand that, but I am still trying to get clarification on two issues that have been raised. One, the immediate focus of your amendment deals with reduction of class size, but secondarily, you indicated that your amendment also deals with community education councils. Is that correct?

Mr. EVANS. Yes, Mr. Speaker.

Mr. THOMAS. Okay. My question is, how does the concept of community education councils fit into the issue of class reduction? And the reason I raise that is because where some of us might support the proposal to limit class size, we might not support the creation of additional bureaucracies through these community education councils, and so I am trying to get some clarification of the nexus between the two issues.

Mr. EVANS. To be blunt with you, Mr. Speaker, it is a vehicle that is being offered on the floor. It is an opportunity that I have to offer the amendment, and I am offering the amendment to this particular vehicle. We always around here, Mr. Speaker, have used vehicles under various codes when we see an opportunity just to offer something. So I do not think one has anything to do with the other, Mr. Speaker.

Mr. THOMAS. Thank you, Mr. Speaker.

No further questions or comments.

The SPEAKER. The gentleman, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

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

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

Mr. LLOYD. Mr. Speaker, what is the estimated annual cost of this amendment?

Mr. EVANS. Reading, Mr. Speaker, from the fiscal note that was provided on September 29, 1997, which was provided to all of the members, basically it says approximately \$30 million in 1998-99, \$62 million in 1999-2000, \$95 million in 2000-01, and \$131 million in 2001-02. Costs to the Commonwealth will increase in districts where classroom space is insufficient.

Mr. LLOYD. So, Mr. Speaker, this is about \$130 million once it is finally fully implemented. That is correct?

Mr. EVANS. Correct, Mr. Speaker.

Mr. LLOYD. The second concern that I have is with regard to small school districts. I represent three school districts each of which has fewer than 500 students in the entire school district. I do not know for a fact how large some of their classes are, but what happens if you have 22 or 23 students in a grade? They have to have two classes?

Mr. EVANS. Repeat your question again, Mr. Speaker.

Mr. LLOYD. Let us assume that the Shanksville School District, which has about 450 students, has 23 first graders. Under your amendment, it would have to have two sections of first grade. Is that correct?

Mr. EVANS. Correct, Mr. Speaker.

Mr. LLOYD. And your— The fiscal note assumes that the State would pay for that entire cost of having those two sections?

Mr. EVANS. Correct, Mr. Speaker.

Mr. LLOYD. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Colafella.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support this amendment.

The SPEAKER. Will the gentleman yield.

The conference in the vicinity of the gentleman, Mr. Colafella, please break up. Members will please take their seats.

Mr. Colafella.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support this amendment.

The State of California passed this legislation a few years ago, and this matter has been written up in every educational journal. It is probably the most innovative thing that has happened in education on the elementary level, and it has been a great success. They have found that in California, with smaller class sizes in grades one, two, three, it has resulted in great educational success for youngsters in California.

I support this amendment wholeheartedly. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Horsey.

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

There is nothing revolutionary or different about it. Through the collective-bargaining process, they have been trying to do this for 20 years, and that is, reduce the size of classrooms, and it has been a major issue in every collective-bargaining process that I know of, not just in Philadelphia but this entire State.

So, Mr. Speaker, I rise to support the Evans amendment. It is good commonsense legislation, and I would like to see a "yes" vote from my colleagues. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, the amendment offered by Representative Evans would have us move in a positive direction as a matter of education policy.

This amendment needs some fleshing out before, in my view, it could effectively become law and effectively give guidance as policy, but we are a long way from this finally becoming law or being in a position where we are dealing with final language. So there is a lot of time for us to flesh out answers to very real questions such as the one raised by Representative Lloyd: What do you do if there are already only 21 students in a class? Do you force a school district to incur the extra costs of going to two classes with 10 and 11 students? There are tough questions, such as those experienced in California that enacted a similar law, questions about classroom space, questions about qualified teachers to fill these positions, but those are all details, very important details, that we could wrestle with during coming months.

This is one of the very rare times when the members of this House actually have been asked to consider an issue, a proposal, that has to do with good education practice, that is research-based. It is pretty clear to those who study these issues around the country that if we are willing to invest some additional dollars in our schools and in our school children, one of the most useful things that we can do to improve student learning is to invest in smaller class size at grades kindergarten through the third grade, and that is what Representative Evans proposes us to do.

It is particularly timely that we do this now, because this should in effect be a message to the administration that as the

Governor fashions the budget proposal for 1998-99 that the Governor will deliver to this General Assembly in proposal form next spring, this is something that we think makes sense; this is something that we want to support; this is something that we will prioritize; this is something that we are serious about, I hope. I hope that is the message, not that it is convenient to do it, not because it allows Mr. Evans rather than another member to go first in converting this to a School Code bill, not because it is just a sexy thing to do at this moment, but because we are genuine in our support for investing more money in smaller class size at grades K through 3.

Our genuineness, our sincerity will be tested in coming months. Let us see if all who vote for this today will insist that it be part of the budget next year. I hope that we will stand firm and be consistent during the coming months. If we say this is important and valuable today, let us make sure that we continue to say it is important and valuable and prioritized as we fashion the 1998-99 State budget.

Mr. Speaker, I urge that we support the Evans amendment.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Lynch, do you seek recognition? You are in order.

Mr. LYNCH. Yes; thank you, Mr. Speaker.

I just want to say that the debate on this has been very concise and illuminating, and it is obviously an amendment that we need, and again, I ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—181

Adolph	DeWeese	Lloyd	Sainato
Allen	DiGirolamo	Lucyk	Santoni
Argall	Donatucci	Lynch	Sather
Baker	Druce	Maher	Saylor
Bard	Eachus	Manderino	Schroder
Barley	Evans	Markosek	Scrimenti
Barrar	Fairchild	Marsico	Semmel
Battisto	Feese	Masland	Serafini
Bebko-Jones	Fichter	Mayernik	Seyfert
Belardi	Fleagle	McCall	Shaner
Belfanti	Flick	McGill	Smith, B.
Benninghoff	Gannon	McIlhattan	Smith, S. H.
Bishop	Geist	McNaughton	Snyder, D. W.
Blaum	George	Melio	Staback
Boscola	Gigliotti	Michlovic	Stairs
Boyes	Gladeck	Micozzie	Steelman
Browne	Godshall	Miller	Strittmatter
Bunt	Gordner	Mundy	Sturla
Butkovitz	Gruitza	Myers	Surra
Buxton	Gruppo	Nailor	Tangretti
Caltagirone	Habay	Nickol	Taylor, E. Z.
Cappabianca	Haluska	O'Brien	Taylor, J.
Cam	Hanna	Olasz	Thomas
Carone	Harhart	Oliver	Tigue
Casorio	Hasay	Orie	Travaglio
Cawley	Hennessey	Perzel	Trello
Chadwick	Herman	Pesci	Trich
Civera	Hershey	Petrarca	Tulli
Clark	Hess	Petrone	Vance
Cohen, L. I.	Horsley	Phillips	Van Horne
Cohen, M.	Hutchinson	Pippy	Veon
Colafella	Itkin	Pistella	Vitali
Colaizzo	Jadlowiec	Platts	Walko

Conti	James	Preston	Washington
Cornell	Jarolin	Ramos	Waugh
Corpora	Josephs	Raymond	Williams, A. H.
Corrigan	Kaiser	Readshaw	Williams, C.
Cowell	Keller	Reber	Wogan
Coy	Kenney	Reinard	Wojnaroski
Curry	Kirkland	Rieger	Wright, M. N.
Dally	Krebs	Roberts	Yewcic
Daley	LaGrotta	Robinson	Youngblood
DeLuca	Laughlin	Roebuck	
Dempsey	Lederer	Rooney	Ryan,
Dent	Lescovitz	Ross	Speaker
Dermody	Levdansky	Rubley	

NAYS—19

Armstrong	Fargo	Rohrer	True
Birmelin	Lawless	Schuler	Wilt
Brown	Leh	Steil	Zimmerman
Clymer	Maitland	Stern	Zug
Egolf	Major	Stevenson	

NOT VOTING—0

EXCUSED—3

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

On the question,

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Lynch. Do you have— Mr. Lynch, I had you marked down originally for two amendments. The Chair understands the gentleman withdraws those amendments.

Mr. Cohen, unfortunately, the adoption of the Evans amendment does away with yours. Your amendments will not fit into the bill at this time, and it will be necessary to have your amendments redrafted.

Mr. COHEN. Mr. Speaker, my understanding is that the Evans amendment restored the community education council money?

(Conference held at Speaker's podium.)

On the question recurring,

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

Mr. COHEN offered the following amendment No. A3537:

Amend Title, page 1, line 3, by removing the period after "councils" and inserting

; and making appropriations.

Amend Bill, page 5, by inserting between lines 25 and 26 Section 7. Appropriations.

(1) The sum of \$550,000 is hereby appropriated to the Department of Education for the fiscal year July 1, 1997, to June 30, 1998, for the purposes of implementing the community education councils' portion of this act.

(2) The sum of \$20,000,000, or as much thereof as may be necessary, is hereby appropriated to the Department of Education for the fiscal year July 1, 1997, to June 30, 1998, for grants to school districts for the purchase of textbooks. Payments to school districts shall be derived by multiplying the school district's average daily membership by the product of 21.25 times the school district's market value personal income aid ratio. The Department of Education shall require that school districts provide an equitable share of the grant to the area vocational-technical schools which their students attend. Amend Sec. 7, page 5, line 30, by striking out "7" and inserting

8

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Philadelphia County, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is nearly identical to one which the House passed unanimously last May—

The SPEAKER. The gentleman will yield.

Conferences on the floor, please break up.

Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is nearly identical to one which the House passed unanimously last May but the conference committee removed from the budget bill.

This amendment appropriates \$20 million to school districts for the purchase of new school textbooks. The money is distributed under the formula of multiplying the school district's average daily membership by the product of 21.25 times the school district's market value personal income aid ratio.

The members have received a printout kindly generated by the Republican Appropriations Committee on how much each school district would receive under this amendment. That printout is attached to the fiscal note of amendment 3433, the prior version of this amendment.

The only change to the main body of this amendment from last year is it includes language for school districts to share their textbook grants with the vocational-technical schools. This is due to comments which I and other members received from the vocational-technical schools last May. The amendment also restores the appropriations language contained in PN 1975 of the bill.

Mr. Speaker, the need for this amendment is still great. Throughout the State of Pennsylvania, there is a strong tendency to defer textbook spending year after year because other needs — salaries, building maintenance, extracurricular activities, et cetera — seem much more pressing. The result is that millions of our students have been forced to make do with textbooks that are many years out of date and, in extreme circumstances, several decades out of date.

While this amendment will not totally or mostly pay for school textbooks in Pennsylvania, it will show that the legislature is aware of the problem and wants students to have up-to-date textbooks. Hopefully, the passage of this amendment will be followed by similar amendments in future budget years to accumulatively address the textbook problem. The need to update textbooks is great. There is no doubt that the money is available in this year's budget surplus or in the revenue surplus.

I thank the members for their support of this amendment in the past, and I ask the members again to support the upgrading of school textbooks in each of Pennsylvania's 501 school districts.

The SPEAKER. The gentleman, Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, it is my understanding that this amendment does not affect the previous amendment that was introduced and approved from Representative Evans, and therefore, we would ask for support of this amendment. Thank you.

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

The following roll call was recorded:

YEAS—199

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

NOT VOTING—1

Rieger

EXCUSED—3

McGeehan Mihalich Stetler

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 gentleman, Mr. Wojnaroski, do you still intend to offer your amendment?

Mr. WOJNAROSKI. Mr. Speaker, we may have to divide this amendment. May I have a few moments, please?

The SPEAKER. If you need time to think about dividing it, I would prefer it if you would come up here so that we can participate in that—

Mr. WOJNAROSKI. Absolutely.  
The SPEAKER. —so the Parliamentarian can participate.  
Mr. WOJNAROSKI. Thank you, Mr. Speaker.

(Conference held at Speaker's podium.)

The SPEAKER. It is my understanding that the gentleman agrees that this amendment is not divisible, and accordingly, it is withdrawn.

Mr. WOJNAROSKI. That is correct, Mr. Speaker. Thank you.  
The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Surra. Do I understand that you, too, are withdrawing your amendments? The Chair thanks the gentleman.

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?

Mr. Lynch.  
Mr. LYNCH. Thank you, Mr. Speaker.  
I just want to speak real briefly on the final passage of the bill—  
The SPEAKER. The gentleman is in order.

Mr. LYNCH. —and how important is the original content of the bill and how important it is for the underserved areas of rural Pennsylvania to have this kind of support, and I thank the people for the cooperation today and ask for an affirmative vote on the final passage. Thank you, Mr. Speaker.

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

Mr. STURLA. Thank you, Mr. Speaker.  
Will the maker of the bill please rise for a brief interrogation?  
The SPEAKER. The gentleman, Mr. Lynch, indicates he will stand for interrogation.

Mr. STURLA. Thank you, Mr. Speaker.  
Mr. Speaker, we have had conversations on previous occasions about the community participation in underserved areas, and I believe at the time we had that discussion you indicated that there would be nothing in this that would preclude underserved urban areas from being served also. I think currently most of this is done in rural areas, but there are underserved urban areas and that this would actually enhance the ability to do some of this in urban areas also. Is that correct?

Mr. LYNCH. That is correct, Mr. Speaker.  
Mr. STURLA. Thank you, Mr. Speaker. If I could make a brief comment, please.

The SPEAKER. The gentleman is in order.  
Mr. STURLA. Thank you, Mr. Speaker.

I know earlier there was some concern by certain members about whether or not they were interested in supporting this. I would urge strong support of this bill both whether you are from a rural or an urban area. This is really one, and particularly with the amendments that have been added to it, that all of us can get together and it will actually enhance all educational opportunities in the State of Pennsylvania, and I would encourage an affirmative vote. 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—200

Adolph	DiGirolamo	Lynch	Saylor
Allen	Donatucci	Maher	Schroder
Argall	Druce	Maitland	Schuler
Armstrong	Eachus	Major	Scrimenti
Baker	Egolf	Manderino	Semmel
Bard	Evans	Markosek	Serafini
Barley	Fairchild	Marsico	Seyfert
Barrar	Fargo	Masland	Shaner
Battisto	Feese	Mayernik	Smith, B.
Bebko-Jones	Fichter	McCall	Smith, S. H.
Belardi	Fleagle	McGill	Snyder, D. W.
Belfanti	Flick	McIlhattan	Staback
Benninghoff	Gannon	McNaughton	Stairs
Birmelin	Geist	Melio	Steelman
Bishop	George	Michlovic	Steil
Blaum	Gigliotti	Micozzie	Stern
Boscola	Gladeck	Miller	Stevenson
Boyes	Godshall	Mundy	Strittmatter
Brown	Gordner	Myers	Sturla
Browne	Gruitza	Nailor	Surra
Bunt	Gruppo	Nickol	Tangretti
Butkovitz	Habay	O'Brien	Taylor, E. Z.
Buxton	Haluska	Olasz	Taylor, J.
Caltagirone	Hanna	Oliver	Thomas
Cappabianca	Harhart	Orie	Tigue
Carn	Hasay	Perzel	Travaglio
Carone	Hennessey	Pesci	Trello
Casorio	Herman	Petrarca	Trich
Cawley	Hershey	Petrone	True
Chadwick	Hess	Phillips	Tulli

Civera	Horsey	Pippy	Vance
Clark	Hutchinson	Pistella	Van Horne
Clymer	Itkin	Platts	Veon
Cohen, L. I.	Jadlowiec	Preston	Vitali
Cohen, M.	James	Raymond	Walko
Colaafella	Jarolin	Readshaw	Washington
Colaizzo	Josephs	Reber	Waugh
Conti	Kaiser	Reinard	Williams, A. H.
Cornell	Keller	Rieger	Williams, C.
Corpora	Kenney	Roberts	Wilt
Corrigan	Kirkland	Robinson	Wogan
Cowell	Krebs	Roebuck	Wojnaroski
Coy	LaGrotta	Rohrer	Wright, M. N.
Curry	Laughlin	Ross	Yewcic
Daley	Lawless	Rubley	Youngblood
Dally	Lederer	Sainato	Zimmerman
DeLuca	Leh	Santoni	Zug
Dempsey	Lescovitz	Sather	
Dent	Levydansky		Ryan,
Dermody	Lloyd		Speaker
DeWeese	Lucyk		

NAYS-0

NOT VOTING-0

EXCUSED-3

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

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

\* \* \*

The House proceeded to third consideration of HB 207, PN 229, entitled:

An Act requiring all prison inmates to wear identifiable prison uniforms at all times.

