

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, NOVEMBER 10, 1998

SESSION OF 1998

182D OF THE GENERAL ASSEMBLY

No. 49

HOUSE OF REPRESENTATIVES

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

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

PRAYER

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

Let us pray:

I lift up my eyes to the hills. From where will my help come?
My help comes from the Lord, who made heaven and the earth.

With the psalmist of old we acknowledge that our lives are anchored in You, O Lord, one who neither slumbers nor sleeps and who cares for us in the living of our days.

In these days between an election and the swearing in of a new session, we pray that You would give strength and clarity of purpose to those Representatives who are in transition to or from this body. Grant each of them a sense of worth as they anticipate their new role.

And bless all who serve here. Bless them in their work of writing legislation and in their home and family life. Bless them in their joys and in their frustrations, in their victories and in their defeats.

O Lord, You are our helper. Keep us in our going out and our coming in from this time forth and forevermore. Thanks be to You, O God. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Monday, November 9, 1998, will be postponed until printed. The Chair hears no objection.

JOURNALS APPROVED

The SPEAKER pro tempore. However, the following Journals are in print and, without objection, will be approved: the Journals for Monday, September 28, 1998; Tuesday, September 29, 1998; and Monday, October 5, 1998. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2917 By Representatives STEVENSON, FAIRCHILD, THOMAS, ARGALL, CORNELL, SEYFERT, PLATTS, BELARDI, SATHER, PETRONE, CLYMER, DeLUCA, GEIST, WALKO, NAILOR, HARHART, BAKER, MARSICO, WAUGH, CLARK, ORIE, STERN, PISTELLA, TRUE, READSHAW, GIGLIOTTI, ITKIN, BARD, HARHAI, BARRAR, FICHTER, E. Z. TAYLOR, DENT, SAYLOR, ADOLPH, BROWNE and L. I. COHEN

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

Referred to Committee on JUDICIARY, November 10, 1998.

No. 2918 By Representatives MAITLAND, CORRIGAN, THOMAS, PLATTS, YOUNGBLOOD, E. Z. TAYLOR, LaGROTTA, HARHAI and BATTISTO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting possession of certain tobacco paraphernalia by minors.

Referred to Committee on JUDICIARY, November 10, 1998.

No. 2919 By Representative BUNT

An Act providing for the creation, conveyance, acceptance, duration and validity of conservation and preservation easements; and providing for judicial actions.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, November 10, 1998.

No. 2920 By Representatives McNAUGHTON, VANCE, FICHTER, NAILOR, THOMAS, DeLUCA, CORRIGAN, DALEY, DALLY, STERN, CLARK, PETRONE, GODSHALL, BENNINGHOFF, BARRAR, SERAFINI, YOUNGBLOOD, WALKO, MARSICO, SEYFERT and E. Z. TAYLOR

An Act amending the act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945, further providing for the purposes of an authority.

Referred to Committee on LOCAL GOVERNMENT, November 10, 1998.

No. 2921 By Representatives HERMAN, ARMSTRONG, BELARDI, BOSCOLA, CAPPABIANCA, COLAFELLA, COY, HARHAI, HERSHEY, LAUGHLIN, MARSICO, McNAUGHTON, SEYFERT, SURRA, E. Z. TAYLOR, J. TAYLOR, THOMAS, WALKO, WAUGH, WOJNAROSKI and MELIO

An Act directing the State Fire Commissioner to develop a fire safety program.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, November 10, 1998.

No. 2922 By Representatives HERMAN, BENNINGHOFF, BAKER, BARD, BELARDI, BELFANTI, BOSCOLA, CAWLEY, CLARK, GEIST, GIGLIOTTI, HARHAI, HENNESSEY, HORSEY, HUTCHINSON, KENNEY, KIRKLAND, LAUGHLIN, MAHER, McCALL, MELIO, MICHLOVIC, MILLER, NICKOL, OLASZ, PETRONE, PIPPY, PISTELLA, RAMOS, READSHAW, SCHULER, SEYFERT, SHANER, STABACK, E. Z. TAYLOR, THOMAS, WAUGH, WILT, WOGAN and YOUNGBLOOD

An Act amending the act of December 1, 1977 (P.L.249, No.83), entitled, as amended, "An act prohibiting employers from firing employees who lose time from employment in the line of duty as volunteer firemen, fire police and volunteer members of ambulance services and rescue squads; and providing penalties," providing employment protection for members of the Civil Air Patrol.

Referred to Committee on LABOR RELATIONS, November 10, 1998.

No. 2923 By Representatives HERMAN, ARMSTRONG, CAWLEY, GIGLIOTTI, HALUSKA, HENNESSEY, KENNEY, KIRKLAND, LAUGHLIN, MAHER, MAJOR, MELIO, MICOZZIE, RAMOS, READSHAW, D. W. SNYDER, STABACK, E. Z. TAYLOR, THOMAS, WALKO, C. WILLIAMS and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the removal of dead animals from highways.

Referred to Committee on TRANSPORTATION, November 10, 1998.

No. 2924 By Representatives HERMAN, BAKER, BARRAR, BELARDI, BENNINGHOFF, BOSCOLA, BROWNE, CORPORA, COY, DALEY, FAIRCHILD, FLICK, GEIST, GODSHALL, GRUTZA, HANNA, HARHAI, HORSEY, JADLOWIEC, KENNEY, KIRKLAND, LAUGHLIN, MANDERINO, OLASZ, ORIE, PESCI, PISTELLA, RAYMOND, READSHAW, SCHULER, SERAFINI, SEYFERT, B. SMITH, STABACK, STERN, SURRA, E. Z. TAYLOR, J. TAYLOR, THOMAS, TRICH, WALKO, WAUGH and YOUNGBLOOD

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, further providing for unlawful acts and penalties.

Referred to Committee on CONSUMER AFFAIRS, November 10, 1998.

No. 2925 By Representatives BUNT, FICHTER, CORNELL, RUBLEY, THOMAS, CHADWICK, STABACK, EGOLF, HARHAI, PETRONE, NAILOR, MARSICO, BARD, TRUE, WAUGH, PISTELLA, STERN, E. Z. TAYLOR, BELFANTI, J. TAYLOR, ROSS, L. I. COHEN, HERSHEY and BROWNE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for period of revocation or suspension of operating privilege.

Referred to Committee on TRANSPORTATION, November 10, 1998.

No. 2926 By Representatives BISHOP, MUNDY, BELARDI, BEBKO-JONES, LAUGHLIN, ORIE, CARN, HARHAI, THOMAS, WOJNAROSKI, MELIO and WASHINGTON

An Act amending the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act, providing for involuntary commitment of drug dependent persons.

Referred to Committee on JUDICIARY, November 10, 1998.

No. 2927 By Representatives BARD, RUBLEY, GODSHALL, HALUSKA, FAIRCHILD, SATHER, STABACK, READSHAW, C. WILLIAMS, GIGLIOTTI, E. Z. TAYLOR, GEIST, SCHRODER, FICHTER and WILT

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for false reports to law enforcement authorities.

Referred to Committee on JUDICIARY, November 10, 1998.

No. 2928 By Representatives BARD, E. Z. TAYLOR, FARGO, READSHAW, ROSS, RUBLEY, HARHAI, GEIST, BAKER, McILHATTAN, NICKOL, THOMAS and BROWNE

An Act authorizing the Department of Community and Economic Development to adopt a program of training, examination and continuing education of elected auditors.

Referred to Committee on LOCAL GOVERNMENT, November 10, 1998.

No. 2929 By Representatives HUTCHINSON and HALUSKA

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Pennsylvania Historical and Museum Commission, to acquire certain tracts of land situated in Cornplanter Township, Venango County, and to convey a tract of land in Cresson Township, Cambria County, to the Cresson Area Historical Association.

Referred to Committee on STATE GOVERNMENT, November 10, 1998.

No. 2930 By Representatives LLOYD, BAKER, BELARDI, HARHAI, FARGO, PESCI, READSHAW, ROSS, SANTONI, SCRIMENTI, SHANER, THOMAS, TIGUE, TRAVAGLIO, WALKO, KAISER and MELIO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, regulating publication of information and stories given at trials; and providing penalties.

Referred to Committee on JUDICIARY, November 10, 1998.

No. 2931 By Representatives HARHAI, BELARDI, E. Z. TAYLOR, COWELL, SHANER, TIGUE, McCALL, ROSS, WALKO, PESCI, C. WILLIAMS, BELFANTI, SEYFERT, MARKOSEK, TANGRETTI, SCRIMENTI, STABACK, DALEY, GORDNER, GIGLIOTTI, MELIO, DeWEESE, BROWNE, BISHOP, BLAUM, PETRARCA and M. COHEN

An Act authorizing personal needs allowance payments for certain residents of nursing homes.

Referred to Committee on HEALTH AND HUMAN SERVICES, November 10, 1998.

No. 2932 By Representatives FARGO, RUBLEY, BELARDI, MAHER, WILT, OLASZ, BARD, LEDERER, YOUNGBLOOD, CALTAGIRONE, SCHULER, WAUGH, SATHER, E. Z. TAYLOR, LEH, BATTISTO, HARHAI, BENNINGHOFF, SEYFERT, ROBINSON, DeLUCA and HALUSKA

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for confidentiality of certain records of the Bureau of Professional and Occupational Affairs.

Referred to Committee on JUDICIARY, November 10, 1998.

No. 2933 By Representatives FARGO, BROWNE, MAHER, CAPPABIANCA, LEH, FLICK, CLARK, MAJOR, HESS, BAKER, KENNEY, MARKOSEK, SAYLOR, ORIE, READSHAW, ROSS, SEYFERT, ROHRER, WILT, RUBLEY, STEVENSON, SATHER, E. Z. TAYLOR, SANTONI, NICKOL, GODSHALL, GORDNER, FORCIER, FAIRCHILD, ZUG, STERN, HERSHEY, PIPPY, BATTISTO, MARSICO, DeLUCA, OLASZ, BARD, VANCE, McCALL, GRUITZA, LYNCH, DEMPSEY, M. COHEN, ITKIN and L. I. COHEN

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

Referred to Committee on FINANCE, November 10, 1998.

HOUSE SCHEDULE

The SPEAKER pro tempore. For the information of the members and our guests, we intend to do a little housekeeping here, and there is no need for the members to come to the floor. We are shortly going to recess until 12:30 and intend to reconvene at 12:30 and begin the voting for the day at that time.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

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

In the Senate
November 9, 1998

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, November 16, 1998, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, November 16, 1998, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

BILLS REMOVED FROM TABLE

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

Mr. PERZEL. Mr. Speaker, I move that the following bills be removed from the table and placed on the active calendar:

SB 491;
SB 1192;
SB 1205;
SB 1271;
SB 1373; and
SB 1385.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS RECOMMENDED

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

Mr. PERZEL. Mr. Speaker, I move that the following bills be recommended to the Committee on Appropriations:

SB 491;
 SB 1192;
 SB 1205;
 SB 1271;
 SB 1373; and
 SB 1385.

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

RECESS

The SPEAKER pro tempore. There being no further business before the House at this time, the House will stand in recess until 12:30, unless sooner recalled by the Speaker.

AFTER RECESS

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

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

RECOMMENDATIONS SUBMITTED

The SPEAKER. The Chair acknowledges receipt of the recommendations submitted by the House select committee on eminent domain pursuant to HR 180 of 1997.

(Copy of recommendations is on file with the Chief Clerk.)

COMMUNICATION

LOBBYIST LIST PRESENTED

The SPEAKER. The Chair acknowledges receipt of a list of lobbyists who have registered under the Lobbying Registration and Regulation Act, which the clerk will file.

The following communication was submitted:

The General Assembly of Pennsylvania
 Main Capitol Building
 Harrisburg, Pennsylvania 17120

November 2, 1998

To the Honorable, the Senate
 of the Commonwealth of Pennsylvania
 To the Honorable, the House of Representatives
 of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from October 1, 1998 through October 31, 1998 inclusive, for the 182nd Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:
 Mark R. Corrigan, Secretary
 Senate of Pennsylvania

Ted Mazia, Chief Clerk
 House of Representatives

(For list, see Appendix.)

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who requests a leave of absence for today's session for the lady from Allegheny, Miss ORIE, and the gentleman from Delaware, Mr. GANNON. Without objection, leaves will be granted. The Chair hears none.

The Chair recognizes the gentleman, Mr. Itkin, who requests a leave of absence for the lady from Philadelphia, Mrs. LEDERER, and the gentleman from Allegheny, Mr. PISTELLA. Without objection, leaves will be granted. The Chair hears no objection. The leaves are granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—199

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

| | | | |
|------------|-----------|----------|---------------|
| Cowell | Kirkland | Roberts | Wilt |
| Coy | Krebs | Robinson | Wogan |
| Curry | LaGrotta | Roebuck | Wojnaroski |
| Daley | Laughlin | Rohrer | Wright, M. N. |
| Dally | Lawless | Rooney | Yewcic |
| DeLuca | Leh | Ross | Youngblood |
| Dempsey | Lescovitz | Rubley | Zimmerman |
| Dent | Levdansky | Sainato | Zug |
| Dermody | Lloyd | Santoni | |
| DeWeese | Lucyk | Sather | Ryan, |
| DiGirolamo | Lynch | Saylor | Speaker |
| Donatucci | | | |

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

| | | | |
|--------|---------|------|----------|
| Gannon | Lederer | Orie | Pistella |
|--------|---------|------|----------|

LEAVES ADDED—2

| | |
|--------|------------|
| Carone | Washington |
|--------|------------|

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mrs. TAYLOR called up HR 547, PN 4044, entitled:

A Resolution designating the month of November 1998 as "Home Health Care Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

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

NAYS—0

NOT VOTING—0

EXCUSED—4

| | | | |
|--------|---------|------|----------|
| Gannon | Lederer | Orie | Pistella |
|--------|---------|------|----------|

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

* * *

Mrs. TAYLOR called up HR 548, PN 4045, entitled:

A Resolution designating November 1998 as "National Diabetes Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

| | | | |
|--------------|------------|----------|-----------------|
| Cappabianca | Harhai | O'Brien | Thomas |
| Carn | Harhart | Olasz | Tigue |
| Carone | Hasay | Oliver | 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 | Platts | Veon |
| Cohen, M. | Jadlowiec | Preston | Vitali |
| Colaella | James | Ramos | Walko |
| Colaizzo | 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 |
| Curry | Krebs | Robinson | Wojnaroski |
| Daley | LaGrotta | Rohrer | Wright, M. N. |
| Dally | Laughlin | Rooney | Yewcic |
| DeLuca | Lawless | Ross | Youngblood |
| Dempsey | Leh | Rubley | Zimmerman |
| Dent | Lescovitz | Sainato | Zug |
| Dermody | Levdansky | Santoni | |
| DeWeese | Lloyd | Sather | Ryan, |
| DiGirolamo | Lucyk | Saylor | Speaker |

the standard-bearer of the minority party. What makes these dreams come true all the more special is that Tom Gola achieved them all in his hometown — Philadelphia — where he continues to be one of the leading citizens of the business community.

On the 21st of November, La Salle University, Tom Gola's alma mater, will christen its renovated gymnasium as the Tom Gola Arena. I encourage my colleagues in this body to join me in supporting this measure, which recognizes the achievements of this outstanding Pennsylvanian and congratulates him on the honor being bestowed upon him by his beloved La Salle.

On the question recurring,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—1

Roebuck

EXCUSED—4

Gannon Lederer Ori Pistella

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

Mr. O'BRIEN called up HR 549, PN 4046, entitled:

A Resolution designating November 21, 1998, as "Tom Gola Day" in Pennsylvania.

On the question,
Will the House adopt the resolution ?

REMARKS SUBMITTED FOR THE RECORD

Mr. O'BRIEN submitted the following remarks for the Legislative Journal:

Mr. Speaker, I rise today to introduce a resolution honoring one of the most distinguished citizens of this Commonwealth who has achieved notoriety in the fields of intercollegiate and professional athletics, public and community service, governance and business.

To people from my district, from my city, from my alma mater, from the ranks of those who follow collegiate and professional basketball, and among the captains of industry and the practitioners of politics, Tom Gola is a legend. He achieved what for many is an impossible dream of a lifetime — winning the NCAA and NBA championships; being elected to the NCAA, NBA, and Pennsylvania Halls of Fame; serving two terms in this distinguished body; serving as regional director for a Federal government agency; and winning election for citywide office despite being

NAYS—0

NOT VOTING—0

EXCUSED-4

Gannon Lederer Orié Pistella

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

UPPER MERION GIRLS TRAVELING SOFTBALL TEAM PRESENTED

The SPEAKER. Ms. Williams.

Members will please take their seats. Staff personnel, please, please be seated.

The Chair recognizes the lady from Montgomery County, Ms. Williams.

Ms. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I am proud today to introduce to you the Upper Merion 10-year-old girls traveling softball team, which won not only the Pennsylvania State softball championship but also the Mid-Atlantic Regional Softball Tournament. These fine athletes finished the postseason with a 25-and-3 record.

Members of this great team include Nina Balough; Kate Brobson; Jacqueline Caniglia, who is behind me; Tina Desimone; Kelly Dykty; Laura Evenson; Paula Funsten, who is behind me; Kristie Grajewski; Heather Harris; Claire Hoover; Vicky Leone; Jessica Rolette, who is behind me; and Allison Tether. This spectacular team is coached by Ted Caniglia, who is also here, and Dave Dykty, John Rolette, Tony Funsten, and Jackie Smith. The team is in the back, and many of their parents from Upper Merion Township are up in the balcony. I am glad that you all are here today. Thank you.

The first time I stood with these champions was this past September at the Upper Merion Community Fair, where they were introduced along with Upper Merion's own NFL Hall of Famer Tommy McDonald. I am delighted to stand with them here and offer my congratulations to them for a terrific season well played. If you will come up. Your hard work and dedication, team spirit, and sportswomanly conduct are important examples for everyone to follow — your schoolmates, your classmates, your community, your siblings, and even those of us here in the House of Representatives.

Congratulations. I am proud to give you this citation from the Pennsylvania House of Representatives.

Mr. CANIGLIA. To Speaker Ryan and to the members of the House, I would like to thank you for giving us the opportunity to come here today, and also a special thanks to Ms. Connie Williams for inviting us here. And on behalf of the girls and the softball team, they would like to present to Connie a token of our appreciation.

The SPEAKER. The Chair thanks the lady and the gentleman and the team for being here with us today.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Daniel Paul Ireland. Daniel is the son of William and Marie Ireland and is in Harrisburg today to be recognized for winning Representative John Pippy's "There Ought

To Be a Law" contest. His law proposes limiting the working hours for minors. He is a student at South Fayette High School where he is involved with chorus, concert choir, drama club, and sky club. He also participates in soccer and in the roller-hockey league.

The family is seated to the left of the Speaker, and Dan today will participate as a guest page. Dan, would you please stand up to be recognized — oh, here he is, to the left of the Speaker — as well as the family. Thank you very much.

BILLS ON THIRD CONSIDERATION

BILL PASSED OVER

The SPEAKER. The Chair turns to page 1 of today's calendar. Without objection, SB 930 is over. The Chair hears none.

* * *

The House proceeded to third consideration of **SB 94, PN 2252**, entitled:

An Act amending the act of December 22, 1989 (P.L.687, No.90), entitled Mortgage Bankers and Brokers Act, further providing for definitions, for loan correspondents, for limited mortgage broker, for wholesale table funders, for license applications, requirements, exemptions, duration, fees, limitations, suspensions or revocations and for enforcement and penalties.

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.

The following roll call was recorded:

YEAS-199

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

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

NAYS-0

NOT VOTING-0

EXCUSED-4

| | | | |
|--------|---------|------|----------|
| Gannon | Lederer | Orie | Pistella |
|--------|---------|------|----------|

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

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

The House proceeded to third consideration of SB 263, PN 313, entitled:

An Act amending the act of January 18, 1952 (1951 P.L.2128, No.605), entitled Private Driver Education or Training School Act, further regulating mileage and age of driver training vehicles.

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.

The following roll call was recorded:

YEAS-198

| | | | |
|--------|--------|----------|-----------|
| Adolph | Druce | Maher | Schroder |
| Allen | Eachus | Maitland | Schuler |
| Argall | Egolf | Major | Scrimenti |

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

NAYS-0

NOT VOTING-1

EXCUSED-4

| | | | |
|-------------|---------|------|----------|
| Bebko-Jones | | | |
| Gannon | Lederer | Orie | Pistella |

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

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

BILLS PASSED OVER

The SPEAKER. SB 489 and HB 2754 are over, without objection. The Chair hears none.