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-200

Adolph	DiGirolamo	Lynch	Saylor
Allen	Donatucci	Maher	Schroder
Argall	Druce	Maitland	Schuler
Armstrong	Eachus	Major	Scrimenti
Baker	Egolf	Manderino	Semmel
Bard	Evans	Markosek	Serafini
Barley	Fairchild	Marsico	Seyfert
Barrar	Fargo	Masland	Shaner
Battisto	Feese	Mayernik	Smith, B.
Bebko-Jones	Fichter	McCall	Smith, S. H.
Belardi	Fleagle	McGill	Snyder, D. W.

Belfanti	Flick	McIlhattan	Staback
Benninghoff	Gannon	McNaughton	Stairs
Birmelin	Geist	Melio	Steelman
Bishop	George	Michlovic	Steil
Blaum	Gigliotti	Micozzie	Stern
Boscola	Gladeck	Miller	Stevenson
Boyes	Godshall	Mundy	Strittmatter
Brown	Gordner	Myers	Sturla
Browne	Gruitza	Nailor	Surra
Bunt	Gruppo	Nickol	Tangretti
Butkovitz	Habay	O'Brien	Taylor, E. Z.
Buxton	Haluska	Olasz	Taylor, J.
Callagirono	Hanna	Oliver	Thomas
Cappabianca	Harhart	Orie	Tigue
Carn	Hasay	Perzel	Travaglio
Carone	Hennessey	Pesci	Trello
Casorio	Herman	Petrarca	Trich
Cawley	Hershey	Petrone	True
Chadwick	Hess	Phillips	Tulli
Civera	Horsey	Pippy	Vance
Clark	Hutchinson	Pistella	Van Horne
Clymer	Itkin	Platts	Veon
Cohen, L. I.	Jadlowiec	Preston	Vitali
Cohen, M.	James	Ramos	Walko
Colaafella	Jarolin	Raymond	Washington
Colaizzo	Josephs	Readshaw	Waugh
Conti	Kaiser	Reber	Williams, A. H.
Cornell	Keller	Reinard	Williams, C.
Corpora	Kenney	Rieger	Wilt
Corrigan	Kirkland	Roberts	Wogan
Cowell	Krebs	Robinson	Wojnaroski
Coy	LaGrotta	Roebuck	Wright, M. N.
Curry	Laughlin	Rohrer	Yewcic
Daley	Lawless	Rooney	Youngblood
Dally	Lederer	Ross	Zimmerman
DeLuca	Leh	Rubley	Zug
Dempsey	Lescovitz	Sainato	
Dent	Levydansky	Santoni	Ryan,
Dermody	Lloyd	Sather	Speaker
DeWeese	Lucyk		

NAYS-0

NOT VOTING-0

EXCUSED-3

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

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

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The House proceeded to third consideration of HB 1258, PN 1411, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing police officers to record certain oral communications; providing for authority to purchase surveillance devices; and providing for windshield obstructions and wipers.

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

The SPEAKER. I am going to make an announcement with respect to this bill that I would like you to listen to.

There is a list that I have, and I have not counted the number of amendments, but I would guess there are approximately 20, maybe 25 amendments that have been submitted in a timely fashion to HB 1258, PN 1411. However, with the exception of Mr. Mayernik, all of these amendments are improper, and I would rule that way.

Now, let me tell you why: They are improper, they are improper because under the rulings of Mr. Irvis, Mr. O'Donnell, Mr. DeWeese, and myself, under four Speakers, where — and I am asking the Parliamentarian to coach me if I go off on this — but under the rulings of four Speakers, where a bill with two titles is before the House, then amendments to that bill must be on the same subject matter as the bill, not one or the other of the two titles but the same subject matter as is contained in the bill.

Now, they are the rulings of four Speakers — DeWeese, O'Donnell, Irvis, and myself — and they will be my rulings on all these amendments, which I would like to take — If there is an appeal, I would like to take them all at once, although we can do it the hard way.

So let us first take the Mayernik amendment, which I have no problem with, and I am not talking about the content; I am talking about the bill itself from a parliamentary standpoint.

The Chair recognizes the gentleman, Mr. Mayernik, who offers amendment A3548, which, incidentally, is the only one of his two amendments that is properly drawn.

The clerk will read the amendment.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. MAYERNIK offered the following amendment No. A3548:

Amend Bill, page 2, lines 5 through 30; page 3, lines 1 through 30; page 4, lines 1 through 29, by striking out all of said lines on said pages and inserting

Section 2. Section 5704 of Title 18 is amended by adding paragraphs to read:

§ 5704. Exceptions to prohibition of interception and disclosure of communications.

It shall not be unlawful under this chapter for:

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(15) A law enforcement officer who has the authority to enforce Title 75 (relating to vehicles) or any other violation of law and who stops a vehicle for a suspected violation of the law while on duty and utilizing a vehicle-mounted audio-intercepting device to intercept the oral communications occurring between that law enforcement officer and any other person present at the location of and during the vehicle stop. During the time of the vehicle stop, or as soon as practicable, the officer shall notify the driver and other occupants and any other person identifiably present, that their oral communications are being recorded. Evidence obtained on a vehicle-mounted audio-intercepting device as a result of a stop under this paragraph and in accordance with section 5717(d) shall not be excluded in any civil or criminal proceeding. A police department, agency or office shall not by order, regulation or otherwise require an officer to activate an audio device mounted or carried in the officer's vehicle except in the following situations:

(i) when the law enforcement officer makes use of the audible warning system authorized by 75 Pa.C.S. § 4571 (relating to visual and audible signals on emergency vehicles);

(ii) when the law enforcement officer is making use of the visual signals authorized by 75 Pa.C.S. § 4571; or

(iii) when the law enforcement officer is making use of the audible warning system and visual signals.

(16) Nothing in this section shall prohibit a law enforcement officer who has a reasonable suspicion that a crime has recently been committed, is being committed or is about to be committed from utilizing a vehicle-mounted audio-intercepting device in accordance with paragraph (15).

Section 3. Sections 5705 and 5706 of Title 18 are amended to read:  
§ 5705. Possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices and telecommunication identification interception devices.

Except as otherwise specifically provided in section 5706 (relating to exceptions to prohibitions in possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices and telecommunication identification interception device), a person is guilty of a felony of the third degree if he does any of the following:

(1) Intentionally possesses an electronic, mechanical or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of a wire, electronic or oral communication.

(2) Intentionally sells, transfers or distributes an electronic, mechanical or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of a wire, electronic or oral communication.

(3) Intentionally manufactures or assembles an electronic, mechanical or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of a wire, electronic or oral communication.

(4) Intentionally places in any newspaper, magazine, handbill, or other publication any advertisement of an electronic, mechanical or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of a wire, electronic or oral communication or of an electronic, mechanical or other device where such advertisement promotes the use of such device for the purpose of the surreptitious interception of a wire, electronic or oral communication.

(5) Intentionally possesses a telecommunication identification interception device.

§ 5706. Exceptions to prohibitions in possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices and telecommunication identification interception device.

(a) Unlawful activities.—It shall not be unlawful under this chapter for:

(1) a provider of wire or electronic communication service or an officer, agent or employee of, or a person under contract with, such a provider, in the normal course of the business of providing the wire or electronic communication service; or

(2) a person under contract with the United States, the Commonwealth or a political subdivision thereof, a state or a political subdivision thereof, or an officer, agent or employee of the United States, the Commonwealth or a political subdivision thereof, or a state or a political subdivision thereof,

to possess, sell, distribute, manufacture, assemble or advertise an electronic, mechanical or other device or telecommunication identification interception device, while acting in furtherance of the appropriate activities of the United States, the Commonwealth or a political subdivision thereof, a state or a political subdivision thereof or a provider of wire or electronic communication service.

(b) Responsibility.—

(1) [The] Except as provided under paragraph (2), the Attorney General and the district attorney or their designees so designated in writing shall have the sole responsibility to buy, possess and loan any electronic, mechanical or other device which is to be used by investigative or law enforcement officers for purposes of interception

as authorized under section 5704(2) [and], (5), (12), (15) and (16) (relating to exceptions to prohibition of interception and disclosure of communications), 5712 (relating to issuance of order and effect), 5713 (relating to emergency situations) or 5713.1 (relating to emergency hostage and barricade situations).

(2) ~~The division or bureau or section of the Pennsylvania State Police responsible for conducting the training in the technical aspects of wiretapping and electronic surveillance as required by section 5724 (relating to training) may buy and possess any electronic, mechanical or other device which is to be used by investigative or law enforcement officers for purposes of interception as authorized under section 5704(2), (5), (12), (15) and (16), 5712, 5713 or 5713.1 for the purpose of training. However, any electronic, mechanical or other device bought or possessed under this provision may be loaned to or used by investigative or law enforcement officers for purposes of interception as authorized under section 5704(2), (5), (12), (15) and (16), 5712, 5713 or 5713.1 only upon written approval by the Attorney General or a deputy attorney general designated in writing by the Attorney General, or the district attorney or an assistant district attorney designated in writing by the district attorney of the county wherein the interception is to be made.~~

(3) With the permission of the Attorney General or a district attorney who has designated any supervising law enforcement officer for purposes of interceptions as authorized under section 5713.1, the law enforcement agency which employs the supervising law enforcement officer may buy, possess, loan or borrow any electronic, mechanical or other device which is to be used by investigative or law enforcement officers at the direction of the supervising law enforcement officer solely for the purpose of interception as authorized under sections 5704(12) and 5713.1.

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

The SPEAKER. Mr. Mayernik.

Mr. MAYERNIK. Thank you, Mr. Speaker.

For a point of clarification, I am withdrawing 3407, and the issue before the House is 3458 as drafted in the amendment.

Thank you, Mr. Speaker. 3548; I stand corrected.

The SPEAKER. This is amendment A3548. The gentleman is recognized.

Mr. MAYERNIK. Thank you, Mr. Speaker.

As you stated before, this amendment amends both Titles 18 and 75, which is very unique. This is a culmination of efforts that has transpired over a period of the last 3 to 4 years working with the Pennsylvania State Police, the Pennsylvania State Troopers, the Boroughs Association, the Chiefs of Police Association, and the District Attorneys Association, as well as the Attorney General's Office.

In essence, this amendment would permit single-party consent to permit police officers to utilize audio-intercepting devices. In plain language, that means the camcorders that you and I have in our houses will be mounted in the police cars.

The SPEAKER. The gentleman will yield.

The House will come to order.

Mr. Mayernik.

Mr. MAYERNIK. Thank you, Mr. Speaker.

As I said, this means the camcorders that you and I own will be mounted in the police cars, and the police officer will have an audio-recording device, which will probably either be a tiepin or it would be his pen or her pen, that they will take whenever there is a Title 75 vehicle stop.

Presently, there is no legal expectation of privacy for the video portion but there is a question or a gray area regarding the audio portion. The issue at hand is, is the audio-recording portion legal unless you have permission? This bill today addresses that issue of making it legal to use the audio-recording portion.

As we see on many TV shows such as "Cops" and those on TV we watch every night, now Pennsylvania will have the ability to see and hear exactly what has transpired during a police officer stop as the incident actually occurred.

Mr. Speaker, the basic principle is what you see and what you hear is now admissible in the courts of law in Pennsylvania, and what I would like to do is take a moment of your time to define "court of law" in Pennsylvania, and by that it is the sponsor of this amendment and the drafter of this amendment, as myself, to define a "court of law" being that where an elected judicial individual presides in a civil or criminal proceeding, including a senior appointed judge or justice. Also included is a city magistrate or district justices. Again, it is clearly my legislative intent to limit it to judicial proceedings and not, not, again, to any type of disciplinary proceedings or administrative proceedings.

Returning to the issue of what you see and what you hear is admissible, I would state that if we had this type of device legal in Pennsylvania, we would not have the problems that occurred in the Pittsburgh incident regarding Jonny Gammage. Also, when we look to California we think about the incident regarding Rodney King, the Rodney King incident which would have transpired much differently if these types of recording devices were in place.

Let us just think for a moment here, what would have happened in the end? You would have seen the entire tape; you would have heard the entire transcript; we would have eliminated the TV hype; we would have eliminated the projections and the protests. We were—

The SPEAKER. Members, please.

Mr. MAYERNIK. My comments will be brief, Mr. Speaker. I am wrapping up.

Again, this is a bill that would bring forth judicial economy. In the States that presently have the camcorders and the audio portion, there is about a 35- to 40-percent reduction in court cases that deal with the traffic violations, and also there is a savings to the taxpayers, because those police officers who are going to court are now reduced in their overtime and court time.

Again, there has been about 3 or 4 years of a culmination of efforts of various groups. They are all in agreement. I would ask for an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LLOYD. Thank you, Mr. Speaker.

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

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

Mr. LLOYD. Mr. Speaker, I do not have a copy of amendment A3548, and part of the confusion is that there is an amendment A3458 in the packet. I understand that A3548, which is what we are considering, is identical to A3407. Is that correct?

Mr. MAYERNIK. I am not familiar with the other number, but A3548 is the last amendment that I have had drawn, and it includes two separate provisions: the provision, as we talked about, when

the administration can require a police officer to activate the cameras when the siren is activated, when the lights are activated, or a combination of both, and the provision I put in differently is that the police officer has the discretion at any period of time he has a reasonable suspicion that a crime has recently been committed, is being committed, or is about to be committed for utilizing a vehicle-mounted audio-intercepting device in accordance with this paragraph.

Mr. LLOYD. Mr. Speaker, am I correct that before this is to be played, the officer is supposed to warn the people in the vehicle that—

Mr. MAYERNIK. That is correct. Well, let me clarify. On page 1, line 17, "During the time of the vehicle stop, or as soon as practicable, the officer shall notify the driver and other occupants and any other person identifiably present, that their oral communications are being recorded."

Mr. LLOYD. Well, the question would be "as soon as practicable." That means before the recording. It could be 5 minutes after the vehicle is stopped but before the recording.

Mr. MAYERNIK. Not necessarily. I would see that, because there are extenuating circumstances, as you know, counselor, that if there is a shoot-out or something, what do you say, put your hands up, drop your gun, and by the way, you are being recorded? So we put it during the time of the stop. You know, it would be at that location at that time of stop, not 5 minutes after they are in the police car arrested for something. It would be during the time of incident.

Mr. LLOYD. And the language which says that the evidence shall not be excluded, that is assuming that it is otherwise not excludable.

Mr. MAYERNIK. That is correct.

Mr. LLOYD. Is there any other statute that you are aware of, and other than the constitutional rule, is there any other statute that you are aware of that this is overriding?

Mr. MAYERNIK. No. Existing law and the Fourth Amendment would stay in place.

Mr. LLOYD. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman from Allegheny stand for a brief period of interrogation?

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

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I just have one question, and I am wondering if you could explain when and where the evidence may be used, but in particular whether the recordings or the evidence can be used for administrative or disciplinary purposes against the police officers.

Mr. MAYERNIK. Thank you, Mr. Speaker.

The information or evidence derived from the tape, the audio portion, can only be used in a court of law in this Commonwealth, civil or criminal, where there is a judge presiding or a city magistrate. It is clearly not my intent, it is not the legislative intent, to use this for administrative purposes or disciplinary purposes. If that is your intention to use this audio recording, then vote "no." If your intention is to use this audio recording solely for judicial purposes, which is the intent of the drafter and sponsor, myself, then vote "yes."

Mr. McCALL. Thank you, Mr. Speaker.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

I have a question; I would like to interrogate the maker of the amendment really.

The SPEAKER. You may begin.

Mr. GODSHALL. I have a concern not what this can be used for as far as disciplinary action for the police or whatever, but how about disclosure to the media? Can these tapes— What happens to these tapes after a period of time, or what can the police department do with them, where can they go, and do they have to be destroyed or are they in there forever?

Mr. MAYERNIK. Mr. Speaker, this information is disclosure to law enforcement officials only until it comes time to be brought to a court proceeding. At that time it then becomes public knowledge unless sealed by the judge.

Mr. GODSHALL. So when it comes before the court, then the same video can be given to the TV stations or whomever.

Mr. MAYERNIK. If they acquire it from the law enforcement agency or from the courtroom. At this time we do not permit cameras in the courtroom, so it would be very difficult for them to tape it unless the judge would give permission to come in and tape it, but the law enforcement would not be permitted to give it directly to the TV station. It is not my intent or purpose to do that. This is only for admissibility in court.

Mr. GODSHALL. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Will the gentleman rise for a brief interrogation?

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I would like to follow up on the questioning of the previous questioner in terms of what happens to these tapes. Are you saying that after it is used in court, it is then public and can be used by anyone after that? Is that the case?

Mr. MAYERNIK. No. Once it is used in court, usually they are destroyed. It is no different than any other evidence that you would have. Normally they keep the tapes for 30 days. If they are not used in court, they tape over them again. In this case, I would imagine that anything that is given forth in court then is public.

Mr. STURLA. You indicated earlier that we have seen these types of tapes being used on the program "Cops" and things like that. Would there be anything that would preclude the municipality, once it has been used in court, if they have got a particularly juicy tape, from selling it to, say, the producers of the "Cops" program?

Mr. MAYERNIK. There is nothing in the legislation as drafted that would permit them to do that, only civil or criminal proceedings of law.

Mr. STURLA. So it does not permit them, but is there anything that prohibits them from doing that? I mean, I do not know enough about the law to know whether we need to permit them or whether we need to prohibit them.

Mr. MAYERNIK. Very succinctly, if not included, then excluded.

Mr. STURLA. One final question, Mr. Speaker. In terms of, you talked about when they would be turning these on and how that procedure would work. Is there anything that would require



the police officer to turn these cameras on if they chose not to on a routine stop?

Mr. MAYERNIK. Please restate your question.

Mr. STURLA. Well, you said that we could prevent things like the Rodney King incident from happening because the police would be under the watch of a camera, and then you also said we could not use it for administrative purposes, which I think would fall into the Rodney King end of things. But if the police officer that stopped Rodney King decided not to turn the camera on, would he have the option of not turning the camera on if he wanted to, or would there be an automatic, every time there was a stop made the police officer did not have the option, the camera has to go on?

Mr. MAYERNIK. It would be a matter of policy established by the administration. As you look on the amendment, line 30 on page 1, when the law enforcement officer makes a stop and he activates his lights, he would have to put it on if required by policy. If he activates his siren, he would have to put it on if it were required by policy—

Mr. STURLA. Okay.

Mr. MAYERNIK. —or if he activated both, if required by policy. So it is really the municipality would decide by policy when he would have to put it on, or she.

Mr. STURLA. Thank you, Mr. Speaker.

The SPEAKER. On the question, the gentleman, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Will the gentleman stand for interrogation?

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, in response to the gentleman, Mr. McCall's questioning, you indicated that the department may not use the information on these recordings for administrative purposes or in any sanctioning of those officers. Is that correct?

Mr. MAYERNIK. That is correct.

Mr. MICHLOVIC. Earlier in your testimony you indicated that this amendment and this legislation would somehow address the problems that we faced in Rodney King tapes and the Jonny Gammage case. Taking the latter case, are you saying that the information and the recordings on these tapes could be used in a court of law but they may not be used to sanction those officers if indeed those officers are found in some way responsible?

Mr. MAYERNIK. They could not be used in an administrative court of law, sir, but they could be used in a civil court of law. In the Rodney King case, I believe there were civil rights violations, and the individuals were found guilty and prosecuted. This information would be available and acceptable and admissible in the civil court of law where the prosecution took place of the police officers. What I am attempting to — or criminal — what I am attempting to avoid is some police officer does not have his hat on and now he is given 3 days' suspension.

Mr. MICHLOVIC. What I am more concerned about is some police officer that may be beating a citizen, and his supervisor cannot use that information to give him a suspension so they can investigate the case. Is that what you are saying here?

Mr. MAYERNIK. It is not the suspension; it is the court time I think we should be interested in and the jail time and the fine. If he is beating a citizen of this Commonwealth, then he belongs in jail or he belongs off the job and a stiff fine and suspension. I am

going one step above and beyond, Mr. Speaker, of what you want. You want to give him a slap on the wrist administratively. I want him fired, and I want him in jail, and I want him fined.

Mr. MICHLOVIC. I am very fascinated by your indicating what I want. Nevertheless, let me ask you this: How does that tape recording get from that police officer in the case where that officer may feel there is some faulty action on his part recorded, how does that get to a court of law in a civil case? How would that citizen whose rights have been, he feels, abridged get that information?

Mr. MAYERNIK. A very good question, Mr. Speaker. What happens is the device is actually located in the trunk of the police vehicle. It is locked in there by the shift supervisor or commander or the chief. At the beginning of every shift it is inserted and is taken out at the end and is put in the evidence room in case there is an allegation. During the period the tape is taking place, there on the bottom right corner there is a date and time by second ticked off. So if there is any interference with the tape, it would automatically be seen.

Mr. MICHLOVIC. Okay. So the officer himself or herself does not have direct control or access over that tape or what goes on it.

Mr. MAYERNIK. That is correct.

Mr. MICHLOVIC. Okay. Thank you.

Thank you, Mr. Speaker.

The SPEAKER. On the question of the adoption of the amendment, those in—

Mr. OLASZ. Mr. Speaker?

The SPEAKER. Think about it.

The gentleman, Mr. Olasz.

Mr. OLASZ. Okay. You have had a difficult day. I can appreciate that.

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

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

Mr. OLASZ. Mr. Speaker, I find difficulty in the terminology that the tape will be "usually" destroyed. Now, it is either pitched or it is not, not "usually." Does it depend upon who the individual is, and who makes the determination where it is "usually" destroyed?

Mr. MAYERNIK. Mr. Speaker, this is an issue that I do not address in legislation, but it is one where there are audio-video tapes being utilized — that is presently a gray area — that it is set by policy of the department. Maybe in this case it was my poor choice of words to say "usually." In a department such as Monroeville, which is an outstanding community, where we have a great Representative here in the General Assembly in Representative Markosek, they have a 30-day period and then those tapes are destroyed unless the case goes to court or there is a question on the actions of the people on the tape that could possibly go to civil or criminal court. So it is up to your local chief of police, and if you have trust in your local chief of police and trust in your local mayor and council that set the policies, then I think that you will have trust in the deciding of how those incidents will be handled.

Mr. OLASZ. Mr. Speaker, one of the major concerns, back to that "usually," I have great apprehension about this suddenly becoming a local TV program called TV or police bloopers and individuals being mocked. That is a major concern I have about the term "usually." Thank you.

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

Mr. PRESTON. Thank you, Mr. Speaker.

Would the maker of the amendment stand for interrogation, please?

Mr. MAYERNIK. Sure.

Mr. PRESTON. Mr. Speaker, as your amendment starts off, it says "A law enforcement officer...." Could you clarify for me and help me out, what exactly is a law enforcement officer?

Mr. MAYERNIK. I believe in order to answer that question, you have to continue to read in context the rest of lines 1 and 2: "A law enforcement officer who has the authority to enforce Title 75...." relating to the Vehicle Code and stopped vehicles. By that there is a court case that is presently pending called the Leet — or I am sorry; it had been decided about 3 years ago — called the Leet decision, that under Title 75 it is not explicitly defined as sheriffs of second-class counties having the authority to enforce Title 75. But the court has defined in the Leet decision if a deputy sheriff has the same training and education as a police officer, he has or she has the ability to enforce the motor vehicle law. In order to eliminate an infighting between sheriffs and deputy sheriffs and police officers, I have made that term broad enough to let the court decision of Leet stand and set the precedent.

Mr. PRESTON. Would this amendment affect sheriffs or deputy sheriffs in any other county?

Mr. MAYERNIK. If those individuals meet the test that presently exists under the Leet decision, then yes, they could enforce Title 75. If they did not meet the test as described of having the same education and training as municipal police officers, then no, they could not, and that includes updated training.

Mr. PRESTON. But do sheriffs in Allegheny County have the same police powers that other police departments in the 120 police departments that we have in Allegheny County, do they have the same police powers?

Mr. MAYERNIK. "Police powers" has not been defined under Title 18 regarding that, but the court in the Leet decision did specifically speak to the motor vehicle violations under Title 75.

If I may dissect that, bifurcate that question, and deal specifically with the issue at hand today and address Title 75, the answer is yes, they do have the ability, every deputy sheriff in Allegheny County, to enforce Title 75, the Vehicle Code, as per the Leet decision, as per, since they have had the education and training for over the past 20 years similar to municipal police officers in this Commonwealth.

Mr. PRESTON. Are you saying that sheriffs in Allegheny County are not officers of the court and instead are police officers under our State code?

Mr. MAYERNIK. I am not saying either, sir. I am only defining the Leet decision as written by the Superior Court and upheld by the Supreme Court in this Commonwealth. If you would like me to go afield from this amendment and the body would permit me to do that, I would be happy to discuss ad nauseam this issue, if I may, Mr. Speaker.

Mr. PRESTON. Well, I am only going by your amendment. On line 4 it says, "A law enforcement officer....," and then when I drop down to line 18 it says, "A police department, agency or office shall not by order, regulation....," but at the same time I am trying to figure out, the sheriff's department is an elected office — it is not

an agency; it is not a police department — and I am trying to figure this out, because I am nervous also. If you are saying that if other counties across this State decide to just have their sheriffs or deputy sheriffs meet the same educational requirements or training requirements, that they may fall under the same amendment. Is that possible?

Mr. MAYERNIK. Yes, that is correct. They can do that now without this amendment. They can enforce the Vehicle Code as long as they have the same education and training as every other municipal police officer. That is the decision and the ruling and the holding in the Leet decision. What we do in the General Assembly today has nothing applicable to that decision as ruled by the court of this Commonwealth.

Mr. PRESTON. So in other words, under your amendment, if someone goes out and gets the proper training as far as a sheriff in any other county in this State, this would help them possibly or they could be called a law enforcement officer under this act?

Mr. MAYERNIK. They, sir, are already law enforcement officers whether we pass this act or not. It is a matter of definition. If you check Title 18 and different various statutes in this Commonwealth, they are already defined as law enforcement officers. So that is a moot issue.

Mr. PRESTON. Okay.

Mr. MAYERNIK. As far as them enforcing the law, we go back to the Leet decision. If they have the same education and training as every other municipal police officer, then they can enforce Title 75, sir.

Mr. PRESTON. Constables. How do constables fall under this act?

Mr. MAYERNIK. Constables do not fall under this act, because they do not have the authority to enforce Title 75 of the Vehicle Code.

Mr. PRESTON. Are not constables members as far as the, what you call it as far as the police departments are concerned—

Mr. MAYERNIK. I do not know what you call it.

Mr. PRESTON. —members of the F.O.P. (Fraternal Order of Police)?

Mr. MAYERNIK. I do not know if they are members of the F.O.P.; I could not tell you.

Mr. PRESTON. So if they were members of the Fraternal Order of Police, would that make them a law enforcement officer also then under this amendment?

Mr. MAYERNIK. There are members of this General Assembly that are members of the F.O.P. that are not law enforcement officers. The Fraternal Order of Police is a social organization as well as a quasi-union, for lack of a better term. That does not give you law enforcement powers, sir. If you have the same education and training and authority, you will have law enforcement powers. I think we are going afield on this, but I will continue as long as you want.

The SPEAKER. The gentleman will yield.

I am inclined to agree. We are stretching out a little bit. Try and hold it closer to the subject matter that is before the House, please.

Mr. PRESTON. Well, Mr. Speaker, if I can ask, and I am trying to get clarification, it starts off in the first line "A law enforcement officer....," and I am only trying to get a definition as far as what the gentleman's amendment is trying to do and what it would encompass if all of these individuals are going to be allowed to drive around with cameras on their car.

The SPEAKER. Well, ask him that question.

Mr. PRESTON. I mean, as far as what a law enforcement officer is. I am only trying to get him to interpret his amendment.

The SPEAKER. Ask him that question.

Mr. PRESTON. That is what I am asking him.

Mr. Speaker, would constables, deputy sheriffs, and sheriffs across this State be able to ride around, if your amendment passes, with cameras on their hood?

Mr. MAYERNIK. Number one, they would be affixed to the window, not on the hood; they are not ornaments. Number two is, the answer to the constables is no; the answer to sheriffs and deputy sheriffs goes back to the Leet decision. If they have the same education and training as municipal police officers as ruled by the highest court in this State, they would be permitted to utilize this camcorder audio-visual device. If they do not, they would not. I have not expanded the definition of "law enforcement officer" in this amendment nor have I addressed it. It is what is status quo in this Commonwealth at the time.

Mr. PRESTON. Well, I am trying to understand this. Now, a constable does have powers to arrest, but yet in a sense you are saying in some counties deputy sheriffs have powers to arrest but in other counties they do not have powers to arrest, and I am trying to figure out what a law enforcement officer is then. If you are saying some sheriffs can, some sheriffs cannot, but yet deputy constables and constables cannot, which is a law enforcement officer?

Mr. MAYERNIK. Under Title 18, section 5702, " '...law enforcement officer.' Any officer of the United States or of the Commonwealth or political subdivision thereof, who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in this chapter, and any attorney authorized by law to prosecute or participate in the prosecution of such offense. The term shall include, but not be limited to, employees of the Pennsylvania Crime Commission, authorized to investigate crimes enumerated in section 5708 (relating to order authorizing interception of wire or oral communications)." That is the official definition.

Mr. PRESTON. Well, if I go by that then, it is my understanding that sheriffs and deputy sheriffs investigate under the direction of the court, not under the direction of any municipality, and they are only told how far they can go, whereas the municipality, whether you are a detective or an investigative unit, has the full authority to investigate, to be able to arrest, and to be able to hold. I really cannot understand how, when we are talking about this, you are saying that an officer of the court is going to be an enforcement officer.