BILL PASSED OVER TEMPORARILY

The SPEAKER. SB 56 is over temporarily.

BILLS PASSED OVER

The SPEAKER. The Chair turns to page 3 of today's calendar. HB 1215, SB 1077, and HB 2120 are over. The Chair hears no objections.

BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 2620 is over temporarily.

The House proceeded to third consideration of **HB 2664, PN 3987**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for court-appointed special advocates in juvenile matters.

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the lady, Mrs. True.
Mrs. TRUE. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady, Mrs. True.
Mrs. TRUE. Mr. Speaker, I would like to ask to have a motion to suspend the rules at this time to offer an amendment that tightens up my bill and that we came in agreement with JCJC (Juvenile Court Judges' Commission) and the Governor so that we can get this passed on into the Senate.

The SPEAKER. The Chair thanks the lady.
The lady, Mrs. True, moves that the rules of the House be suspended to permit her to offer amendment— Would the lady give me the numbers on the amendment? 4162.
Mrs. TRUE. Yes, Mr. Speaker.

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

The following roll call was recorded:

YEAS—196

| | | | |
|-----------|-----------|-----------|-----------|
| Adolph | Druce | Maitland | Schroder |
| Allen | Eachus | Major | Schuler |
| Argall | Egolf | Manderino | Scrimenti |
| Armstrong | Evans | Markosek | Semmel |
| Baker | Fairchild | Marsico | Serafini |
| Bard | Fargo | Masland | Seyfert |
| Barley | Feese | Mayernik | Shaner |
| Barrar | Fichter | McCall | Smith, B. |

| | | | |
|--------------|------------|------------|-----------------|
| Battisto | Fleagle | McGeehan | Smith, S. H. |
| Bebko-Jones | Flick | McGill | Snyder, D. W. |
| Belardi | Forcier | McIlhattan | Staback |
| Belfanti | Geist | McIlhinney | Stairs |
| Benninghoff | George | McNaughton | Steil |
| Birmelin | Gigliotti | Melio | Stern |
| Bishop | Gladeck | Michlovic | Stetler |
| Blaum | Godshall | Micozzie | Stevenson |
| Boscola | Gordner | Miller | Strittmatter |
| Boyes | Gruitza | Mundy | Sturla |
| Browne | Gruppo | Myers | Surra |
| Bunt | Habay | Nailor | Tangretti |
| Butkovitz | Haluska | Nickol | Taylor, E. Z. |
| Buxton | Hanna | O'Brien | Taylor, J. |
| Caltagirone | Harhai | Olasz | Thomas |
| Cappabianca | Harhart | Oliver | Tigue |
| Carn | 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 | Platts | Van Horne |
| Cohen, L. I. | Itkin | Preston | Veon |
| Cohen, M. | Jadlowiec | Ramos | Vitali |
| Colafella | James | Raymond | Walko |
| Colaizzo | Jarolin | Readshaw | Washington |
| Cornell | Josephs | Reber | Waugh |
| Corpora | Kaiser | Reinard | Williams, A. H. |
| Corrigan | Keller | Rieger | Williams, C. |
| Cowell | Kenney | Roberts | Wilt |
| Coy | Kirkland | Robinson | Wogan |
| Curry | LaGrotta | Roebuck | Wojnaroski |
| Daley | Laughlin | Rohrer | Wright, M. N. |
| Dally | Lawless | Rooney | Yewcic |
| DeLuca | Leh | Ross | Youngblood |
| Dempsey | Lescovitz | Rubley | Zimmerman |
| Dent | Levdansky | Sainato | Zug |
| Dermody | Lloyd | Santoni | |
| DeWeese | Lucyk | Sather | Ryan, |
| DiGiroiamo | Lynch | Saylor | Speaker |
| Donatucci | Maher | | |

NAYS—3

| | | |
|--------|-------|----------|
| Carone | Krebs | Steelman |
|--------|-------|----------|

NOT VOTING—0

EXCUSED—4

| | | | |
|--------|---------|------|----------|
| Gannon | Lederer | Orie | Pistella |
|--------|---------|------|----------|

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?

Mrs. TRUE offered the following amendment No. **A4162**:

Amend Title, page 1, lines 1 through 3, by striking out all of said lines and inserting
Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for court-appointed special advocates in juvenile matters.

Amend Bill, page 1, lines 6 through 14; pages 2 through 5, lines 1 through 30; page 6, lines 1 through 9, by striking out all of said lines on said pages and inserting

Section 1. Section 6302 of Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a definition to read:

§ 6302. Definitions.

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

“Court-appointed special advocate” or “CASA.” An individual appointed by the court to participate as an advocate for a child who is dependent or alleged to be dependent.

Section 2. Title 42 is amended by adding a section to read: § 6342. Court-appointed special advocates.

(a) General rule.—The court may appoint or discharge a CASA at any time during a proceeding or investigation regarding dependency under this chapter.

(b) Immunity.—A court-appointed special advocate shall be immune from civil liability for actions taken in good faith to carry out the duties of the CASA under this chapter, except for gross negligence, intentional misconduct, or reckless, willful or wanton misconduct.

(c) Qualifications.—Prior to appointment a CASA shall:

(1) Be 21 years of age or older.

(2) Successfully pass screening requirements, including criminal history and child abuse background checks.

(3) Successfully complete the training requirements established under subsection (f) and by the court of common pleas of the county where the CASA will serve.

(d) Powers and duties.—Following appointment by the court, the CASA shall:

(1) have full access to and review all records, including records under 23 Pa.C.S. Ch. 63 (relating to child protective services) relating to the child and other information, unless otherwise restricted by the court;

(2) interview the child and other appropriate persons as necessary to develop its recommendations;

(3) receive reasonable prior notice of all hearings, staff meetings, investigations or other proceedings relating to the child;

(4) receive reasonable prior notice of the movement of the child from one placement to another placement, the return of a child to the home, the removal of a child from the home or any action that materially affects the treatment of the child;

(5) submit written reports to the court to assist the court in determining the disposition best suited to the health, safety and welfare of the child; and

(6) submit copies of all written reports and recommendations to all parties and any attorney of a party.

(e) Confidentiality.—All records and information received under this section shall be confidential and only used by the CASA in the performance of his duties.

(f) Standards.—The Juvenile Court Judges’ Commission, established under act of December 21, 1959 (P.L.1962, No.717), entitled “An act providing for the creation and operation of the Juvenile Court Judges’ Commission in the Department of Justice; prescribing its powers and duties; and making an appropriation,” shall develop standards governing the qualifications and training of court-appointed special advocates.

Section 3. This act shall take effect in 60 days.

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 lady, Mrs. True.

Mrs. TRUE. Thank you, Mr. Speaker.

Mr. Speaker, this amendment tightens the bill that I introduced to help abused children. It is merely a volunteer program,

court-appointed special advocates, for people who volunteer their time to help abused children.

When we held our hearings with HR 127 and the death of Maxwell Fisher, we found that the caseworkers were so terribly overworked, that this was a program in nine other counties in Pennsylvania that was working very well. Some judges hesitate to start a program like this because there is nothing in statute, and we are merely trying to put something in statute that would help permit volunteers to serve these children, and I ask for your support.

The SPEAKER. The gentleman from Philadelphia, Mr. Horsey, on the amendment.

Mr. HORSEY. Mr. Speaker, will the maker of the amendment stand for interrogation?

The SPEAKER. The lady, Mrs. True.

Mr. HORSEY. Mr. Speaker, will these volunteer advocates, will they have to have criminal background checks and/or child-abuse checks?

Mrs. TRUE. Yes, Mr. Speaker.

Mr. HORSEY. Thank you, Mr. Speaker.

On the bill, Mr. Speaker?

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

Mr. HORSEY. Mr. Speaker, I would encourage all my members to support this particular amendment by the good lady. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Does the lady desire recognition?

Mrs. TRUE. No, thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

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

| | | | |
|------------|-----------|----------|-----------------|
| Cohen, M. | Jadlowiec | Preston | Veon |
| Colafrèlla | James | Ramos | Vitali |
| Colaizzo | Jarolin | Raymond | Walko |
| Cornell | Josephs | Readshaw | Washington |
| Corpora | Kaiser | Reber | Waugh |
| Corrigan | Keller | Reinard | Williams, A. H. |
| Cowell | Kenney | Rieger | Williams, C. |
| Coy | Kirkland | Roberts | Wilt |
| Curry | Krebs | Robinson | Wogan |
| Daley | LaGrotta | Roebuck | Wojnaroski |
| Dally | Laughlin | Rohrer | Wright, M. N. |
| DeLuca | Lawless | Rooney | Yewcic |
| Dempsey | Leh | Ross | Youngblood |
| Dent | Lescovitz | Rubley | Zimmerman |
| Dermody | Levdanský | Sainato | Zug |
| DeWeese | Lloyd | Santoni | |
| DiGirolamo | Lucyk | Sather | Ryan, |
| Donatucci | Lynch | Saylor | Speaker |

NAYS-0

NOT VOTING-1

Bishop

EXCUSED-4

| | | | |
|--------|---------|------|----------|
| Gannon | Lederer | Orie | Pistella |
|--------|---------|------|----------|

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-199

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

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

NAYS-0

NOT VOTING-0

EXCUSED-4

| | | | |
|--------|---------|------|----------|
| Gannon | Lederer | Orie | Pistella |
|--------|---------|------|----------|

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.

GUEST INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guest of Representative Robert Belfanti, Mr. Michael Oslanski. Mr. Oslanski is seated to the left of the Speaker. Welcome to Harrisburg.

The Chair invites the gentleman, Mr. Reber, to the rostrum.

Mr. Reber is the first of a number of us who will be retiring this year. I would like to present him with a ceremonial gavel and ask him to preside for a short period of time, using his own gavel if he likes. Mr. Reber.

THE SPEAKER PRO TEMPORE
(ROBERT D. REBER, JR.) PRESIDING

The SPEAKER pro tempore. Thank you very much for that kind round of applause.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2620, PN 3986**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for instruction on persons with disabilities and for authority of housing police in second class cities.

On the question,

Will the House agree to the bill on third consideration?