Mr. MAYERNIK. I will address myself specifically again to this amendment and not to the various facets you have opened up, because that has been an area that everyone has been debating for years and years and years. Again, if they have the same education and training, they can enforce the Vehicle Code.

Mr. PRESTON. All right.

Mr. Speaker, if I can speak on the amendment.

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

Mr. PRESTON. I am always for more police and more training, but it unfortunately appears that there is a vagueness as far as what is an enforcement officer and the powers that may be. I know a lot of members may not have that problem, but there are an awful lot of different sheriffs or deputy sheriffs, police officers, and

constables from time to time all across this State that get a little bit carried away, and as we go more and more as far as the issue about the cameras, I get kind of nervous, because we are talking about police officers, but yet I have not been able to get a definition as far as when an enforcement officer is concerned.

I think that this amendment is really rather vague, even after hearing the definition as far as the statute is concerned, and it always seems that we want to try to do something that sounds good, but I do not really think it is going to accomplish what we want. Thank you.

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

The following roll call was recorded:

YEAS-190

Adolph	Donatucci	Lloyd	Saylor
Allen	Druce	Lucyk	Schroder
Argall	Eachus	Lynch	Schuler
Armstrong	Egolf	Maher	Scrimenti
Baker	Evans	Maitland	Semmel
Bard	Fairchild	Major	Serafini
Barley	Fargo	Manderino	Seyfert
Barrar	Feese	Markosek	Shaner
Battisto	Fichter	Marsico	Smith, B.
Bebko-Jones	Fleagle	Masland	Smith, S. H.
Belardi	Flick	Mayernik	Snyder, D. W.
Belfanti	Gannon	McCall	Staback
Benninghoff	Geist	McGill	Stairs
Birmelin	George	McIlhattan	Steelman
Blaum	Gigliotti	McNaughton	Steil
Boscola	Gladeck	Melio	Stern
Boyes	Godshall	Michlovic	Stevenson
Brown	Gordner	Micozzie	Strittmatter
Browne	Gruitza	Miller	Sturla
Bunt	Gruppo	Mundy	Surra
Buxton	Habay	Nailor	Tangretti
Caltagirone	Haluska	Nickol	Taylor, E. Z.
Cappabianca	Hanna	O'Brien	Taylor, J.
Carn	Harhart	Oliver	Tigue
Carone	Hasay	Orie	Travaglio
Casorio	Hennessey	Perzel	Trello
Cawley	Herman	Pesci	Trich
Chadwick	Hershey	Petrarca	True
Civera	Hess	Petrone	Tulli
Clark	Horsey	Phillips	Vance
Clymer	Hutchinson	Pippy	Van Horne
Cohen, L. I.	Itkin	Pistella	Veon
Colaella	Jadlowicc	Platts	Vitali
Colaizzo	James	Ramos	Walko
Conti	Jarolin	Raymond	Washington
Cornell	Josephs	Readshaw	Waugh
Corpora	Kaiser	Reber	Williams, A. H.
Corrigan	Keller	Reinard	Williams, C.
Cowell	Kenney	Rieger	Wilt
Coy	Kirkland	Roberts	Wogan
Daley	Krebs	Roebuck	Wojnaroski
Dally	LaGrotta	Rohrer	Wright, M. N.
DeLuca	Laughlin	Rooney	Yewcic
Dempsey	Lawless	Ross	Zimmerman
Dent	Lederer	Rubley	Zug
Dermody	Leh	Sainato	
DeWeese	Lescovitz	Santoni	Ryan,
DiGirolamo	Levdansky	Sather	Speaker

NAYS-7

Cohen, M.	Myers	Robinson	Youngblood
Curry	Preston	Thomas	

## NOT VOTING—3

Bishop            Butkovitz            Olasz

## EXCUSED—3

McGechan        Mihalich            Stetler

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

Mr. Petrarca? The Chair recognizes Mr. Petrarca.

Mr. PETRARCA. Mr. Speaker, I would like to yield to Representative Olasz.

The SPEAKER. The gentleman, Mr. Olasz.

The Chair apologizes for starting into the final passage portion without recognizing at least some of the people in connection with the additional amendments.

Mr. Olasz.

Mr. OLASZ. Mr. Speaker, prior to the vote on the last amendment, if I understood you correctly, I would like—

The SPEAKER. Conferences on the floor, please.

Mr. OLASZ. Being in this chamber for a couple—

The SPEAKER. The gentleman will yield.

Conferences on the floor, please break up.

Mr. OLASZ. Having been in this chamber for—

The SPEAKER. The gentleman will yield.

Members will please take their seats. Conferences in the vicinity of the gentleman, Mr. Olasz, please break up.

Mr. Olasz.

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

Having been in this chamber for the last 5½ hours, I am somewhat confused by the statements that were made by the Speaker. You said that the rules have not been changed, but we have witnessed turning a freestanding act into a School Code bill, and now we see a freestanding act turned into a Title 75 act. It is my contention, Mr. Speaker, that all the Democratic amendments are in order because of your interpretation and changing of the rules. There are serious transportation issues to be considered, but the parliamentary chicanery just shut us out of the procedure.

The SPEAKER. Will the gentleman yield for a moment, just to get ourselves in a parliamentary position for what I suspect you are intending to do.

Would I be accurate in stating that your remarks now are in response to my comment that I would find your amendments out of order if you offered them at this time?

Mr. OLASZ. I think that is a correct assumption, Mr. Speaker.

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

Mr. OLASZ. So that is where we are now, Mr. Speaker. To repeat myself, I am of the firm belief that all the Democratic amendments are in order and should be considered, and in particular, the speaker that yielded to me — that is Representative Petrarca — does amend both Title 18 and Title 75 bills. So all my Democratic colleagues that have submitted amendments are anxious to see what type of consideration we will receive by you, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

## PARLIAMENTARY INQUIRY

The SPEAKER. Mr. Rooney.

There is no question before the House. Would you place a question before the House?

Mr. ROONEY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. ROONEY. Is the ruling that you have handed down and that was handed down by the previous Speakers that the amendments were out of order or not germane?

The SPEAKER. That they are violative of House rule 20.

Mr. ROONEY. And therefore out of order.

The SPEAKER. Yes.

Mr. ROONEY. Thank you.

## PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Petrarca.

Mr. PETRARCA. Thank you, Mr. Speaker.

A point of parliamentary inquiry.

The SPEAKER. The gentleman will please state it.

Mr. PETRARCA. I question why my amendment 3499 was ruled out of order.

Mr. Speaker, that amendment—

The SPEAKER. Mr. Petrarca, would you tell us which one of your four amendments you are referring to specifically?

Mr. PETRARCA. Amendment 3499 that caps the auto emission testing program at \$15 and also makes it a summary offense to violate that cap, with a penalty of \$100.

The SPEAKER. Mr. Petrarca, that amendment was not included in our packet. Do you happen to have an extra copy of it?

Mr. PETRARCA. Yes, sir.

The SPEAKER. Mr. Petrarca, your amendment amends Title 18—

Mr. PETRARCA. Correct.

The SPEAKER. —which is one of the two titles contained in the bill.

Mr. PETRARCA. Correct.

The SPEAKER. However, that is not enough.

Mr. PETRARCA. Mr. Speaker, it does amend Title 75, the Vehicle Code.

The SPEAKER. But the subject matter of the bill — and now I am reading — the subject matter of the bill that is before us, which has two titles in it, authorizes "...police officers to record certain oral communications; providing for authority to purchase surveillance devices; and providing for windshield obstructions and wipers." An amendment dealing with one of those subjects, on Title 18 or 75, would be permitted.

Mr. PETRARCA. Mr. Speaker, with all due respect, my amendment deals with new technology, the enhanced auto emissions inspection program, which is slated to begin October 1, as you know, in many Pennsylvania counties.

The SPEAKER. But with all due respect, our rules say you have to be on the same subject matter as the bill when the bill covers two titles.

Mr. PETRARCA. Mr. Speaker, I think that this is on the subject matter of new technology. We are talking about audio transmitter devices and video devices, and this is new technology in the area of auto emissions.

The SPEAKER. Well, I disagree, and you would have to take an appeal from that.

I mean, your new technology is different from their new technology. If you were dealing with their technology, it would be relevant and it would be proper, but—

Mr. PETRARCA. You are required to put the sticker on the windshield.

The SPEAKER. I am sorry.

**RULING OF CHAIR APPEALED**

Mr. PETRARCA. Mr. Speaker, with all due respect, I think we saw this afternoon that rules and precedents can change, and I feel that we cannot just abandon precedent and rules when it is convenient for the majority, and with all due respect, I would like to appeal the ruling.

The SPEAKER. All right. The question before the House is, shall the decision of the Chair stand as the judgment of the House?

The decision of the Chair is that in this instance, Titles 18 and 75 are the two titles found in HB 1258, and I have ruled that an amendment amending either of those two titles is not in order unless it deals with recording of oral communications, providing for the purchase of surveillance devices, or windshield obstructions and wipers.

On the question,  
Will the House sustain the ruling of the Chair?

The SPEAKER. Now, on the subject, from my standpoint, I read from the Journal of February 2 – Mr. Lloyd, would you listen to this, please – I read from the Journal of February 2, 1993:

“...The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

“...Mr. Speaker, a parliamentary inquiry, and I hate to do this because, you know, this is an issue that we have dealt with before.

“My concern is that we are dealing with an underlying bill whose subject matter is antistalking. That bill amends two different titles...Title 18 and Title 23. We have historically taken the position that under rule 20 of the House, a bill may not embrace more than one subject matter. And on those occasions in which we have allowed amendments in a bill to address two different titles, we have insisted that the issues related or amended into those two different titles be related.”

Then that debate goes on, and those wise words of wisdom that Mr. Lloyd gives us as a preface to his remarks that day are, sure enough, sustained by the Speaker, who I believe was Mr. DeWeese.

So I rely on that precedent, among others, including Mr. Irvis and Mr. O'Donnell and my own. I believe it is the right thing.

Mr. Lloyd, I did not mean to put you on the spot other than that I was referring to the Journal.

Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, I was right then and you are right today.

The SPEAKER. I think I was wrong, the way I voted then.

Mr. PETRARCA. Mr. Speaker, although this does not pertain to Somerset County, I would like to say that it is very important to Westmoreland County, and I disagree with Mr. Lloyd, and I would take exception to Mr. DeWeese's ruling.

However, today being Wednesday and Monday, I think that the rules and precedent can change and do change in this House.

Once again, I think that this legislation deals with new technology; it deals with the new technology of the enhanced auto emissions testing program, which goes into effect this week. My argument is that Mr. Mayernik's amendment was able to expand two codes to take care of that technology for audio interceptor devices and recording of statements; I feel that my amendment also expands two titles to take care of new technology, that dealing with the enhanced auto emissions inspection program, and also, my connection to Title 18 also deals with law enforcement, where I make it a \$100 fine and summary offense for violating a section in the Vehicle Code where a station operator would charge over \$15 to provide the enhanced emissions inspection test.

The SPEAKER. The Chair thanks the gentleman.

On the question, those in favor of sustaining the Chair's decision will vote "aye"; those opposed, "no."

On the question recurring,  
Will the House sustain the ruling of the Chair?

The following roll call was recorded:

**YEAS-113**

Adolph	Fairchild	Major	Schuler
Allen	Fargo	Marsico	Semmel
Argall	Feese	Mastand	Serafini
Armstrong	Fichter	Mayernik	Seyfert
Baker	Fleagle	McGill	Smith, B.
Bard	Flick	McIlhattan	Smith, S. H.
Barley	Gannon	McNaughton	Snyder, D. W.
Barrar	Geist	Micozzie	Stairs
Benninghoff	Gladeck	Miller	Steil
Birmelin	Godshall	Nailor	Stern
Boyes	Gruppo	Nickol	Stevenson
Brown	Habay	O'Brien	Strittmatter
Browne	Harhart	Oliver	Taylor, E. Z.
Bunt	Hasay	Orie	Taylor, J.
Buxton	Hennessey	Perzel	Tigue
Carone	Herman	Phillips	True
Chadwick	Hershey	Pippy	Tulli
Civera	Hess	Platts	Vance
Clark	Hutchinson	Preston	Waugh
Clymer	Jadlowiec	Raymond	Wilt
Cohen, L. I.	Kaiser	Readshaw	Wogan
Conti	Kenney	Reber	Wright, M. N.
Cornell	Krebs	Reinard	Yewcic
Dally	Lawless	Rohrer	Zimmerman
Dempsey	Leh	Ross	Zug
Dent	Lloyd	Ruble	
DiGirolamo	Lynch	Sather	Ryan,
Druce	Maher	Saylor	Speaker
Egolf	Maitland	Schroder	

NAYS-85

Bartisto	Dermody	Lescovitz	Santoni
Bebko-Jones	DeWeese	Levdansky	Scrimenti
Belardi	Donatucci	Lucyk	Shaner
Belfanti	Eachus	Manderino	Staback
Blaum	Evans	Markosek	Steelman
Boscola	George	McCall	Sturla
Butkovitz	Gigliotti	Melio	Surra
Caltagirone	Gordner	Michlovic	Tangretti
Cappabianca	Gruitza	Mundy	Thomas
Cam	Haluska	Myers	Travaglio
Casorio	Hanna	Olasz	Trello
Cawley	Horsley	Pesci	Trich
Cohen, M.	Itkin	Petrarca	Van Home
Colafiglia	James	Petrone	Veon
Colaizzo	Jarolin	Pistella	Vitali
Corpora	Josephs	Ramos	Walko
Corrigan	Keller	Rieger	Washington
Cowell	Kirkland	Roberts	Williams, A. H.
Coy	LaGrotta	Roebuck	Williams, C.
Curry	Laughlin	Rooney	Wojnaroski
Daley	Lederer	Sainato	Youngblood
DeLuca			

NOT VOTING-2

Bishop Robinson

EXCUSED-3

McGeehan Mihalich Stetler

The majority having voted in the affirmative, the question was determined in the affirmative and the ruling of the Chair was sustained.

On the question recurring,  
Shall the bill pass finally?

The SPEAKER. The gentleman, Mr. Olasz.  
Mr. OLASZ. Mr. Speaker, a point of personal privilege.

The SPEAKER. The gentleman will state his point of personal privilege.

Mr. OLASZ. For the benefit of everyone in this House and the Democratic colleagues and as residents of Pennsylvania, I think we all know what it feels like now to be rolled over by a monster truck. Thank you very much.

The SPEAKER. On final passage. Is the gentleman speaking on final passage?

Mr. DeWeese, on final passage.

Mr. DeWEESE. On final passage, just for the record – I did not want to speak earlier, but just for the record, and it impacts my view to some degree on final passage – I think the Speaker’s perspective on the last issue at hand prior to final passage was generally right and specifically wrong. I think that we should probably try to adhere to our rules as aggressively as possible, and I think that the gentleman from Westmoreland County – and I supported his effort – I think the gentleman from Westmoreland County attempted strenuously to do just that.

So in spite of the fact that we are going to hopefully deal with one issue at a time and one bill at a time, as we have historically,

when an individual member makes such a strenuous effort, as the gentleman did, to deal with new technology and to deal with the Crimes Code, I think it is worthy of debate, and I naturally am glad I voted in the way that I did. Thank you.

On the question recurring,  
Shall the bill pass finally?

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

(Members proceed to vote.)

VOTE STRICKEN

The SPEAKER. On final passage, Mr. Thomas?  
Strike the vote.

The gentleman is recognized on final passage.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to let the record reflect my opposition to HB 1258.

I am always troubled by electronic communication and providing whether it be law enforcement or anyone with expanded authority to intercept and to record conversations without other parties knowing that they are being recorded or videoed, and I had real problems in understanding the context in which the last amendment related to the Rodney King situation or related to the Gammage situation in Pittsburgh. From all of the information that I have seen, I do not know how that amendment would relate to that. So to that end, I think that it is probably best to vote against this until such time that we have a clear understanding of not just the will of this legislative body in prescribing this authority but also have a clear understanding of how municipalities will move to implement and apply this authority that is being granted.

I use as one example our district justice system. As most of us know, our district justice system is a system of no record, it is a court of no record, and how D.J.’s apply the rules from county to county varies in a number of degrees, so providing D.J.’s with the authority to consider evidence obtained from tape recordings and video camcorders, without some clear indication that there is going to be across-the-board application or uniform application rather than the diverse application that currently exists, I think it is best that we vote “no” on this until such time that we have this whole issue straightened out. Thank you.

On the question recurring,  
Shall the bill pass finally?

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

YEAS-197

Adolph	DiGirolamo	Lucyk	Saylor
Allen	Donatucci	Lynch	Schroder
Argall	Druce	Maher	Schuler
Armstrong	Eachus	Maitland	Scrimenti
Baker	Egolf	Major	Semmel
Bard	Evans	Manderino	Serafini
Barley	Fairchild	Markosek	Seyfert
Barrar	Fargo	Marsico	Shaner
Battisto	Feese	Masland	Smith, B.

Bebko-Jones	Fichter	Mayernik	Smith, S. H.
Belardi	Fleagle	McCall	Snyder, D. W.
Belfanti	Flick	McGill	Staback
Benninghoff	Gannon	McIlhattan	Stairs
Birmelin	Geist	McNaughton	Steelman
Blaum	George	Melio	Steil
Boscola	Gigliotti	Michlovic	Stern
Boyes	Gladeck	Micozzie	Stevenson
Brown	Godshall	Miller	Strittmatter
Browne	Gordner	Mundy	Sturla
Bunt	Gruitza	Nailor	Surra
Butkovitz	Gruppo	Nickol	Tangretti
Buxton	Habay	O'Brien	Taylor, E. Z.
Caltagirone	Haluska	Olasz	Taylor, J.
Cappabianca	Hanna	Oliver	Tigue
Carn	Harhart	Orie	Travaglio
Carone	Hasay	Perzel	Trello
Casorio	Hennessey	Pesci	Trich
Cawley	Herman	Petrarca	True
Chadwick	Hershey	Petrone	Tulli
Civera	Hess	Phillips	Vance
Clark	Horsey	Pippy	Van Horne
Clymer	Hutchinson	Pistella	Veon
Cohen, L. I.	Itkin	Platts	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	James	Ramos	Washington
Colaizzo	Jarolin	Raymond	Waugh
Conti	Josephs	Readshaw	Williams, A. H.
Cornell	Kaiser	Reber	Williams, C.
Corpora	Keller	Reinard	Wilt
Corrigan	Kenney	Rieger	Wogan
Cowell	Kirkland	Roberts	Wojnaroski
Coy	Krebs	Robinson	Wright, M. N.
Curry	LaGrotta	Roebuck	Yewcic
Daley	Laughlin	Rohrer	Youngblood
Dally	Lawless	Rooney	Zimmerman
DeLuca	Lederer	Ross	Zug
Dempsey	Leh	Rubley	
Dent	Lescovitz	Sainato	Ryan,
Dermody	Levdansky	Santoni	Speaker
DeWeese	Lloyd	Sather	

**LEAVE OF ABSENCE**

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

Mr. SNYDER. Thank you, Mr. Speaker.

Will the Speaker please put the gentlelady from Berks County, Representative MILLER, on temporary leave.

The SPEAKER pro tempore. Without objection, the leave will be granted. The Chair hears no objection.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of SB 176, PN 1306, entitled:

Amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing mastectomy and breast cancer reconstructive surgery coverage standards for health insurance policies.

On the question,

Will the House agree to the bill on third consideration?

**RULES SUSPENDED**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia County, Mr. O'Brien, for the purpose of making a motion.

Mr. O'BRIEN. Thank you, Mr. Speaker.

I would like to make a motion to suspend the rules so that I can offer amendment 3694.

The SPEAKER pro tempore. The gentleman, Mr. O'Brien, moves that the rules of the House be temporarily suspended so that he may immediately offer amendment A3694.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS-188**

Adolph	DiGirolamo	Lucyk	Saylor
Allen	Donatucci	Maher	Schroder
Argall	Druce	Maitland	Schuler
Armstrong	Eachus	Major	Scrimenti
Baker	Egolf	Manderino	Sermel
Bard	Evans	Markosek	Serafini
Barley	Fairchild	Marsico	Seyfert
Barrar	Fargo	Masland	Shaner
Battisto	Feese	Mayernik	Smith, B.
Bebko-Jones	Fichter	McCall	Smith, S. H.
Belardi	Fleagle	McGill	Snyder, D. W.
Belfanti	Flick	McIlhattan	Staback
Benninghoff	Gannon	McNaughton	Stairs
Birmelin	Geist	Melio	Stern
Blaum	George	Michlovic	Stevenson
Boscola	Gigliotti	Micozzie	Strittmatter
Boyes	Gladeck	Mundy	Sturla
Brown	Godshall	Myers	Surra
Browne	Gordner	Nailor	Taylor, E. Z.
Bunt	Gruitza	Nickol	Taylor, J.
Butkovitz	Gruppo	O'Brien	Thomas
Buxton	Habay	Olasz	Tigue

**NAYS-2**

Myers Thomas

**NOT VOTING-1**

Bishop

**EXCUSED-3**

McGeehan Mihalich Stetler

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

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

The SPEAKER. The Chair asks the gentleman, Mr. Chadwick, to preside temporarily.

**THE SPEAKER PRO TEMPORE  
(J. SCOT CHADWICK) PRESIDING**

Caltagirone	Haluska	Oliver	Travaglio
Cappabianca	Harhart	Orie	Trello
Carn	Hasay	Perzel	Trich
Cawley	Hennessey	Pesci	True
Chadwick	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Vance
Clark	Hess	Phillips	Van Horne
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Itkin	Preston	Walko
Colafella	Jadlowiec	Ramos	Washington
Colaizzo	James	Raymond	Waugh
Conti	Jarolin	Readshaw	Williams, A. H.
Cornell	Josephs	Reber	Williams, C.
Corpora	Kaiser	Reinard	Wilt
Corrigan	Keller	Rieger	Wogan
Cowell	Kenney	Roberts	Wojnaroski
Coy	Kirkland	Robinson	Wright, M. N.
Curry	LaGrotta	Roebuck	Yewcic
Daley	Laughlin	Rohrer	Youngblood
Dally	Lawless	Ross	Zimmerman
DeLuca	Lederer	Rubley	Zug
Dempsey	Leh	Sainato	
Dent	Lescovitz	Santoni	Ryan,
Dermody	Levdansky	Sather	Speaker
DeWeese	Lloyd		

NAYS-8

Carone	Hanna	Lynch	Steelman
Casorio	Krebs	Platts	Steil

NOT VOTING-3

Bishop	Rooney	Tangretti
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EXCUSED-4

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

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

Mr. O'BRIEN offered the following amendment No. A3694:

Amend Sec. 1 (Sec. 633), page 6, by inserting between lines 8 and 9  
(3) Such policies shall also provide coverage for a home health care visit that the treating physician determines is necessary within forty-eight hours after discharge, when the discharge occurs within forty-eight hours following admission for the mastectomy.

Amend Sec. 1 (Sec. 633), page 6, line 9, by striking out "(3)" and inserting

(4)

Amend Sec. 1 (Sec. 633), page 6, line 17, by striking out "THE" and inserting

any

Amend Sec. 1 (Sec. 633), page 6, line 25, by striking out "THREE" and inserting

six

Amend Sec. 1 (Sec. 633), page 8, line 10, by inserting after "PERFORMED"

on one breast or both breasts

Amend Sec. 1, page 8, line 11, by striking out "ON ONE BREAST OR BOTH BREASTS"

Amend Sec. 1 (Sec. 633), page 8, line 20, by inserting after "DISEASED"

or nondiseased

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Philadelphia County, Mr. O'Brien.

Mr. O'BRIEN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment strengthens the patient protections contained in this bill. This language contained within the amendment represents changes which are supported by the Pennsylvania Breast Cancer Coalition, the American Cancer Society, the Insurance Federation of Pennsylvania, the Pennsylvania Medical Society, and Highmark Blue Cross-Blue Shield.

I have worked with all these interest groups over the last 9 months to ensure that three basic points are adequately addressed by this legislation. The three points are length of stay, symmetry, and the timeframe for reconstruction.

Under the "length of stay" section, this bill will not allow patients receiving a mastectomy in a health-care facility to undergo surgery on an outpatient basis. My amendment will allow for a home health-care visit within 48 hours of discharge if the patient goes home sooner than 2 days following admission for the mastectomy. This amendment will alleviate some of my concerns for patients who are discharged with drainage tubes connected to their wounds.

The second area, as I mentioned, is symmetry. The purpose of this amendment is to clarify that reconstructive surgery for symmetry may be performed on either breast or both breasts following the mastectomy.

And finally, the timeframe for reconstruction. The bill currently allows for a 3-year timeframe. My amendment will increase that time to 6 years so breast cancer patients will have a longer window of opportunity to make the decision to proceed with symmetry surgery.

I ask for the adoption of this amendment.

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

The following roll call was recorded:

YEAS-198

Adolph	DiGirolamo	Lucyk	Saylor
Allen	Donatucci	Lynch	Schroder
Argall	Druce	Maher	Schuler
Armstrong	Eachus	Maitland	Scrimenti
Baker	Egolf	Major	Semmel
Bard	Evans	Manderino	Serafini
Barley	Fairchild	Markosek	Seyfert
Barrar	Fargo	Marsico	Shaner
Battisto	Feese	Masland	Smith, B.
Bebko-Jones	Fichter	Mayernik	Smith, S. H.
Belardi	Fleagle	McCall	Snyder, D. W.
Belfanti	Flick	McGill	Staback
Benninghoff	Gannon	McIlhattan	Stairs
Birmelin	Geist	McNaughton	Steelman
Blaum	George	Melio	Steil
Boscola	Gigliotti	Michlovic	Stern
Boyes	Gladeck	Micozzie	Stevenson



Brown	Godshall	Mundy	Strittmatter
Browne	Gordner	Myers	Sturla
Bunt	Gruitza	Nailor	Surra
Butkovitz	Gruppo	Nickol	Tangretti
Buxton	Habay	O'Brien	Taylor, E. Z.
Caltagirone	Haluska	Olasz	Taylor, J.
Cappabianca	Hanna	Oliver	Thomas
Carn	Harhart	Orie	Tigue
Carone	Hasay	Perzel	Travaglio
Casorio	Hennessey	Pesci	Trello
Cawley	Herman	Petrarca	Trich
Chadwick	Hershey	Petrone	True
Civera	Hess	Phillips	Tulli
Clark	Horsey	Pippy	Vance
Clymer	Hutchinson	Pistella	Van Horne
Cohen, L. I.	Itkin	Platts	Veon
Cohen, M.	Jadlowiec	Preston	Vitali
Colaella	James	Ramos	Walko
Colaizzo	Jarolin	Raymond	Washington
Conti	Josephs	Readshaw	Waugh
Cornell	Kaiser	Reber	Williams, A. H.
Corpora	Keller	Reinard	Williams, C.
Corrigan	Kenney	Rieger	Wilt
Cowell	Kirkland	Roberts	Wogan
Coy	Krebs	Robinson	Wojnaroski
Curry	LaGrotta	Roebuck	Wright, M. N.
Daley	Laughlin	Rohrer	Yewcic
Dally	Lawless	Rooney	Youngblood
DeLuca	Lederer	Ross	Zimmerman
Dempsey	Leh	Rubley	Zug
Dent	Lescovitz	Sainato	
Dermody	Levdansky	Santoni	Ryan,
DeWeese	Lloyd	Sather	Speaker

NAYS-0

NOT VOTING-1

Bishop

EXCUSED-4

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

On the question,

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

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. O'Brien, rise?

Mr. O'BRIEN. Mr. Speaker, I have another amendment that was drafted. I am withdrawing that amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

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

NAYS-0

NOT VOTING-0

EXCUSED-4

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

Ordered, That the clerk 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.

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The House proceeded to third consideration of **HB 1463, PN 1742**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the City of McKeesport, a tract of land situate in the Seventh Ward, City of McKeesport, Allegheny County.

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

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

The question is, shall the bill pass finally?

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

**YEAS—199**

- |              |            |            |                 |
|--------------|------------|------------|-----------------|
| Adolph       | DiGirolamo | Lucyk      | Saylor          |
| Allen        | Donatucci  | Lynch      | Schroder        |
| Argall       | Druce      | Maher      | Schuler         |
| Armstrong    | Eachus     | Maitland   | Scrimenti       |
| Baker        | Egolf      | Major      | Semmel          |
| Bard         | Evans      | Manderino  | Serafini        |
| Barley       | Fairchild  | Markosek   | Seyfert         |
| Barrar       | Fargo      | Marsico    | Shaner          |
| Battisto     | Fecese     | Masland    | Smith, B.       |
| Bebko-Jones  | Fichter    | Mayermik   | Smith, S. H.    |
| Belardi      | Fleagle    | McCall     | Snyder, D. W.   |
| Belfanti     | Flick      | McGill     | Staback         |
| Benninghoff  | Gannon     | McIlhattan | Stairs          |
| Birmelin     | Geist      | McNaughton | Steelman        |
| Bishop       | George     | Melio      | Steil           |
| Blaum        | Gigliotti  | Michlovic  | Stem            |
| Boscola      | Gladeck    | Micozzie   | Stevenson       |
| Boyes        | Godshall   | Mundy      | Strittmatter    |
| Brown        | Gordner    | Myers      | Sturla          |
| Browne       | Gruitza    | Nailor     | Surra           |
| Bunt         | Gruppo     | Nickol     | Tangretti       |
| Butkovitz    | Habay      | O'Brien    | Taylor, E. Z.   |
| Buxton       | Haluska    | Olasz      | Taylor, J.      |
| Caltagirone  | Hanna      | Oliver     | Thomas          |
| Cappabianca  | Harhart    | Orie       | Tigue           |
| Carn         | Hasay      | Perzel     | Travaglio       |
| Carone       | Hennessey  | Pesci      | Trello          |
| Casorio      | Herman     | Petrarca   | Trich           |
| Cawley       | Hershey    | Petrone    | True            |
| Chadwick     | Hess       | Phillips   | Tulli           |
| Civera       | Horsey     | Pippy      | Vance           |
| Clark        | Hutchinson | Pistella   | Van Horne       |
| Clymer       | Itkin      | Platts     | Veon            |
| Cohen, L. I. | Jadlowiec  | Preston    | Vitali          |
| Cohen, M.    | James      | Ramos      | Walko           |
| Colafrilla   | Jarolin    | Raymond    | Washington      |
| Colaizzo     | Josephs    | Readshaw   | Waugh           |
| Conti        | Kaiser     | Reber      | Williams, A. H. |
| Cornell      | Keller     | Reinard    | Williams, C.    |
| Corpora      | Kenney     | Rieger     | Wilt            |
| Corrigan     | Kirkland   | Roberts    | Wogan           |
| Cowell       | Krebs      | Robinson   | Wojnaroski      |
| Coy          | LaGrotta   | Roebuck    | Wright, M. N.   |
| Curry        | Laughlin   | Rohrer     | Yewcic          |
| Daley        | Lawless    | Rooney     | Youngblood      |
| Dally        | Lederer    | Ross       | Zimmerman       |
| DeLuca       | Leh        | Rublely    | Zug             |
| Dempsey      | Lescovitz  | Sainato    |                 |

- |         |           |         |         |
|---------|-----------|---------|---------|
| Dent    | Levdansky | Santoni | Ryan,   |
| Dermody | Lloyd     | Sather  | Speaker |
| DeWeese |           |         |         |

**NAYS—0**

**NOT VOTING—0**

**EXCUSED—4**

- |          |          |        |         |
|----------|----------|--------|---------|
| McGeehan | Mihalich | Miller | Stetler |
|----------|----------|--------|---------|

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.