Mr. **MAYERNIK** offered the following amendment No. **A4125**:

Amend Title, page 1, line 2, by inserting after "Statutes," imposing limitations on the political activities of members of police departments; and

Amend Bill, page 1, lines 7 and 8, by striking out all of said lines and inserting

Section 1. Sections 2164(1) and 2166 of Title 53 of the Pennsylvania Consolidated Statutes are amended to read:

§ 2164. Powers and duties of commission.

The powers and duties of the commission shall be as follows:

(1) To establish and administer the minimum courses of study for basic and in-service training for police officers and to revoke an officer's certification when an officer fails to comply with the basic and in-service training requirements, violates section 2166(b) (relating to applicability to civil service laws) or is convicted of a criminal offense or the commission determines that the officer is physically or mentally unfit to perform the duties of his office.

§ 2166. Applicability to civil service laws.

(a) General rule.—This subchapter shall not be construed to exempt any police officer or other officer or employee from the provisions of the existing civil service or tenure laws.

(b) Limitations on political activity.—Any police officer who is subject to the provisions of this subchapter shall not engage in or participate in the conduct of any political or election campaign. The provisions of this subsection shall not be construed to limit the right of suffrage of any covered police officer. A violation of this subsection shall be grounds for revocation of certification.

Section 2. Title 53 is amended by adding sections to read:

Amend Sec. 2, page 4, line 24, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

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

Mr. **MAYERNIK**. Thank you, Speaker Reber.

Amendment 4125 would provide that any police officer who is subject to the provisions of Act 120, the Municipal Police Officers' Education and Training Act, shall not engage or participate in politics or election campaigning. The purpose of this is to standardize that when you are a police officer or defined as a police officer, that all our police officers will maintain that badge and gun without undue influence of politics.

This is the same language that we have in the Borough Code, similar language in the First Class Township Code, and I am attempting to standardize this provision throughout the Commonwealth.

The SPEAKER pro tempore. Thank you.

The Chair recognizes the gentleman from Wayne, Mr. Birmelin. Mr. **BIRMELIN**. Thank you, Mr. Speaker.

I was the chairman of the Judiciary Subcommittee on Crime and Corrections when we had a hearing on this bill, HB 2620, and I will refer to the bill later, but as to Representative Mayernik's amendment, I am in agreement with it, and I would ask the members on my side of the aisle to vote for it.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Trello, from Allegheny County.

Mr. **TRELLO**. Mr. Speaker, the only problem I have with this amendment is, a few years ago I was a councilman in the local borough of Coraopolis and I was chairman of public safety at that time and we had civil service there, too, and on a number of occasions we had the top three applicants that maybe were 5 foot 9, weighed 125 pounds, and the person that came in fourth was 6 foot 5 and weighed 225 pounds. Now, I think the police chiefs and the chairmen of public safety or any police department should have the discretion to hire somebody that fits the bill as a police officer. I mean, there are occasions when the applicant weighs 130 pounds and he is 5 foot 9.

I am sorry, but I was just informed I am talking about the wrong amendment. Thank you.

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

Mr. **DeLUCA**. Thank you, Mr. Speaker.

Would the gentleman stand for interrogation, please?

The SPEAKER pro tempore. The gentleman, Mr. Mayernik, acknowledges that he will stand for interrogation. The gentleman may proceed.

Mr. **DeLUCA**. Mr. Speaker, on your amendment, would that amendment prohibit somebody, a police officer, from running for district magistrate?

Mr. **MAYERNIK**. Mr. Speaker, that would be correct. I have taken this language from the Borough Code, act of 1965, P.L. 1656, No. 581, section 1190: "No person employed in any police or fire force of any borough shall be suspended, removed or reduced in rank except for the following reasons:...Engaging or participating in conducting of any political or election campaign otherwise than to exercise his own right of suffrage." That is the precise language from the Borough Code, and in the First Class Township Code, in section 644, "Removals.--No person employed in any police or fire force of any township shall be suspended, removed or reduced in rank except for the following reasons:...(6) engaging or participating in conducting of any political or election campaign otherwise than to exercise his own right of suffrage."

Mr. Speaker, to answer your question, according to the First Class Township Code and the Borough Code, there is in both the prohibition of any political activities, and in the opinion of this legislator, that would exclude running for any office at all.

Mr. **DeLUCA**. Thank you, Mr. Speaker.

I am finished with my interrogation.

I would like to say that I support the Mayernik amendment. I think it is a very good amendment. I have seen at work where some of the citizens have been intimidated by police officers who want to run for some of these elected offices, and I believe that it is unfair that they participate, going through our communities with their uniforms on, and certainly, intimidation is always a factor when you have a person who has a uniform and a badge, and

certainly, this would go a long way in alleviating some of that problem.

So I certainly support the Mayernik amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair now recognizes the gentleman from Lancaster County, Mr. Armstrong.

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

The SPEAKER pro tempore. The gentleman, Mr. Mayernik, will stand for interrogation. The gentleman may proceed.

Mr. ARMSTRONG. Would municipal officials apply under this criteria? For instance, I have a couple individuals that are municipal officials and one of them is a part-time policeman and another one is a full-time policeman and they serve on borough council.

Mr. MAYERNIK. Yes; this would apply to anybody that is required— Are they required to be civil service right now?

Mr. ARMSTRONG. I believe so.

Mr. MAYERNIK. If they are part-time, I am not sure they are required to be civil service.

Mr. ARMSTRONG. Mr. Speaker, it is kind of hard for me to hear.

The SPEAKER pro tempore. The gentleman is absolutely correct, and it is with great pleasure that I bang the gavel to attempt to get some order here in the chambers.

Could we please have some order in the chambers. As a matter of fact, the speakers are not working to their usual optimum efficiency, so it is absolutely imperative that we maintain a low level of discourse at best, and if there is really anything that should be discussed, it should be taken outside the hall of the House. Could we please have some order.

The gentleman may proceed.

Mr. ARMSTRONG. Okay. It is my understanding, Mr. Speaker, that this particular amendment, should it go into effect, would keep the two individuals that I mentioned who are on a local borough council from running for reelection, or would they have to resign from their post today?

Mr. MAYERNIK. Two issues, sir. First, we have to address if even this law is applicable to them. If they are part-time police officers, I do not believe that they are covered under civil service, so number one, it would not apply to them if they are part-time police officers. If they are full-time, then it would apply to them, because it is covered by the rules.

Is this a second-class township you are referring to that they are employed in?

Mr. ARMSTRONG. No. This is a borough.

Mr. MAYERNIK. Okay. I do not believe it covers part-timers, because they are not hired under civil service.

And the second question to answer is this proposal would be prospective, so they would not have to resign immediately.

Mr. ARMSTRONG. Okay. In my situation — and many individuals probably should listen to this, because I am sure that it is so in some of your districts — I do have a full-time police officer who serves in a particular police force but he sits on council in one of my local boroughs; he is a very fine individual; he has never used his office to intimidate people when he ran for office, to seek that, to get that office. So I think it is quite a shame that this kind of an individual is going to be forced at this point not to be able to run for office, not to serve his community.

And I would further go on— I guess at this point I am done with my interrogation. I would like to make a couple comments.

The SPEAKER pro tempore. The interrogation having been completed, the gentleman is in order to speak on the amendment.

Mr. ARMSTRONG. I am very concerned about the implications of this legislation. I understand where you are coming from. I think to deal with the issue, we probably should be dealing with misconduct, with using an officer's badge in order to gain political positions, but I think when we have a lot of municipalities across this State that are always looking for good candidates, good people to fill those positions, and we have somebody who comes forth and serves his particular municipality with great distinction and we are going to keep that individual from obtaining office, I think we are heading in the wrong direction. I think this flies in the face of what our democracy is about, and although I understand where you are coming from, I do believe maybe it is the wrong approach. We should be dealing more so with disciplinary type of actions instead of keeping such an individual from running for office.

So for that sake, Mr. Speaker, I would ask for a negative vote on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman from Warren County, Mr. Lynch, is now recognized on the amendment.

Mr. LYNCH. Thank you, Mr. Speaker.

If I could, I would like to interrogate the maker of the amendment real quick.

The SPEAKER pro tempore. Will the gentleman, Mr. Mayernik, stand for interrogation? He acknowledges that he will. The gentleman, Mr. Lynch, may proceed.

Mr. LYNCH. Thank you, Mr. Speaker.

Mr. Speaker, does this in any way affect sheriffs?

Mr. MAYERNIK. Only if they are covered under the act.

Mr. LYNCH. I am sorry?

Mr. MAYERNIK. Only if they are covered under Act 120.

Mr. LYNCH. And what constitutes them being covered under Act 120?

Mr. MAYERNIK. Act 120 is the Municipal Police Officers' Education and Training Act, and to the best of my knowledge, there is only one sheriff's department in the State that is covered under that.

Mr. LYNCH. But there are some that are covered?

Mr. MAYERNIK. Only one.

Mr. LYNCH. But conceivably, in the future, it could also eliminate the possibility of some people running for that elective office who may be qualified to do so.

Mr. MAYERNIK. This does not affect the sheriff; it affects the deputies, and I do not foresee that happening, since they have their own training act. Presently they have 160 hours of training. In order to meet the criteria, they would have to increase it to 520 hours of training. There are no financial means or anyone to pay for that. I do not see that happening.

Mr. LYNCH. Okay, and I appreciate that, Mr. Speaker, although I myself think it could in the future have the effect of eliminating the possibility of some people running for office who are qualified but will not be able to under this legislation, if it were to become law.

Mr. MAYERNIK. As the previous speaker had requested about his example, I would submit to you that I will give you the Borough Code afterwards, and I would submit that I believe that gentleman is not permitted to run under existing statute that is in

the Borough Code, and I do not want to raise— Well, maybe you want to raise this issue, since you have raised it. I do not believe he is legally allowed, by my reading of this Borough Code, to be both a police officer and an elected official, because I quote, "...Engaging or participating in conducting of any political or election campaign otherwise than to exercise his own right of suffrage." If he is doing anything other than voting, he is not in compliance with the Borough Code.

So the purpose of the amendment today is, if you are a police officer, you would need to adhere to the same Borough and Township Codes that are presently existing.

Mr. LYNCH. Okay.

Mr. Speaker, a brief statement on the amendment, if I could, please. I am through with my interrogation.

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

Mr. LYNCH. Thank you, Mr. Speaker.