**COMMITTEE MEETING CANCELED**

The **SPEAKER pro tempore**. Does the gentleman, Mr. Gannon, seek recognition for the purpose of making an announcement?

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, the Judiciary Committee meeting scheduled for tomorrow is canceled.

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

**LEAVE OF ABSENCE**

The **SPEAKER pro tempore**. The Chair recognizes the gentleman, Mr. Itkin, who requests that we return to leaves of absence and place the gentleman, Mr. TANGRETTI, on leave for the rest of today's session. The Chair hears no objection, and the leave is granted.

**VOTE CORRECTION**

The **SPEAKER pro tempore**. For what purpose does the gentleman, Mr. Wojnaroski, rise?

Mr. WOJNAROSKI. Mr. Speaker, I would like to rise to correct the record, if that is appropriate.

The **SPEAKER pro tempore**. The gentleman is in order.

Mr. WOJNAROSKI. Mr. Speaker, on HR 231 I am requesting that the record show that I would like to be recorded in the affirmative.

The **SPEAKER pro tempore**. The gentleman's remarks will be spread upon the record.

Mr. WOJNAROSKI. Thank you, Mr. Speaker.

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 279, PN 279**, entitled:

An Act designating a section of Route 3013 in Westmoreland County, Pennsylvania, as the C. Vance DeiCas Memorial Highway.

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

Mrs. BROWN offered the following amendment No. A3412:

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

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for protective equipment for motorcycle riders; and designating a highway.

Amend Bill, page 1, by inserting between lines 4 and 5

Section 1. Section 3525 of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 3525. Protective equipment for motorcycle riders.

(a) Protective headgear.—Except as provided in subsection (d), no person shall operate or ride upon a motorcycle or a motor-driven cycle (other than a motorized pedalcycle) unless he is wearing protective headgear which complies with standards established by the department.

(b) Eye-protective devices.—Except as provided in subsection (d), no person shall operate or ride upon a motorcycle (other than a motorized pedalcycle) unless he is wearing an eye-protective device of a type approved by the department.

(c) Approval of equipment.—The department may approve or disapprove protective headgear and eye-protective devices required under this section and may issue and enforce regulations establishing standards and specifications for the approval of the headgear and devices. The department shall publish lists of all protective headgear and eye-protective devices by name and type which have been approved.

(d) Exception.—The provisions of subsections (a) and (b) shall not apply to the following:

(1) The operator or any occupant of a three-wheeled motorcycle equipped with an enclosed cab.

(2) A person 21 years of age or older who has been licensed to operate a motorcycle for not less than two full calendar years.

(3) A person 21 years of age or older who has completed a motorcycle rider safety course approved by the department or the Motorcycle Safety Foundation.

(4) The passenger of a person exempt under this subsection, if the passenger is 21 years of age or older.

(e) Report to General Assembly.—One year after the effective date of this section the Legislative Budget and Finance Committee shall commence a study to determine:

(1) what, if any, increased injuries and fatalities may be attributed to the exceptions hereunder provided;

(2) the extent to which persons incurring such injuries or fatalities have maintained insurance coverage for medical costs associated with such injuries or fatalities; and

(3) the resulting need, if any, for the imposition of mandates on insurers to provide affordable medical insurance coverage for such persons for medical expenses that may be attributed to the exceptions hereunder provided and on such persons to maintain coverage to the extent that it is available and reasonably affordable. This study shall be filed with the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives within nine months of its commencement.

Amend Sec. 1, page 1, line 5, by striking out "1" and inserting

2

Amend Sec. 2, page 1, line 9, by striking out "Section 2."

Amend Sec. 2, page 1, line 12, by striking out "in section 1"

On the question,

Will the House agree to the amendment?

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

Mrs. BROWN. Thank you, Mr. Speaker.

As I look over this distinguished chamber, I reflect on hundreds of issues on which each of us have carefully deliberated and which have had a meaningful impact on the citizens of this Commonwealth. The issue which I present to you at this time, unlike many other issues which we consider, presents a defining moment in our history.

For almost 30 years, a small, determined, fiercely patriotic group of freedom fighters have fought to work within the system. They want to restore what they consider to be a fundamental freedom inherent in the contract between our citizens, the Constitution, and the laws under which we operate. The freedom they seek is of minor consequence to some of you. It is for them, however, a symbol of our legitimacy as the defenders of their constitutional rights.

You have seen them in the halls. You have seen them at our annual motorcycle rights rally. You have seen them at your fundraisers. To their credit, they have attempted to play the game the way we have defined it for them.

And, oh boy, are they organized. Within hours of anything we do, they are on the World Wide Web sharing with thousands of our constituents what each of us is doing relative to their primary focus.

This amendment eliminates our mandatory motorcycle helmet requirement for adult riders, 21 years of age or older, who have been licensed to operate a motorcycle for not less than 2 calendar years or if they are 21 and have completed Pennsylvania's motorcycle rider safety course.

Passengers may decide to wear eye-protective devices. Violations of the existing requirements will remain a primary offense. Passengers would be exempt from the helmet requirements only if they are 21 years of age or older.

This amendment provides for a study to be conducted by the Legislative Budget and Finance Committee to address the mandatory medical insurance issue.

I would like to share a message, because my speech concerning motorcycles is not complete unless I talk about my dad, Fuz Fosburg, quote:

"When you are on a motorcycle, your mind is clear — not gawking around, your mind is sharp not worrying about your problems.

"Ultimately, this issue is not about the effectiveness of helmets, but rather, personal freedoms.

"Freedom is the principle upon which our nation was founded." He served in the wars. "As individuals, and as a society, we protect these freedoms fiercely....Only under the most compelling of circumstances are they given up. In this case, the circumstances simply do not exist to justify the continued denial of voluntary helmet use of our adult motorcyclists. Without question, this freedom should be restored," unquote.

In closing, we have a unique opportunity to restore the right of individual adult motorcyclists to choose for themselves whether to wear a helmet or not. We can join with 27 other States, the United States Congress, President Clinton, and the Pennsylvania Senate in recognizing that it is time to get the government out of the business of forcing responsible adults to do what it thinks is best for them.

In this great Commonwealth of Pennsylvania, let us educate, not legislate.

Please let those who ride decide, and please support this amendment. Thank you, Mr. Speaker.

### LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Snyder, who requests that the lady from Berks County, Representative Miller, be removed from the leave list and placed back on the master roll for the remainder of today's session. The Chair hears no objection, and the request is granted.

### CONSIDERATION OF SB 279 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Beaver County, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I rise, of course, to support the Brown amendment.

I first want to thank the gentlewoman from Crawford County for doing such a tremendous job on this issue for the last few years. Most of us that have dealt with her on this issue have been tremendously impressed with the pit-bull-like fashion that she used to move this issue forward, and motorcyclists all across the State, I think, owe her a debt of gratitude for the way that she has handled this issue here in the House.

Mr. Speaker, unlike a lot of the issues that we have dealt with here this morning and all day, this issue has significant bipartisan support. Many of us, on both sides of the aisle, have worked for quite a few years to make this a reality in Pennsylvania. We are all familiar with the issue and the facts and the figures, and Teresa, I think, did a good job in outlining them here this afternoon.

The motorcyclists of this State, Mr. Speaker, have lobbied hard for a lot of years. They have lobbied us; they have talked to us; they have discussed it with us. They have been insistent, and they have been respectful. They have made their case. It is time for us to act.

Mr. Speaker, I ask for an affirmative vote on the Brown amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Kaiser, on the amendment.

Mr. KAISER. Thank you, Mr. Speaker.

Mr. Speaker, last session we had an amendment introduced from one of my colleagues in Allegheny County that required children, when they ride a bicycle, to wear a helmet. I remember seeing that colleague on the 6 o'clock news on a Sunday night, after the bill had passed here, on the Sunday news saying that he had a very close friend who had a son that had had a head injury and was in the hospital for several months. That bill was passed; the Governor signed it into law. Now we are saying that adults who are driving motorcycles do not have to wear a helmet. Is there any logic to that? Last session we passed a bill requiring young people to wear a helmet when they are riding a bicycle; this session we now have legislation in amendment form to say that someone who drives a motorcycle does not have to wear a helmet.

Mr. Speaker, the only thing you have to do is talk to any physician in an emergency ward, and he will tell you that if someone does not wear a helmet, his life is in jeopardy. I have a close friend, his son was injured about 12 years ago in an

automobile accident. He is alive, but still, the bottom line is, that helmet saved his life.

Now, I could care less if someone wears a helmet. That is someone's individual decision. But I think when we have children that ride bicycles, according to law, we make them wear a helmet, yet we are going to pass legislation here that tells an adult driving a motorcycle, when right now we have the speed limit in Pennsylvania at 65 miles an hour, that they do not have to wear a helmet. I do not know where the logic is.

I would just ask for a "no" vote.

Plus the fact, many people who are injured without wearing a helmet in other States have substantial medical bills. What happens is, once their insurance is used up, they go on medical assistance, and as you know, with head injuries, that bill can go into the millions of dollars.

Please vote "no" on this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Beaver County, Mr. Colafella, on the amendment.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this amendment.

I just, first of all, cannot even conceive of any reason at all why someone would ride a motorcycle today without a helmet. It is dangerous enough to drive an automobile today, let alone ride a motorcycle without a helmet.

In this legislature we have passed laws where we require people riding in an automobile to wear a seatbelt. We are telling people that it is dangerous out there and we are concerned about you and that is why we mandate that you wear a seatbelt when you drive an automobile. But what we may be saying today is, it is okay to ride a motorcycle without a helmet; they are not wearing a seatbelt, but it is okay, you do not need to wear a helmet. I just find that unbelievable, and I cannot even imagine why anyone today would ride a motorcycle without a helmet.

For those reasons I ask for a "no" vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware County, Mr. Kirkland, on the amendment.

Mr. KIRKLAND. Thank you, Mr. Speaker.

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

Mr. Speaker, I had the unfortunate opportunity of witnessing two persons, not one but two persons, Mr. Speaker, die because of head injuries surrounding motorcycle accidents. One person, Mr. Speaker, had the helmet on improperly, he had it up high, and another young man had no helmet on at all. Both of these persons perished.

Mr. Speaker, at one point in my life, a time in my life, I, too, rode a motorcycle, but I also put a helmet on. Here we are telling our young people today to wear helmets while they are riding their bikes. Here we are today making sure that our cars have not one but two airbags. Here we are today encouraging people to wear a seatbelt; even sometimes they do not. Here we are today encouraging safety, safety, safety, and in this House of Representatives, we are now about to vote on an amendment that would allow persons to not be safe, persons to ride around with no helmets.

Mr. Speaker, I watch young people today as they drive cars recklessly. I watch them as they swerve in and out of traffic, and here today we are basically allowing people to ride around without a helmet, to ride around and put their very lives at stake.

I know that they are adults; I know that they are responsible individuals. Today we need to act responsibly and vote "no" against the Brown amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the Democratic leader, Mr. DeWeese, on the amendment.

Mr. DeWEESE. I am going to vote with the gentlelady from Crawford. However, with all due respect to the lady and the issue, which I agree with and will vote with, I at least wanted to share one more time for our Journal and for our record that this is not the appropriate bill to make Vehicle Code amendments to. This is a freestanding bill. We do not necessarily— We do not—the adverb is unnecessary—we do not amend freestanding bills like this.

We were ostensibly going to rename a bridge for one of our deceased State workers. What the gentlelady is trying to do, and I am going to vote for it, but I am perplexed by our methodology once again. Our rules and our Constitution disallow any amendment that would change the original purpose of the bill, change the original purpose of the bill. What we are going to do in a few moments is a long way from renaming a bridge.

The gentleman, Mr. Veon, from Beaver, and the gentlelady from Crawford, as well as the gentleman from Greene County, myself, time and time and time and time again have projected our comments, pro-choice, pro-choice, in favor of, as she said, allowing those who ride to decide.

So I am going to vote with her, but I want to share for the record that again, today, the majority party and the leadership that they are exercising vis-a-vis our parliamentary procedures is woefully lacking. This is an incorrect procedure, and we should do our best as a body to request better. We are changing the original purpose of the bill, notwithstanding constitutional strictures and admonitions to the contrary.

The SPEAKER pro tempore. The Chair would ask if the gentleman is raising a point of constitutionality or merely making an observation.

The Chair thanks the gentleman.

Will the House agree to the amendment? Those in favor of the amendment will vote "aye"— The Chair apologizes.

Mrs. BROWN. I promise to be brief, but I would be—

The SPEAKER pro tempore. Will the lady suspend while I recognize you.

The Chair recognizes—

Mrs. BROWN. Thank you very much.

The SPEAKER pro tempore. Will the lady suspend.

I would like to give you the opportunity to debate last, and there now is another member at the microphone.

The Chair recognizes the gentleman, Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

I was wondering if the sponsor would stand for a brief interrogation.

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I have been informed that some of the surrounding States require that a helmet be available on the bicycle if a passenger would so desire to use one. I have looked at your amendment; it does not seem to address that issue. I was wondering if in fact your amendment does address that issue or if the existing statute would require the presence of an available helmet for a passenger.

Mrs. BROWN. That does not address it, but it would be voluntary use, and if someone was under 21 years of age and would be a passenger on the motorcycle, they would be required to wear a helmet.

Mr. PISTELLA. And if a passenger would be over 21, what provision would they have to get a helmet from the driver or the operator of the motorcycle at that point?

Mrs. BROWN. It would be their responsibility to make sure they have a helmet. Most motorcyclists will have helmets and be able to provide the rider on the back that is riding with them a helmet that will fit.

Mr. PISTELLA. But they are not required, under your legislation, to carry the helmet for the provision—

Mrs. BROWN. Correct.

Mr. PISTELLA.—the way other States require—

Mrs. BROWN. There is no provision for that.

Mr. PISTELLA. Okay. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the lady from Crawford County, Representative Brown, for the second time.

Mrs. BROWN. Thank you, Mr. Speaker.

I just want to do a few thank-yous, because it has been a long time in coming and we have worked very hard to get to this point.

I would like to thank leadership, especially Representatives Perzel and Barley, because they are restoring the faith of the motorcyclists and the constituents out there who really believed that we would not get at this point and address this issue.

I would like to thank Representatives Boyes, Lloyd, Surra, and Veon for their support on this issue.

I also really need to thank Bruce Johnson and Charles Umbenhauer and all the members of the Pennsylvania ABATE (Alliance of Bikers Aimed Toward Education) because they informed me of a lot of information that I have gathered today.