I am going to vote "no" on this amendment, and I think the reason is because I am not convinced— I guess I am a believer that elected officials should have more power incumbent to them than the bureaucracy—as I define, you know, an elected official is paid by the taxpayers. I think that the sheriffs, a lot of their power has been usurped over the past couple decades, and I am one who would like to see more of it back to them. I think that we run the risk on this that people qualified to be a sheriff, run for that elective office, would not be qualified to do so under this legislation, although they would have the resume to do it.

I think these types of things—and I understand what the maker of the amendment is attempting to do; at least I believe I understand what he is trying to do—but these things smack to me as being un-American. I mean, at some point we have got to say, okay, look; you can go out and you can do what you want, and I think that, you know, campaigns aside, I think that the conduct will be considered accordingly.

I am going to vote "no," and I would urge my colleagues to vote "no" if for no other reason than I think this becomes too restrictive to our American way of life. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Lancaster County, Mr. Schuler.

Mr. SCHULER. Thank you, Mr. Speaker.

Will the gentleman stand for interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Mayernik, will stand for interrogation. The gentleman may proceed.

Mr. SCHULER. Thank you, Mr. Speaker.

I hear talk about boroughs, and with the loud noise here, I want to clarify one thing in my own mind.

Mr. Speaker, does this pertain to townships of the first and second class?

Mr. MAYERNIK. Mr. Speaker, it only pertains to those municipalities that are presently required to hire under civil service.

Mr. SCHULER. Therefore, if a second-class township does not use civil service in appointing their police officers, this would not apply?

Mr. MAYERNIK. That is correct.

Mr. SCHULER. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, the Chair now recognizes the gentleman from Westmoreland, Mr. Casorio. The gentleman may proceed.

Mr. CASORIO. Thank you, Mr. Speaker.

I would like to interrogate the maker of this amendment, please.

The SPEAKER pro tempore. The gentleman, Mr. Mayernik, will stand for interrogation. You may proceed.

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, this amendment that you offer, how does this affect presently third-class-city police officers who are legally allowed to participate in political activity while they are not on duty? How does this affect their status?

Mr. MAYERNIK. Are they presently civil service?

Mr. CASORIO. Yes.

Mr. MAYERNIK. They would not be permitted to participate in politics other than to exercise their right to vote, similar to the Borough Code and the Township Code. I am attempting to standardize the conduct of police officers throughout the Commonwealth.

Mr. CASORIO. Okay. So this would in fact take the right of the third-class-city police officers to participate in political activity while they are not on duty and make them the same as township and borough officers, who at this time cannot participate in political activity other than voting.

Mr. MAYERNIK. That is correct; the same as the State Police, the city police, the townships and boroughs. Yes; it would standardize it.

Mr. CASORIO. Okay. Thank you, Mr. Speaker.

I am finished with my interrogation. I would like to speak on the amendment, if I could, Mr. Speaker.

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

Mr. CASORIO. Thank you, Mr. Speaker.

I think we are going in the wrong direction with this amendment, if I can echo the sentiment of some of our colleagues from the other side of the aisle. We all know that law enforcement officers, and as an active member of the F.O.P. (Fraternal Order of Police), they would—I am—and they would tell you first that they do not want to be involved in political activity on duty or while in uniform or do anything that would jeopardize in any way their stature in the community as law enforcement and peace officers, but we are talking about whether they can participate in political activity while they are off duty, whether they can support a candidate or candidates that believe as they do that we should have strong law enforcement, that we should go after drug dealers. We need to allow police officers to participate in political activity to the fullest extent of the law, as any other citizen, on top of their right to vote.

This amendment sets bad precedent. It not only, it not only cripples borough and township law enforcement officers by not giving them the opportunity at some point in the future to be involved in political activity, but it in fact takes away the right of third-class-city police officers who have the ability right now to become involved in political campaigns.

This is a bad amendment. We should vote "no," and I ask for a "no" on this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair now recognizes the gentleman from Philadelphia, Mr. Horsey.

Mr. HORSEY. Mr. Speaker, I am not from a second- or first-class township; I am from a first-class city, and we disallow, in our city, police to be actively involved in politics.

But here is the point, Mr. Speaker: It is consistent with democracy, with American history, that police and soldiers and military are not actively involved in the political process. It is consistent with the founding of this country. Certainly they have a right to vote, but to be actively involved in politics, that I know of, from a historical perspective, they have never been allowed to be policemen, military, and to hold public office. Maybe I am incorrect here, but you know, that is what I understand the law to be.

So I would support the Mayernik amendment and ask my colleagues to do the same, because it is a good amendment. It is an amendment that is consistent with American democracy, Mr. Speaker, that goes back to the founding of this country, and I just wanted to remind my colleagues of that and ask them to support the Mayernik amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair now recognizes the gentleman from Bucks, Mr. Corrigan.

Mr. CORRIGAN. Thank you, Mr. Speaker.

I support the Mayernik amendment, and I do it for the simple reason that people who are sworn to uphold the law, have a badge and a gun, should not be out on the street soliciting votes. I think that is a basic premise of the civil service regulations. There is such a tremendous advantage when you are walking around with a ticket book, a weapon, and a badge. The political process should stay out of the law enforcement end and vice versa.

For those reasons I support the Mayernik amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Does the gentleman, Mr. Birmelin, wish to speak a second time?

The Chair then recognizes Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman, Mr. Mayernik, consent to interrogation?

The SPEAKER pro tempore. The gentleman consents to interrogation, and the gentleman may proceed.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I just want to make sure I understand the ramifications of the language in the section 2166. Do I interpret this language correctly to mean that a deputy — let us talk about Allegheny County, for instance — a deputy sheriff in Allegheny County could not engage in a campaign for himself or herself to become the sheriff of Allegheny County?

Mr. MAYERNIK. That is correct. It is the same language that is contained in the Borough Code and the Township Code, that they cannot run for any other office or run for office.

Mr. COWELL. And so they could not run for sheriff or legislator or any position at all, under any circumstances.

Mr. MAYERNIK. Well, they could resign.

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

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. Mayernik, is recognized for the second time on the amendment.

Mr. MAYERNIK. Thank you, Mr. Speaker.

The gentleman, Mr. Corrigan, hit the nail right on the head. We have in our 2,500 municipalities throughout this Commonwealth certain occasions where there are police officers who wear a badge and a gun and drive around in a police car and have the ability to take away one of our most important rights, and that is the right of freedom, and they exercise that power over us as constituents and

as voters in Pennsylvania, only for the next day to be at the polls electioning without their badge and gun but saying, vote for me, and if you do not, next time I stop you, I am not going to give you a warning, or next time I stop you, I am going to make sure you do not get that discretion, or next time something happens, you are going to jail because you are not on my team.

We all know how ugly it gets here, because when we have teams and we run for election, which just happened, and somebody else is on the other side, whether it be Republican or Democrat or the Democrat split or Republican split, people do not forget that. And now you are going to have a man or a woman with a badge and a gun remembering who was on the campaign team across from them, and now they have the ability to take away your freedom, to mess up your insurance, by misreading their calibrated speedometer or maybe misreading the Breathalyzer, because that no-good whoever was on the other team whenever I ran for borough council and now I think their Breathalyzer should be a little bit higher, or I think they said something a little bit different than they did. And who can dispute them, because they are a police officer? Who can dispute that police officer? Not you, because you are the politician. You are in trouble. Everyone in this room is in trouble as well as every voter in Pennsylvania is in trouble if we let the police officers, with the badges and gun and that power and authority to write tickets and impede our freedom and to raise our insurance rates, take charge and take away our freedom.

We need to keep police officers out of politics. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For the second time, the Chair recognizes the gentleman from Lancaster, Mr. Armstrong.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

For the record, I want it to be realized that the police officer I had made mention of is from a borough that is under 3,000, which according to the Borough Code, it does not apply, so he can be in that office. However, that particular police force became a part of a regional police force, which may put them underneath this civil service law through their hiring practices. I will have to check that out.

But needless to say, I am concerned that we will be losing some very qualified people, and I go back to also the other discussion of a chief of police. I have a number of good, wonderful chiefs of police in my area who from time to time have expressed interest in running for county sheriff, and this will preclude them from doing so, a very qualified individual, and so again, I express my disapproval of this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair now recognizes the gentleman from Westmoreland County, Mr. Tangretti.

Mr. TANGRETTI. Thank you, Mr. Speaker.

I, Mr. Speaker, had no intentions to speak on this amendment, but quite frankly, the sponsor of the amendment's last statements relative to conduct of police brought me to the microphone. I am sure he did not mean what I heard, what I thought I heard, but what I seem to think he said was that police officers were going to exercise, had the ability and potential to exercise this undue enforcement process just because of political reasons. I think he is impugning the integrity of the entire municipal police community. I do not understand why he would make that kind of a statement. Maybe there are some individuals who would fall into that category, but to generalize about the entire dedicated force of

police officers in this Commonwealth by making such outrageous statements is beyond me.

I hope that is not what he meant. I believe that his intentions are honorable. I do not think this amendment is worthwhile, however, to sacrifice an individual's personal freedoms and liberties for the sake of whatever his interests are. So I would ask for a "no" vote as well, and I would ask that perhaps the chief sponsor clear up what he meant when he said what he said.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny County, Representative Olasz.

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

I wholeheartedly agree with the previous speaker. To paint with a broad brush every police officer in this Commonwealth with those blazing statements, I think those policemen deserve an apology. I know for a fact that there are people in this chamber today that at one time wore a badge and carried a gun. Are they singling themselves out by this amendment?

Furthermore, Mr. Speaker, who is the expert on constitutional law? Is this amendment constitutional? Does someone, one of our learned attorneys in here, dare to venture whether or not such an amendment would be constitutional? And on that same line of reasoning, did not the Federal government just recently strike out some provisions of the Hatch Act that they felt were very restrictive? I think that is a fact. So could one of our learned lawyers, Mr. Speaker, address the constitutionality feature of this amendment?

The SPEAKER pro tempore. It appears, Mr. Speaker, at the time there are no brilliant lawyers on the floor that could debate that.

Mr. OLASZ. Well—

The SPEAKER pro tempore. Or at least there are no takers.

Mr. OLASZ. I think you, Mr. Speaker, are a very learned attorney, and I respect you for all your opinions through the years. It has been an honor to serve with you.

But this is a very serious amendment that I think we should reject, because once again, to paint all law enforcement officers with such a broad brush, I think, is really uncalled for, and I would ask for a "no" vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman from Chester County, Mr. Schroder, is recognized.

Mr. SCHRODER. Thank you, Mr. Speaker.

Would the maker of the amendment consent to a brief interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Mayernik, consents. The gentleman may proceed.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, from time to time, various chiefs of police and the F.O.P. will come out and make endorsements of various political candidates for office and perhaps attend a campaign function in order to express that endorsement and that support. Would the language in your amendment prohibit that kind of activity and that kind of freedom of expression on the part of our chiefs of police and the F.O.P. members?

Mr. MAYERNIK. No, it would not, Mr. Speaker. The Chiefs of Police Association is a group; it is not a chief of police. The F.O.P. is Fraternal Order of Police; it is an association or group. So this would not prohibit those groups from endorsements or taking

positions. It would prohibit individuals from doing what is already existing law in the Borough and Township Codes.

Mr. SCHRODER. Would an individual chief of police or police officer be able to attend a campaign function, stand up at the podium and say, my organization or I endorse such and such a candidate, perhaps yourself, for instance?

Mr. MAYERNIK. Under existing Borough and Township Codes, where I modeled this language from, "...Engaging or participating in conducting of any political or election campaign otherwise than to exercise his own right of suffrage." So the answer would be no, under existing Borough and Township Codes, and that is what I modeled this after.

Mr. SCHRODER. Thank you for those answers to those questions.

The SPEAKER pro tempore. Has the gentleman concluded his interrogation?

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

The SPEAKER pro tempore. Does the gentleman wish to speak on the bill?

Mr. SCHRODER. Just briefly, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. SCHRODER. I appreciate the gentleman's answers. I am not under the impression right now that it is against any township or borough codes or ordinances for individual police officers to speak out publicly on endorsing of a candidate or anything like that. In fact, I believe that does happen from time to time across our Commonwealth. My concern about the language in here is that it could be interpreted to prohibit that free exercise on behalf of our law enforcement officials.

So therefore, while I appreciate the intent of the maker of this amendment and for what he is trying to do, I am afraid that the language of the amendment is a bit broad, and I would urge a "no" vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair now recognizes for the second time the gentleman from Philadelphia, Mr. Horsey.

Mr. HORSEY. Mr. Speaker, this is a good amendment, Mr. Speaker. We are the government, Mr. Speaker, and our responsibility — and no one wants to talk about it — is to maintain control over the military and the police. It is consistent with American democracy, Mr. Speaker, that we do not allow the military — and that includes the police — to become involved with politics. We do not allow generals to become the President, Senators, or Congressmen unless they resign. We are not allowing police to be involved in the political process unless they resign. They cannot have it both ways. They either want to be a part of the electoral process or they want to be policemen, but it is bad politics, it is bad for democracy, for them to want to be both. They have got to give up one or the other. They cannot be an elected official and walk around with a gun. It just is not consistent, Mr. Speaker, with American democracy.

Once again, we do not allow generals to run for President unless they resign as generals first, and Mr. Mayernik's amendment does the exact same thing for police officers. If they want to be involved with politics, then they in fact are required to resign as policemen to be involved with politics. That is fine. We are the civilian force, Mr. Speaker, and our first responsibility is to safeguard American democracy and make sure that not only we are not threatened by domestic threats but also local threats, and those local threats can

come from, as much as we hate to say it, the military and/or police. We need to maintain control of that process, Mr. Speaker. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

CONSTITUTIONAL POINT OF ORDER

The SPEAKER pro tempore. The gentleman from Allegheny County, Mr. Olasz, is recognized for the second time.

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

I would remind all the members that this would also play on endorsements, I would imagine, from the F.O.P. and the various State organizations for the individuals when they run.

Because of the implications in this amendment, I move at this time that this amendment be declared unconstitutional per the Constitution of the Commonwealth of Pennsylvania, Article I, section 7, dealing with freedom of speech.

I would ask for a vote at this time. Thank you very much.

The SPEAKER pro tempore. Could we please have some order. There has been a motion placed before the House by the gentleman, Mr. Olasz. He raises the point of order that the amendment to HB 2620, amendment No. 4125, is unconstitutional.

The Speaker, under rule 4, is required to submit questions affecting the constitutionality of a bill to the House for decision, which the Chair now does.

On the question,

Will the House sustain the constitutionality of the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Olasz, to specifically state again for the record the basis for this unconstitutional claim.

Mr. OLASZ. Mr. Speaker, it is Article I, section 7, of the Constitution of the Commonwealth of Pennsylvania.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Mayernik, on the motion of constitutionality.

Mr. MAYERNIK. If the gentleman, Mr. Olasz, could share a copy of that for me. I do not happen to have my Constitution handy.

Thank you, Mr. Speaker.

I believe the gentleman is in error in his reading of the Constitution and has dropped it, and the precedence has already been stated in this Commonwealth by adopting the language in the Borough Code and in the Township Code. It is identical language that is in the existing code. The Borough Code has been in existence since 1965, and the Township Code is an act of 1931. If there is an issue of constitutionality, it should have been raised over that period of 60 or better years or 25 or better years in the Borough Code instance.

I believe that we are on legal grounds, sound legal grounds, by placing limitations. These are the same limitations we voted for in HB 1978 that was sponsored by Gordon Linton, now a Deputy Secretary of Transportation, a Philadelphia member, and that was found constitutional by this body. A vote was taken approximately 4 years ago to have the same language enacted for all State civil servants, and this body took a vote on it at that time.

So, Mr. Speaker, I believe that the precedence has already been stated and set, and any gentleman that is a former borough councilman or township commissioner lived by the same rules at

the time they were on council or they were on the township commission, and they did not question it at that time; then I wonder why they raise the issue today or have been seated in this chamber for 16 or 18 years or so and never raised the issue when it came before us before regarding State civil servants and the Borough and Township Codes.

So, Mr. Speaker, the precedence has already been stated, and I believe it is constitutional.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Olasz, attempting to seek recognition. The rules of the House only allow the gentleman to speak once on the motion as proffered to the House.

Those voting "aye" will vote to declare the amendment to be constitutional; those voting "nay" will vote to declare the amendment to be unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:

YEAS—107

| | | | |
|-------------|-----------|-----------|-----------------|
| Barley | Fleagle | Markosek | Sainato |
| Battisto | George | Marsico | Sather |
| Belfanti | Godshall | Masland | Schuler |
| Birmelin | Gordner | Mayernik | Serafini |
| Bishop | Gruitza | McCall | Shaner |
| Boscola | Gruppo | McGeehan | Snyder, D. W. |
| Bunt | Habay | Michlovic | Stairs |
| Butkovitz | Hanna | Micozzie | Steil |
| Caltagirone | Herman | Mundy | Strittmatter |
| Carn | Hershey | Myers | Taylor, J. |
| Cawley | Hess | Nailor | Tigue |
| Chadwick | Horsey | Nickol | Travaglio |
| Clark | Itkin | O'Brien | Trello |
| Colafella | Jadlowiec | Oliver | Trich |
| Colaizzo | James | Perzel | True |
| Cornell | Kaiser | Phillips | Tulli |
| Corrigan | Kenney | Pippy | Vance |
| Curry | Kirkland | Platts | Van Horne |
| Daley | LaGrotta | Preston | Vitali |
| DeLuca | Laughlin | Ramos | Washington |
| DiGirolamo | Lescovitz | Readshaw | Williams, A. H. |
| Donatucci | Levdansky | Reber | Wogan |
| Eachus | Lloyd | Reinard | Wright, M. N. |
| Egolf | Lucyk | Rieger | Yewcic |
| Evans | Maher | Roberts | Youngblood |
| Fairchild | Maitland | Roebuck | Zimmerman |
| Fichter | Major | Ross | |

NAYS—89

| | | | |
|--------------|------------|------------|---------------|
| Adolph | Dally | Leh | Smith, B. |
| Allen | Dempsey | Lynch | Smith, S. H. |
| Argall | Dent | Manderino | Staback |
| Armstrong | Dermody | McGill | Steelman |
| Baker | DeWeese | McIlhattan | Stern |
| Bard | Druce | McIlhinney | Stetler |
| Barrar | Fargo | McNaughton | Stevenson |
| Bebko-Jones | Feese | Melio | Sturia |
| Belardi | Flick | Olasz | Surra |
| Benninghoff | Forcier | Pesci | Tangretti |
| Blaum | Geist | Petrarca | Taylor, E. Z. |
| Boyes | Gigliotti | Petrone | Thomas |
| Browne | Gladeck | Raymond | Veon |
| Buxton | Haluska | Robinson | Walko |
| Cappabianca | Harbai | Rohrer | Waugh |
| Casorio | Harhart | Rooney | Williams, C. |
| Civera | Hasay | Rublely | Wilt |
| Clymer | Hennessey | Santoni | Wojnaroski |
| Cohen, L. I. | Hutchinson | Saylor | Zug |

| | | | |
|-----------|---------|-----------|---------|
| Cohen, M. | Jarolin | Schroder | |
| Corpora | Josephs | Scriminti | Ryan, |
| Cowell | Krebs | Semmel | Speaker |
| Coy | Lawless | Seyfert | |

| | | | |
|------------|-----------|----------|---------|
| Dent | Lescovitz | Santoni | Zug |
| Dermody | Levdansky | Sather | |
| DeWeese | Lloyd | Saylor | Ryan, |
| DiGirolamo | Lynch | Schroder | Speaker |
| Donatucci | Maher | Schuler | |

NOT VOTING—3

NOT VOTING—1

| | | |
|--------|--------|--------|
| Carone | Keller | Miller |
|--------|--------|--------|

Rieger

EXCUSED—4

EXCUSED—4

| | | | |
|--------|---------|------|----------|
| Gannon | Lederer | Orie | Pistella |
|--------|---------|------|----------|

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|--------|---------|------|----------|
| Gannon | Lederer | Orie | Pistella |
|--------|---------|------|----------|

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendment was sustained.