I also want to thank the American Motorcyclists Association and the National Coalition of Motorcyclists.

And it would only be proper to thank Lisa Weikle, my legislative assistant; Dana Alwine; Paul Gnazzo; Eric Bugaile; Kevin Forcier; hey, and my dad. I also have to thank my sister; she is here today. She is right over here. Stand up.

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

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—134

Allen	Fairchild	McCall	Semmel
Argall	Fargo	McGill	Serafini
Armstrong	Feese	McIlhattan	Seyfert
Baker	Fichter	McNaughton	Shaner
Barley	Fleagle	Micozzie	Smith, B.
Barrar	Gannon	Miller	Smith, S. H.
Battisto	Geist	Mundy	Snyder, D. W.
Belfanti	George	Myers	Staback
Birmelin	Gigliotti	Nickol	Stairs
Blaum	Gladeck	Olasz	Steelman
Boscola	Godshall	Oliver	Stern
Boyes	Gruitza	Perzel	Stevenson
Brown	Haluska	Pesci	Strittmatter
Browne	Hanna	Petrarca	Sturla
Bunt	Harhart	Petrone	Surra

Butkovitz	Hasay	Pippy	Taylor, E. Z.
Buxton	Hutchinson	Ramos	Taylor, J.
Caltagirone	Itkin	Raymond	Thomas
Cappabianca	Jadlowiec	Readshaw	Travaglio
Carn	Jarolin	Reber	Trello
Carone	Keller	Reinard	Trich
Casorio	Kenney	Rieger	True
Civera	LaGrotta	Roberts	Tulli
Cohen, M.	Laughlin	Roebuck	Van Home
Colaizzo	Lederer	Rohrer	Veon
Cowell	Leh	Rooney	Walko
Daley	Lescovitz	Ross	Washington
Dally	Lloyd	Sainato	Wilt
Dempsey	Lucyk	Santoni	Wogan
Dermody	Lynch	Sather	Wojnaroski
DeWeese	Maher	Saylor	Yewcic
Donatucci	Maitland	Schroder	Zimmerman
Eachus	Major	Schuler	Zug
Egolf	Manderino		

NAYS-63

Adolph	DeLuca	Kaiser	Platts
Bard	Dent	Kirkland	Preston
Bebko-Jones	DiGirolamo	Krebs	Robinson
Belardi	Druce	Lawless	Rublely
Benninghoff	Evans	Levdansky	Scrimenti
Cawley	Flick	Markosek	Stell
Chadwick	Gordner	Marsico	Tigue
Clark	Gruppo	Masland	Varice
Clymer	Habay	Mayernik	Vitali
Cohen, L. I.	Hennessey	Melio	Waugh
Colafella	Herman	Michlovic	Williams, C.
Conti	Hershey	Nailor	Wright, M. N.
Cornell	Hess	O'Brien	Youngblood
Corpora	Horsey	Orie	
Corrigan	James	Phillips	Ryan,
Coy	Josephs	Pistella	Speaker
Curry			

NOT VOTING-2

Bishop	Williams, A. H.
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EXCUSED-4

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

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

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

The Chair recognizes the gentleman, Mr. DeWeese.  
Mr. DeWEESE. Since this is a Title 75/Vehicle Code, I am sure that some of our members would like to offer amendments. I know that we would have to move for a suspension of the rules, but nevertheless, it would be at least appropriate to take 30 seconds to ascertain whether any of our rank and file have amendments to Title 75, Title 75 being the Vehicle Code. We are achingly anxious from time to time to have a chance to amend Title 75. This is a

very rare moment that the gentlelady from Crawford has afforded us by her gentle assuagements to her leadership, and I would like to take the 30 seconds just to see if we have anybody that wants an amendment.

MOTION TO SUSPEND RULES

Mr. WALKO. Mr. Speaker?  
The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Walko, rise?  
Mr. WALKO. I would like to make a motion to suspend the rules to offer amendment No. 3475 to undo the monster-truck provisions which were snuck into HB 67, Act 3 of 1997.  
The SPEAKER pro tempore. The gentleman, Mr. Walko, moves that the rules of the House be suspended so that he may offer amendment A3475 to SB 279.

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

PARLIAMENTARY INQUIRY

Mr. PERZEL. Mr. Speaker?  
The SPEAKER pro tempore. On the motion, the Chair recognizes the gentleman, Mr. Perzel.  
Mr. PERZEL. Parliamentary inquiry, Mr. Speaker.  
The SPEAKER pro tempore. The gentleman will state the point.  
Mr. PERZEL. The bill was on final passage, Mr. Speaker. There should be no other intervening business when it was on final passage.  
Mr. DeWEESE. A motion to suspend is on the board; a motion to suspend is on the board. Let the record show.  
The SPEAKER pro tempore. Will the gentleman, Mr. DeWeese, suspend, please.  
Mr. DeWEESE. Yes, sir, Mr. Speaker.  
The SPEAKER pro tempore. The gentleman, Mr. Walko, has made a motion to suspend the rules. I suppose he could make a motion even to suspend the rules that we are now on final passage, so I suppose we might as well let him go ahead and make the motion.

Mr. PERZEL. Thank you, Mr. Speaker.  
I did want to make a few comments.  
I did bring up to the membership here that the monster-truck provision was put in in 1983, not just 1 year ago, Mr. Speaker; it was put in in 1983, so it is about 14 years old.  
I would oppose the suspension of the rules.  
Mr. WALKO. Mr. Speaker, if I—  
The SPEAKER pro tempore. Does the gentleman, Mr. Walko, wish to make a correction on the printer's number?  
Mr. WALKO. There was a clerical error. It is amendment 3574.  
The SPEAKER pro tempore. 3574.  
Mr. WALKO. Right, not 3475.  
The SPEAKER pro tempore. The Chair thanks the gentleman. Does the gentleman, Mr. DeWeese, wish to debate this or to defer to Mr. Walko?  
Mr. DeWEESE. No, Mr. Speaker, the monster-truck provision was put in in the middle of the night during the gas tax. I do not remember it quite as much as my colleague. I will let my colleague

talk about the monster-truck bill that was snuck into the gas tax in the middle of the night. I will defer to him.

Mr. WALKO. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair is going to ask that members limit their remarks to the question of whether or not the rules should be suspended.

On that question, the Chair recognizes the gentleman, Mr. Walko.

Mr. WALKO. Mr. Speaker, if it takes a suspension of the rules to allow us to debate this important issue, then that is the only course left to proceed.

I would not like to do this as a motion to suspend at 7:40 p.m. I would prefer to just debate this openly, but there has been no opportunity nor do I believe there will be, and yet the provisions which we put into law are very significant provisions which deserve to be discussed in the light of day.

Therefore, I made the motion to suspend so that we could debate this issue, perhaps undo the monster-truck provisions, which, Lord knows, we do not know what the safety—

Mr. PERZEL. Mr. Speaker?

The SPEAKER pro tempore. Mr. Perzel.

Mr. PERZEL. Did you not just warn us not to do that — to go beyond the scope of suspending the rules?

The SPEAKER pro tempore. The Chair was listening very carefully.

Those in favor of the motion to suspend—

Mr. DeWEESE. Hold on, with all due respect, Mr. Speaker.

Mr. WALKO. I just wanted one—

The SPEAKER pro tempore. Will the gentleman suspend.

The gentleman, Mr. DeWeese, deferred to the gentleman, Mr. Walko. The Chair was under the impression the gentleman, Mr. Walko, had concluded his remarks.

Mr. WALKO. No, he had not, Mr. Speaker, but thank you very much.

Also, earlier there was a point about 1983, and again, only responding to in the debate on the motion to suspend, I do not understand what relevance that is to this issue. I therefore would request that we have a debate so that we can discuss the impact of these provisions upon the citizens of Pennsylvania with regard to their safety, with regard to the burdens on local municipalities to comply with these provisions in Act 3 that some call the monster-truck provisions.

So with respect to what happened in 1983, I am worried about 1997 — the citizens' safety and the burdens upon municipalities to comply with the monster-truck provisions of Act 3. Thank you, Mr. Speaker.

I urge a positive vote.

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

The following roll call was recorded:

YEAS-97

Battisto	DeWeese	Lucyk	Rooney
Bebko-Jones	Donatucci	Maher	Sainato
Belardi	Eachus	Manderino	Santoni
Belfanti	Evans	Markosek	Scrimenti
Blaum	George	Mayernik	Shaner

Boscola	Gigliotti	McCall	Staback
Butkovitz	Gordner	Melio	Stairs
Buxton	Gruitza	Michlovic	Steelman
Caftagirono	Haluska	Mundy	Sturla
Cappabianca	Hanna	Myers	Surra
Carn	Horsey	Olasz	Thomas
Carone	Itkin	Oliver	Tigue
Casorio	James	Pesci	Travaglio
Cawley	Jarolin	Petrarca	Trello
Cohen, M.	Josephs	Petrone	Trich
Colafella	Kaiser	Pippy	Van Home
Colaizzo	Keller	Pistella	Veon
Corpora	Kirkland	Preston	Vitali
Corrigan	LaGrotta	Ramos	Walko
Cowell	Laughlin	Readshaw	Washington
Coy	Lederer	Rieger	Williams, C.
Curry	Lescovitz	Roberts	Wojnaroski
Daley	Levdansky	Robinson	Yewcic
DeLuca	Lloyd	Roebuck	Youngblood
Dermody			

NAYS-100

Adolph	Egolf	Maitland	Schuler
Allen	Fairchild	Major	Semmel
Argall	Fargo	Marsico	Serafini
Armstrong	Feese	Masland	Seyfert
Baker	Fichter	McGill	Smith, B.
Bard	Fleagle	McIlhattan	Smith, S. H.
Barley	Flick	McNaughton	Snyder, D. W.
Barrar	Gannon	Micozzie	Steil
Benninghoff	Geist	Miller	Stern
Birmelin	Gladeck	Nailor	Stevenson
Boyes	Godshall	Nickol	Strittmatter
Brown	Gruppo	O'Brien	Taylor, E. Z.
Browne	Habay	Orie	Taylor, J.
Bunt	Harhart	Perzel	True
Chadwick	Hasay	Phillips	Tulli
Civera	Hennessey	Platts	Vance
Clark	Herman	Raymond	Waugh
Clymer	Hershey	Reber	Wilt
Cohen, L. I.	Hess	Reinard	Wogan
Conti	Hutchinson	Rohrer	Wright, M. N.
Cornell	Jadlowiec	Ross	Zimmerman
Dally	Kenney	Rubley	Zug
Dempsey	Krebs	Sather	
Dent	Lawless	Saylor	Ryan,
DiGirolamo	Leh	Schroder	Speaker
Druce	Lynch		

NOT VOTING-2

Bishop	Williams, A. H.
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EXCUSED-4

McGeehan	Mihalich	Stetler	Tangretti
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Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Veon, seek recognition?

Mr. VEON. Thank you, Mr. Speaker.

A point of parliamentary inquiry.

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

Mr. VEON. Mr. Speaker, I would like to make a motion at this time to go over the bill for the day. The question is, is that motion in order at this time?

The SPEAKER pro tempore. A motion for postponement would be in order.

### MOTION TO PLACE BILL ON FINAL PASSAGE POSTPONED CALENDAR

Mr. VEON. Mr. Speaker, I would like to move to postpone the bill until tomorrow's calendar.

The SPEAKER pro tempore. The gentleman, Mr. Veon, moves that SB 279 be postponed until tomorrow.

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

Mr. VEON. Mr. Speaker?

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

Mr. VEON. Thank you, Mr. Speaker.  
What day would tomorrow be?

### PARLIAMENTARY INQUIRY

Mr. VEON. Mr. Speaker, a point of parliamentary inquiry.

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

Mr. VEON. Is this motion debatable by other members of the chamber?

The SPEAKER pro tempore. Yes.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I would like to, at the appropriate time, make a few comments.

The SPEAKER pro tempore. Now would be a good time.

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

Mr. Speaker, the gentleman, Mr. Walko, of course out of frustration, made the motion to suspend the rules for the purposes of offering his amendment on the monster trucks.

Mr. Speaker, I make this motion to postpone until tomorrow because, as members on this side and the other side of the aisle well know, we have a number of amendments that the Democrats have drawn up to this bill. Now, we have been very supportive and helpful to the gentlewoman from Crawford County, Teresa Brown, in her efforts to make this a Title 75 bill, with some expectation, out of fairness and equity here on the floor of the House, that we would have an opportunity to offer some serious amendments.

Now, members on this side of the aisle, Mr. Speaker, have spent the summer working very hard on some of these issues, and I recognize that they are controversial, in many ways, to a lot of us, but we have some legitimate concerns on this side of the aisle about the truck provisions. I saw amendments from members on your side of the aisle that were withdrawn to various bills today on Title 75 issues, including the diesel fuel tax, which is of great concern to many trucking companies and truckers in Pennsylvania. We have, Mr. Speaker, a number of amendments on the gas tax. We would like— Some members would like to repeal this gas tax, and, Mr. Speaker, we have serious questions and issues on the emissions control program.

Mr. Speaker, I think members here know that our constituents over the next couple of months are going to be paying double, triple, and quadruple the amount on their emissions test, and we would like an opportunity to address that issue—

The SPEAKER pro tempore. Will the gentleman suspend; will the gentleman suspend.

Mr. VEON. Sure.

The SPEAKER pro tempore. The Chair has been listening very carefully, and up until now he has simply been naming the amendments he would like to run, but I am afraid the gentleman may have just crossed the line into debating the merits of those amendments. Would the gentleman please limit his remarks to the issue before the House.

Mr. VEON. Thank you, Mr. Speaker.

I will try to be more circumspect in my comments.

Mr. Speaker, again, it is out of frustration, from members on the Democratic side of the aisle, that we would like an opportunity to offer the amendments. The only way we are going to get an opportunity to offer our amendments that would change the monster-truck provisions, repeal the gas tax, bring some fairness to this emissions control program, the only way we would get an opportunity to do that is if this House would move this bill over until tomorrow, make our amendments that have already been filed, in fact, timely and in order. Let us have those debates; let us have those votes here on the floor of the House.

I would ask for an affirmative vote on the motion to postpone.

The SPEAKER pro tempore. On the motion, the Chair recognizes the majority leader, Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, any member of this chamber could have done what Representative Brown did. We did not have guards down here making sure nobody put amendments in. We followed the rules. Anybody could have done exactly what she did, but since the members that are talking now did not bother to do that, they want to change the rules so that they can do that, Mr. Speaker. We followed the rules. The procedures of the House were followed.

I am asking my members to vote "no" on the motion to postpone.

### PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Gannon, on the motion.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, a parliamentary inquiry.

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

Mr. GANNON. I believe that the Chair announced that this bill is on final passage. It is my understanding that once a bill is on final passage, it is not susceptible to amendment. Is that correct?

The SPEAKER pro tempore. Technically, that is correct, but the question before us now is a motion to postpone.

Mr. GANNON. Well, that gets to my next question.

This is a motion to postpone a bill that is on final passage. Even if we did postpone the bill, it would still be on final passage and therefore not susceptible to any amendment. Is that true or not true?

The SPEAKER pro tempore. Actually, not true. There are a couple of ways that amendments can be offered. First, the Speaker



can rescind his announcement that the bill has been agreed to on 3 different days and it is on final passage. The second is, members can always file a reconsideration motion and bring the bill back.

Mr. GANNON. But would that be after— Mr. Speaker, would that be after a vote or appealing the decision of the Chair? I am not clear—

The SPEAKER pro tempore. No. The reconsideration motion could be filed as to the Chair's announcement that the bill is on final passage.