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

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

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

The following roll call was recorded:

Mr. MAYERNIK offered the following amendment No. A4124:

YEAS—33

Amend Title, page 1, line 2, by inserting after "Statutes," imposing certain employment criteria on certain police departments; and

Amend Bill, page 1, lines 7 and 8, by striking out all of said lines and inserting

| | | | |
|----------|-----------|----------|---------------|
| Barley | Fargo | Lucyk | Roberts |
| Battisto | George | Markosek | Shaner |
| Belfanti | Godshall | Mayernik | Snyder, D. W. |
| Birmelin | Herman | McCall | Stairs |
| Boscola | Horsey | Perzel | Travaglio |
| Chadwick | Itkin | Preston | Vitali |
| Corrigan | Jadlowiec | Ramos | Washington |
| Curry | Kaiser | Readshaw | Wright, M. N. |
| Daley | | | |

Section 1. Section 2166 of Title 53 of the Pennsylvania Consolidated Statutes is amended to read:

§ 2166. Applicability to civil service laws.

(a) General rule.—This subchapter shall not be construed to exempt any police officer or other officer or employee from the provisions of the existing civil service or tenure laws.

(b) Employment criteria.—Every police department which is subject to the provisions of this subchapter and which is required by statute to be subject to civil service shall when hiring any new police officer select that officer from the top three candidates for entry level positions as certified by the appropriate civil service entity. Failure of a covered police department to comply with the provisions of this subsection shall make police officers from that department ineligible for certification under this subchapter.

Section 2. Title 53 is amended by adding sections to read:

Amend Sec. 2, page 4, line 24, by striking out "2" and inserting

3

NAYS—165

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

| | | | |
|--------------|------------|------------|-----------------|
| Adolph | Druce | Maitland | Scriminti |
| Allen | Eachus | Major | Semmel |
| Argall | Egolf | Manderino | Serafini |
| Armstrong | Evans | Marsico | Seyfert |
| Baker | Fairchild | Masland | Smith, B. |
| Bard | Feese | McGeehan | Smith, S. H. |
| Barrar | Fichter | McGill | Staback |
| Bebko-Jones | Fleagle | McIlhattan | Steelman |
| Belardi | Flick | McIlbinney | Steil |
| Benninghoff | Forcier | McNaughton | Stern |
| Bishop | Geist | Melio | Stetler |
| Blaum | Gigliotti | Michlovic | Stevenson |
| Boyes | Gladeck | Micozzie | Strittmatter |
| Browne | Gordner | Miller | Sturla |
| Bunt | Gruitza | Mundy | Surra |
| Butkovitz | Gruppo | Myers | Tangretti |
| Buxton | Habay | Nailor | Taylor, E. Z. |
| Caltagirone | Haluska | Nickol | Taylor, J. |
| Cappabianca | Hanna | O'Brien | Thomas |
| Cam | Harhai | Olasz | Tigue |
| Carone | Harhart | Oliver | Trello |
| Casorio | Hasay | Pesci | Trich |
| Cawley | Hennessey | Petrarca | True |
| Civera | Hershey | Petrone | Tulli |
| Clark | Hess | Phillips | Vance |
| Clymer | Hutchinson | Pippy | Van Horne |
| Cohen, L. I. | James | Platts | Veon |
| Cohen, M. | Jarolin | Raymond | Walko |
| Colafrella | Josephs | Reber | Waugh |
| Colaizzo | Keller | Reinard | Williams, A. H. |
| Cornell | Kenney | Robinson | Williams, C. |
| Corpora | Kirkland | Roebuck | Wilt |
| Cowell | Krebs | Rohrer | Wogan |
| Coy | LaGrotta | Rooney | Wojnaroski |
| Dally | Laughlin | Ross | Yewcic |
| DeLuca | Lawless | Rubleby | Youngblood |
| Dempsey | Leh | Sainato | Zimmerman |

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

Mr. MAYERNIK. Mr. Speaker, this amendment would provide that every police department that is required by statute to be subject to civil service shall when hiring a new police officer select that officer from the top three candidates for entry-level positions as certified by the appropriate civil service entity.

This is a matter of, if you are civil service, you have to play by the rules the same as the State Police, the boroughs and townships; that you have to hire the most qualified individual and not pick from anywhere on the list. This is one of the most qualified individuals that score the highest on the test, that we do have a buffer. We use this standard in Ross Township, where I live, and

West View Borough. In West Mifflin we use this standard. Several of us have been on those councils for many years. The city of Pittsburgh uses this standard, and I am sure that the vast, vast majority of all those 2,500 municipalities that are civil service use this standard of hiring the most qualified individual, and that is the purpose of this amendment, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman from Somerset, Representative Lloyd, is recognized.

Mr. LLOYD. Thank you, Mr. Speaker.

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

The SPEAKER pro tempore. The gentleman, Mr. Mayernik, will stand for interrogation. The gentleman may proceed.

Mr. LLOYD. Mr. Speaker, it is my understanding that under the State civil service law, it is possible for someone who has the veterans' preference to be selected even though he does not rank in the top three as long as no one else in the top three is a veteran. As I read this amendment, the amendment seems to not provide for veterans' preference to be given to any candidate who is not in the top three. Am I correct?

Mr. MAYERNIK. Mr. Speaker, this amendment does not address that issue, because that existing statute takes precedence of all civil service hiring, the Military Code or whatever act that is. I have already researched that, and that takes precedence, and if you look at line 19 of the amendment, "shall make police officers from that department—" I am sorry; wrong amendment. From the eligibility list "as certified by the appropriate civil service entity," so it is necessary, under existing statute — and this does not affect the existing statute — for the civil service entity to give those points under existing military and veterans' statutes that we have passed in this House many years ago.

Mr. LLOYD. Well, Mr. Speaker, it is not a question of getting the points; it is a question of going below the three, the rule of three, in order to reach a veteran when no one in the group of three is a veteran, and this language appears to say that you must hire from the three.

Mr. MAYERNIK. That is correct, and that is what existing State statute is for boroughs and townships and for the city of Pittsburgh and the State Police. So it is an existing standard that we have right now, sir.

Mr. LLOYD. And, Mr. Speaker, what happens to someone who has transfer rights from some other job which is covered by civil service in the municipality? This appears to say that you must hire from the candidates for entry-level positions. How does that correlate with those people who have rights to go from one job to another?

Mr. MAYERNIK. This only deals with police officers; it does not deal with anyone else, and I am not familiar, under existing civil service nor under Act 120, of any transfer rights, sir.

Mr. LLOYD. Mr. Speaker, on the amendment?

The SPEAKER pro tempore. The gentleman, having concluded his interrogation, is recognized on the amendment. The gentleman may proceed.

Mr. LLOYD. Mr. Speaker, there may be somebody here who is a lot more knowledgeable about civil service law than I am, but this strikes me as a repealer of any provision in a civil service law which provides the opportunity to hire except by using the rule of three. The fact that there is a provision for veterans in another statute, if that were construed to be in conflict with this section, it

would seem to me that as the later passed, this section would govern, and I do not think that is the gentleman's intention, and I think that is what the amendment does.

I am also concerned, Mr. Speaker, I do not know how it works in police departments, and I do not know whether you have the right to go from one civil-service-covered municipal job to a police department job, but you clearly do that within the State civil service without being treated as an entry-level position. This appears to say that you have to hire only entry-level people.

And the final thing, Mr. Speaker, is that the section which has to do with the penalty could be a penalty on an officer of a department which refused or failed to comply with this section when that officer himself had nothing whatsoever to do with the decision by the department to challenge this matter in court. I do not think that is a proper remedy, Mr. Speaker.

For those reasons I think that this amendment should be defeated. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair now recognizes the gentleman from Lancaster, Representative Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Will the maker of the amendment rise for a brief interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Mayernik, acknowledges that he will. The gentleman may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, it is my understanding that in many police departments, there are certain police officer positions that require special skills. In some cases the police department may be looking for somebody who has certification with handling a dog. In some cases it may be somebody who has special language skills. You know, there may be various other things that the police department is looking for with someone who has special skills, and yet everybody is qualified to go take that civil service exam. If the top three people in that civil service exam do not have the special skill required by the police department to fill that position, is the police department now required to hire one from the top three anyway, even though maybe it is the fourth or fifth or sixth person that still had a qualifying score but was not in the top three? Are they prohibited from hiring the person that has the special skill that they need?

Mr. MAYERNIK. It is no different than the Borough Code and the Township Code and the city of Pittsburgh's existing law, that they cannot reach down on the list; they must hire from the top three. Now, there might be a provision somewhere that they can hire for special qualifications, and that is possible, but it is nowhere that I know of in existing Borough or Township Codes or city codes anywhere that they can reach and hire somebody outside of this. What they normally do is they train somebody that is an existing police officer to come in and do that.

Mr. STURLA. Well, Mr. Speaker, I mean, much like the previous amendment— If I could make a brief comment now, Mr. Speaker? Could I make a comment now?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, much like the past amendment that was offered that was defeated, I think we are moving in the wrong direction here. Simply because it exists in some small portions of the code for smaller police departments does not mean that we should sort of strap down every police department with hiring from the top three, even if it means hiring people that do not have the

qualifications that you need for the specific job that you have. There are many cases in many police departments, particularly larger police departments, where they are looking to fill specific skills needs for a specific position, and limiting it to the top three people that passed an exam that may have nothing to do with that skill really ties the hands of those police departments, those local police departments, to fill the needs of their police department, and I would urge a "no" vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair now recognizes the gentleman from Allegheny County, Mr. Trello.

Mr. TRELLO. Mr. Speaker, I want to commend the author of the amendment, and I think his intention is to make sure that when you hire a policeman, he is the most qualified person to protect the citizens of that community, but as has been mentioned on the floor of the House by other members, there are other considerations that we should be considering — for an example, if they are looking for special talents, or for an example, if the top three are 120 pounds and 5 foot 6 and the guy that comes in fourth is 265 pounds and 6 foot 5 and did pass the civil service test but did not make the top three. I think the elected officials and the chief of police in that particular community should have some discretion, and I urge a negative vote on it. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair now recognizes the gentleman from Schuylkill County, Mr. Lucyk.

Mr. LUCYK. Thank you, Mr. Speaker.

I would like to ask Mr. Mayernik a few questions. Would he please stand for interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Mayernik, will stand for interrogation. The gentleman may proceed.

Mr. LUCYK. To the sponsor of the amendment, I would like to go back to the civil service question or the veterans' preference question that Mr. Lloyd brought up before and just to clarify it.

Under this provision, does this exclude a veteran who is number five on the list from being hired above three nonveterans in the top three positions? Do you understand what I am saying?