Mr. GANNON. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Preston, on the motion.

Mr. PRESTON. Thank you, Mr. Speaker.

I would also ask members to vote for the suspension, and I guess — to postpone — and I guess along with the comments of Mr. DeWeese in dealing with a freestanding bill.

I think what the majority leader, unfortunately, has done is encouraged and insulted the DeiCas family. This gentleman died while he was on his job. I have been here for 15 years, and it was the first time that I have ever heard a member encourage, encourage — and I heard a long list of thank-yous — that here we are going to have someone who is going to be sitting down with the family, a State Senator and probably other members down in Westmoreland County in southwestern Pennsylvania, giving respect to his family and his children of naming a road, and it is something that I think for postponement that my members out of respect would not have done. But yet in a sense, I have heard that the majority leader just finished to not postpone this, and it would be interesting that maybe he ought to come down there and stand with the family when they dedicate this road. As one gentleman said, well, maybe they can dedicate the road while people take off their helmets while they drive across the bridge.

This is an insult. I always thought that we had decorum, and sometimes I have been carried away myself, but I have always apologized. This is an insult to this body, because this was a freestanding bill to the DeiCas family, and to be able to sit down there and try to tack this on only really discredits this House even more. Maybe some people do not care. Maybe they do not care because it is not their family, but I think it is just very disrespectful, and I think that—

The SPEAKER pro tempore. Will the gentleman suspend.

The question before the House is the motion to postpone. If the gentleman would please limit his remarks to the motion before the House.

Mr. PRESTON. Very easily done, Mr. Speaker.

Since we have already desecrated this family, why not just continue on and give the other members a chance that we are trying to show respect for someone who died on the job for the State of Pennsylvania. Maybe they might as well just offer their amendments, too, and make everybody else just as happy.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Olasz, on the motion to postpone.

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

I rise to support the motion to postpone.

As I think all of you in this chamber will agree, we do not know if we are in 1993 or 1997 or if we are on Wednesday of last week or if we are on Wednesday of this week, but one thing is certain:

If we agree to postpone until tomorrow, I think we are all certain that tomorrow is Tuesday, September 30.

So I would hope that all of you would take that under advisement, think about it, go home, get a good night's rest, and come back and vote on these amendments tomorrow. Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington County, Mr. Daley, on the motion.

Mr. DALEY. Thank you, Mr. Speaker.

I had the wonderful opportunity to be able to share a part of my life with Vance DeiCas. Vance DeiCas was a father to me, and Senator Stout and I have gone back and forth on the ways of naming a road or a highway or a bridge after Vance's memory.

To correct the record, Mr. Speaker, Mr. DeiCas did not die on the job. However, Mr. DeiCas, if he were here today — and I brought him on the floor many times — would be absolutely delighted that there is a debate on a bill that identifies and recognizes his great accomplishments in southwestern Pennsylvania. And I could tell you this today, Mr. Speaker: If Mr. DeiCas were here, he would say, postpone this bill until tomorrow. Thank you very much.

The SPEAKER pro tempore. Does the gentleman, Mr. Veon, seek recognition again?

Mr. VEON. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is in order.

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

Mr. Speaker, I was listening to the remarks of the gentleman, the majority leader, and with all due respect, part of the difficulty here by the Democratic Party on the floor of the House today is, the rules keep changing, and it is hard to keep track of exactly what the rules are. If the rules were very clear, perhaps we would have had the opportunity and the foresight of the gentlewoman, Mrs. Brown, in offering her amendment.

I appreciate the ingenuity of the Republican majority here, and I appreciate the power of the majority as you squash the Democratic minority's efforts to deal with some very important issues. Sooner or later we hope to appeal to some fair-minded members on that side of the aisle to join with the Democrats, and if we cannot find any fair-minded members today, we are going to keep working these issues until we do.

And finally, Mr. Speaker, if we cannot find any fair-minded members on that side of the aisle, I know there are going to be concerned members, because your constituents are going to be asking you about the emissions program and they are going to keep asking you about the gas tax and they are going to keep asking you about the diesel fuel tax and they are going to keep asking you about the monster-truck provisions, and you will have an opportunity to say we either did something about it or we did nothing about it. This is an opportunity to at least let some members of this House do something about those important issues.

Mr. Speaker, I would ask for an affirmative vote.

The SPEAKER pro tempore. The Chair recognizes the Democratic leader, Mr. DeWeese, on the motion.

Mr. DEWEESE. Two points: Number one, when we looked at our calendar today, it said, "TRANSPORTATION BILL ON THIRD CONSIDERATION." It did not say anything about final passage; it said, third consideration. So all this ballyhoo about final passage is just that — ballyhoo.

Second point: All we are trying to do is postpone this until tomorrow. Now, postponement until tomorrow would give us the same chance that your collective leadership ingenuity gave the gentlelady from Crawford County — a chance to amend a bill.

Now, we were admonished by the majority leader for not going down and having our amendments ready. It should be noted for the record that the gentlelady filed her amendments 15 minutes before the deadline, and she was taking a freestanding bill and amending it with a Vehicle Code bill, which has not been done historically in this arena. She was doing something quite novel, due to the flexibility of her leadership, and quite frankly, what she did — and I voted for the substance of her endeavor, but I stated at least three times from the microphone — she was changing the original intent of the bill. There is a constitutional prohibition against that.

The gentleman from Washington County just talked about Vance DeiCas, a PennDOT leader in western Pennsylvania. We were here tonight, thanks to Senator Stout and Senator Corman in a bipartisan effort, we were here ostensibly to make certain that Vance DeiCas was remembered by the Pennsylvania General Assembly. Due to adroit maneuvering on the part of the gentlelady from Crawford, she injected into the bill a measure that I agreed to and that I supported, but I did not like at that time nor I do like now the way it was done.

So what have we arrived at here at the end of our exercise for the day on the floor of the House? Only the fact that I have 6 or 8 or 10 more people back here who are going to ask for another suspension of the rules for consideration of emissions discussion, for a suspension of the rules for consideration of a gas tax reduction. We are going to be here all night because you do not want to postpone.

Now, I have friends in the insurance industry — I know nobody believes that — and in the retail industry who have events tonight. I would like to have gotten out of here a long time ago, but due to the fact that your majority leadership team has decided to play all of these games, all of these innumerable shenanigans, all of this parliamentary legerdemain, here we are asking, we want to go home. We want to come back and start fresh tomorrow and discuss the Vehicle Code. Otherwise, we are not going to have a chance to deal with vehicles in Pennsylvania, gasoline taxes in Pennsylvania, emissions in Pennsylvania, diesel taxes in Pennsylvania, monster trucks in Pennsylvania unless you, unless you give us a chance.

Postponement. We are going to be here tomorrow. We are going to be here the next day. We had a long vacation in the summer. Those halcyon days of summer are gone, Mr. Speaker. It is autumn. The autumnal equinox has come. We are here to work. We are here to work tomorrow and tomorrow and tomorrow. We do not have to do all this tonight. We only ask for a postponement of what will in essence be a matter of hours.

Thank you for your indulgence and your courtesy, Mr. Speaker.

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

Mr. PERZEL. They are asking for a postponement, Mr. Speaker, so they can suspend the rules tomorrow; the same thing that they are doing today. Mr. Speaker, we are here working.

Let me just say, if there was a problem with what Representative Brown did, then any member, Democrat or Republican, could have stood up and said that amendment was not germane to the bill. I did not see anybody stand up. Did you,

Mr. Speaker? Maybe something happened I did not see, but you could have stood up and said that, but you chose not to. So now you are saying, well, we are not going to be able to do the work tonight, because you wanted a vehicle to do all these amendments, which you could still do tomorrow if — which you could not do tomorrow anyway, because you still need to suspend the rules. So, Mr. Speaker, it is a moot point. We may as well do it tonight and get it over with.

I would be against the motion to postpone.

The SPEAKER pro tempore. Those in favor of the motion—

Mr. DeWEESE. Mr. Speaker, I cannot let the record linger like that. The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. The gentleman is wrong; abjectly, irrevocably wrong. Our amendments are timely filed. Our amendments are ready to go. Tomorrow we can have a very substantive dialogue on the history and the future of our Vehicle Code tomorrow; tomorrow. We will not have to suspend the rules. We can do this tomorrow.

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

The following roll call was recorded:

YEAS—93

Battisto	DeWeese	Lloyd	Rooney
Bebko-Jones	Donatucci	Lucyk	Sainato
Belardi	Eachus	Manderino	Santoni
Belfanti	Evans	Markosek	Scrimenti
Blaum	George	Mayernik	Shaner
Boscola	Gigliotti	McCall	Staback
Butkovitz	Gordner	Melio	Steelman
Buxton	Gruitza	Michlovic	Sturla
Caltagirone	Haluska	Mundy	Surra
Cappabianca	Hanna	Myers	Thomas
Cam	Horsey	Olasz	Tigue
Casorio	Itkin	Oliver	Travaglio
Cawley	James	Pesci	Trello
Cohen, M.	Jarolin	Petrarca	Trich
Colafella	Josephs	Petrone	Van Horne
Colaizzo	Kaiser	Pistella	Veon
Corpora	Keller	Preston	Vitali
Corrigan	Kirkland	Ramos	Walko
Cowell	LaGrotta	Readingshaw	Washington
Coy	Laughlin	Rieger	Williams, C.
Curry	Lederer	Roberts	Wojnaroski
Daley	Lescovitz	Robinson	Yewcic
DeLuca	Levdansky	Roebuck	Youngblood
Dermody			

NAYS—104

Adolph	Egolf	Maitland	Schuler
Allen	Fairchild	Major	Semmel
Argall	Fargo	Marsico	Serafini
Armstrong	Feese	Masland	Seyfert
Baker	Fichter	McGill	Smith, B.
Bard	Fleagle	McLhattan	Smith, S. H.
Barley	Flick	McNaughton	Snyder, D. W.
Barrar	Gannon	Micozzie	Stairs
Benninghoff	Geist	Miller	Steil
Birmelin	Gladeck	Nailor	Stern
Boyes	Godshall	Nickol	Stevenson
Brown	Gruppo	O'Brien	Strittmatter
Browne	Habay	Oric	Taylor, E. Z.
Bunt	Harhart	Perzel	Taylor, J.
Carone	Hasay	Phillips	True

Chadwick	Hennessey	Pippy	Tulli
Civera	Herman	Platts	Vance
Clark	Hershey	Raymond	Waugh
Clymer	Hess	Reber	Wilt
Cohen, L. I.	Hutchinson	Reinard	Wogan
Conti	Jadlowiec	Rohrer	Wright, M. N.
Cornell	Kenney	Ross	Zimmerman
Dally	Krebs	Rubley	Zug
Dempsey	Lawless	Sather	
Dent	Leh	Saylor	Ryan,
DiGirolamo	Lynch	Schroder	Speaker
Druce	Maier		

NOT VOTING-2

Bishop Williams, A. H.

EXCUSED-4

McGeehan Mihalich Stetler Tangretti

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

On the question recurring,  
Shall the bill pass finally?

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

YEAS-163

Adolph	Feese	Marsico	Schuler
Allen	Fichter	Masland	Semmel
Argall	Fleagle	McCall	Serafini
Armstrong	Flick	McGill	Seyfert
Baker	Gannon	McIlhattan	Shaner
Bard	Geist	McNaughton	Smith, B.
Barley	George	Micozzie	Smith, S. H.
Barrar	Gigliotti	Miller	Snyder, D. W.
Battisto	Gladeck	Mundy	Staback
Belardi	Godshall	Myers	Stairs
Belfanti	Gruitza	Nailor	Steelman
Benninghoff	Gruppo	Nickol	Stern
Birmelin	Habay	O'Brien	Stevenson
Blaum	Haluska	Olasz	Strittmatter
Boscola	Hanna	Oliver	Sturla
Boyes	Harhart	Perzel	Surra
Brown	Hasay	Pesci	Taylor, E. Z.
Browne	Hennessey	Petrarca	Taylor, J.
Bunt	Herman	Petrone	Thomas
Butkovitz	Hershey	Phillips	Travaglio
Buxton	Hess	Pippy	Trello
Caltagirone	Hutchinson	Pistella	Trich
Cappabianca	Itkin	Platts	True
Carn	Jadlowiec	Preston	Tulli
Carone	James	Ramos	Vance
Casorio	Jarolin	Raymond	Van Home
Chadwick	Keller	Readshaw	Veon
Civera	Kenney	Reber	Walko
Clymer	Kirkland	Reinard	Washington
Cohen, M.	LaGrotta	Rieger	Waugh
Colaizzo	Laughlin	Roberts	Williams, A. H.
Cowell	Lederer	Robinson	Wilt
Daley	Leh	Roebuck	Wogan
Dally	Lescovitz	Rohrer	Wojnaroski
Dempsey	Lloyd	Rooney	Yewic
Dermody	Lucyk	Ross	Youngblood

DeWeese	Lynch	Sainato	Zimmerman
Donatucci	Vance	Santoni	Zug
Eachus	Maitland	Sather	
Egolf	Major	Saylor	Ryan,
Fairchild	Manderino	Schroder	Speaker
Fargo			

NAYS-35

Bebko-Jones	Coy	Josephs	Orie
Cawley	Curry	Kaiser	Rubley
Clark	DeLuca	Krebs	Scrimenti
Cohen, L. I.	Dent	Lawless	Steil
Colafella	DiGirolamo	Levdansky	Tigue
Conti	Druce	Markosek	Vitali
Cornell	Evans	Mayernik	Williams, C.
Corpora	Gordner	Melio	Wright, M. N.
Corrigan	Horsey	Michlovic	

NOT VOTING-1

Bishop

EXCUSED-4

McGeehan Mihalich Stetler Tangretti

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.

ANNOUNCEMENT BY MR. FLICK

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Flick, for the purpose of making an announcement. Mr. FLICK. Thank you, Mr. Speaker.

Earlier this evening I was down in the East Wing where there were exhibitors from the Pennsylvania Microenterprise Coalition. They are still down there. They indicated they would stay until we finished session.

I passed out a number of brochures about the exhibitors that are there. These are individuals who have worked hard. They were generally low-income families or on welfare benefits; they saved their money; they opened a business. There are exhibitors from York, from Philadelphia, from Lancaster, from all over, and they would very much appreciate it if members would stop by, see their exhibits, and spend at least 5 minutes with them. They are in the atrium in the East Wing. Thank you, Mr. Speaker.

SUPPLEMENTAL CALENDAR C

RESOLUTION

Mr. ZUG called up HR 222, PN 2104, entitled:

A Concurrent Resolution to re-create a commission of public and private cost-minded leaders of this Commonwealth to study the management of current government operations and make recommendations of cost-cutting measures.

On the question,  
Will the House adopt the resolution?

### RESOLUTION RECOMMITTED

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

Mr. PERZEL. Mr. Speaker, I move that HR 222, PN 2104, be recommitted to the Rules Committee.

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

### VOTE CORRECTION

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

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I just wish to be recognized on SB 279. I need to be recognized as voting "no" on that. I was listed as voting "yes." Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

### BILLS AND RESOLUTIONS PASSED OVER

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

### ADDITIONS AND DELETIONS OF SPONSORS

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

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

### ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester County, Mr. Ross.

Mr. ROSS. Mr. Speaker, I move that this House do now adjourn until Tuesday, September 30, 1997, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 8:01 p.m., e.d.t., the House adjourned.