Mr. MAYERNIK. Yes. It is no different than existing statutes for boroughs and townships, and let me answer your question with a question, if I could, Mr. Speaker. If the existing statutes in boroughs and townships would permit you to jump down to the veteran, to number five, then this would be permitted, too. It is the rule of three that it is going along. I took this language right out of the Borough and Township Codes.

Mr. LUCYK. Thank you.

Existing State law says that veterans' preference extends to all levels of government — local school boards, counties, civil service and non-civil service. I think what we are saying here, in reading your amendment, is that the person for the job must be picked or chosen from the top three, and this goes against what our veterans' status or veterans' preference Pennsylvania law says. Is that not correct? That is the present law, so—

Mr. MAYERNIK. My intention and what I believe is in here goes in sync with existing veterans' preference law. I had two different attorneys research it. They told me that the veterans' preference law would take precedence. My understanding is that if there are three candidates and one of those top three is a veteran, that that veteran should be given preference. In no way, shape, or form am I intending to infer or imply that anyone other than a

veteran that is qualified should be hired. I am in total agreement with that act and will agree that that is where we are headed, and that is the intention of the maker of this amendment, to keep that veterans' act intact and to hire accordingly.

Mr. LUCYK. Thank you, Mr. Speaker.

May I make a statement?

The SPEAKER pro tempore. The gentleman has concluded his interrogation. He may now proceed to debate the amendment.

Mr. LUCYK. I admire the maker of this amendment for his intent of trying to come up with the best candidates for the job. I do think, however, there is some conflict, there is some confusion, between this amendment and the present veterans' status or the veterans' preference laws within our Commonwealth, and as I said, veterans' preference, many of us do not know this, but veterans' preference extends from the State government to local governments, both civil service and non-civil service. So I think this is really just confusing the issue.

Until this issue could be cleared up, all of us that are interested in this veterans' preference, of keeping it alive, I would just say right now, if this amendment is not withdrawn, to vote against this just to avoid conflict, confusion of the matter. So I would urge you to vote against the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

AMENDMENT WITHDRAWN

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

Mr. MAYERNIK. Thank you, Mr. Speaker.

I would like to be recognized for two issues. One is that the gentleman, Mr. Lucyk, brings up a valid point, and as I stated in my prior comments, it is not my intent to imply or infer that we should not comply with the existing veterans' preference laws, and I have always been on board to do that, and I will continue to do that. As a result, there seems to be some misunderstanding, and I would like to, number one, withdraw my amendment at this time regarding that, until I can clarify it and work with the staff of the Veterans Affairs Committee, and I would withdraw that amendment, and then I would ask for a point of personal privilege, if I would after that.

The SPEAKER pro tempore. The Chair thanks the gentleman. The amendment is withdrawn.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER pro tempore. The gentleman is recognized on a point of personal privilege.

Mr. MAYERNIK. Thank you, Mr. Speaker.

I rise to address some prior statements by the gentlemen, Messrs. Tangretti and Olasz.

I was very pointed in my remarks that I only addressed the issues of police officers that are elected officials and could possibly impede or encroach upon the rights of individuals by exercising their ability of discretion, and I did not mean to imply or infer that our police officers are doing that on a daily basis, but yet it is possible and it could be done, and that right of discretion is done every day as police officers stop local residents in our borough and say, you are a resident of the borough; we have a little bit more tolerance for the residents of the borough or for the township residents where I am employed and the taxpayers pay my salary.

So that is the point that I would like to make, and I believe that they were in error in the hearing of my statement or maybe I misstated it, but a point of clarification is that I did not mean to or intend to offend the police officers or the men or women in any way.

Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

GUESTS INTRODUCED

The SPEAKER pro tempore. At this time, before we go to final passage, the Chair welcomes the political science class from Bloomsburg University, who are the guests of Representative John Gordner. They are located in the balcony. The Chair welcomes them to the hall of the House.

LEAVE OF ABSENCE

The SPEAKER pro tempore. Secondly, the Chair, without objection, will return to leaves of absence. Representative WASHINGTON will be placed on leave for the remainder of today's session.

CONSIDERATION OF HB 2620 CONTINUED

On the question recurring,

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.

The following roll call was recorded:

YEAS—198

| | | | |
|-------------|-----------|------------|---------------|
| 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 | McGeehan | Snyder, D. W. |
| Belfanti | Forcier | McGill | Staback |
| Benninghoff | Geist | McIlhattan | Stairs |
| Birmelin | George | McIlhinney | Steelman |
| Bishop | Gigliotti | McNaughton | Steil |
| Blaum | Gladeck | Melio | Stern |
| Boscola | Godshall | Michlovic | Stetler |
| Boyes | Gordner | Micozzie | Stevenson |
| Browne | Gruitza | Miller | Strittmatter |
| Bunt | Gruppo | Mundy | Surla |
| Butkovitz | Habay | Myers | Surra |
| Buxton | Haluska | Nailor | Tangretti |
| Caltagirone | Hanna | Nickol | Taylor, E. Z. |
| Cappabianca | Harhai | O'Brien | Taylor, J. |
| Carn | Harhart | Olasz | Thomas |
| Carone | Hasay | Oliver | Tigue |
| Casorio | Hennessey | Perzel | Travaglio |
| Cawley | Herman | Pesci | Trello |

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

NAYS—0

NOT VOTING—0

EXCUSED—5

| | | | |
|---------|------|----------|------------|
| Gannon | Orie | Pistella | Washington |
| Lederer | | | |

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.

**FAREWELL ADDRESS
BY MR. REBER**

The SPEAKER pro tempore. I would like to keep the gavel a little longer for some other duties, but that time is pressing on.

I would like to take this opportunity to address the members of the House. As the Speaker acknowledged, I am retiring at the end of this session. We are already now 17 years 11 months and 10 days into my tenure here in the House of Representatives, and it certainly does not seem like that period of time.

I would be absolutely remiss if I did not just very, very briefly acknowledge the gratitude and thanks that I have for all members of my staff both here in Harrisburg and in the district office, and certainly that same gratitude of thanks goes out to all members of the Republican staff that have worked with me over these 18 years. It has been extremely enjoyable, and it has been made enjoyable by the aid and assistance that those people have provided to me.

Additionally, I would like to thank the leadership on both sides of the aisle, and I think many of you know that over the years I have been involved in, I guess is a good way to put it, some of our higher profile issues in many areas, and I have had the opportunity to work very closely with that leadership on both sides of the aisle, and I am happy to say that many pieces of legislation have culminated from that cooperation that I received. So I sincerely thank each and every one of them.

I also have served under a number of Speakers — Speaker Ryan, of course, when I came to Harrisburg in 1980, Speaker Irvis,

Speaker Manderino, Speaker O'Donnell, Speaker DeWeese, and of course, most recently again with Speaker Ryan. It has been a pleasure and a friendship that has been developed with these individuals as well and certainly something that I will cherish the rest of my life.

Additionally, I would like to thank all the members of what I certainly consider to be the best delegation here in Harrisburg — the Montgomery County delegation — for all their assistance and aid that they have provided to me over the years. It was a very good job, Ray.

Just in way of conclusion, I would like to say, one of the things that I have always, always cherished is this institution. Speaker Irvis, many of you who served with Speaker Irvis can remember many of his words about the institution and how fine an institution it is and how remarkable and unique it is as a result of the people's House, which it is.

And frankly, one of the things that has bothered me over the years is more and more — just coming out of the campaign season, I think, is very topical — that many times we take attacks to this institution. I really do not think it is necessary. I am proud to say that during nine campaigns, I never spoke once about an opponent in any of my dialogue, in any of my literature, in any of my public relations or whatever you want to call it. I do not think it is really necessary. And I cannot help but say that I sit here over the years and often think that we as an institution have business and it is the people's business, and I think we have an obligation to talk to the people about what we will do, what we think, where we want to take this Commonwealth, this great Commonwealth. I frankly do not really think the people are that stupid that they do not know what is going on out there relative to your opponent. So I would simply say, in the future, I would love, I would love to see the elections get to the point where each candidate talks about himself and what he will do and who he is and where he intends to take this Commonwealth — in a positive direction — and let the people on their own make whatever determinations when they have to compare and contrast the individual candidates that are placed before them on the ballot.

One other thing that is very emblematic in my mind in having sat out there, as we all have during the course of the various sessions, is the change up here, where the press is no longer up in the front end of the floor of the House. I think accommodations were made for staff so staff in fact could be where they belong — very close to the action — and excellent and, frankly, much better accommodations were provided through the leadership of Speaker Ryan in concurrence with many of the other members on both sides of the aisle to provide very quality high-tech accommodations, and I think we really have not seen a lot of the faces that we used to see meandering about.

So what I say is, really, worry about your constituents in the future, continue to press on with them, and do not worry about what the press is going to say. Do not be afraid to go out and do what has to be done; do not be worried about individuals that may attempt to mold and create news and not just simply report it, which I think is really, you know, their particular role.

So with that in mind, I would also be remiss if I did not say one thing to my good friend, Bud George, whom I am going to be leaving. God bless the next chairman of the Environmental Committee. No, in all sincerity, Bud and I have been working together for the full 18 years I have been here in Harrisburg, and as many, many of you know, having served as chairman on both the

majority and the minority sides, the duties and the demands of a committee chairman are great, and it has been an absolute pleasure working in conjunction with Bud over the years. On many instances we respectfully disagreed, but on more instances we did agree, and I am very, very happy with the results that have culminated from that relationship and those particular endeavors that we forged over the years.

With that in mind and finally and certainly not least, I would like to thank every member, every constituent, every family person, if you will, in the 146th Legislative District in Montgomery County for giving me this opportunity to serve for 18 years.

And I guess in conclusion, my father was the greatest fan of, as far as an entertainer, Frank Sinatra, and I think one of his signature songs was "My Way," and I can only simply say that the record shows I took the blows and did it my way. Thank you very much.

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

STATEMENT BY DEMOCRATIC LEADER

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, relative to Mr. Reber, Representative Reber's imminent departure, I would like to thank him for his bipartisan involvement for well over two decades that we served together. He was amongst a very appreciated cadre of members in the chamber who were utterly bipartisan.

I am a big fan of the 16th century, and I will conclude my remarks because he will remember this when he goes away. The 16th century was the age of the Elizabethans, and the punctilios and courtesies of Elizabethan gentlemen were never evinced better than by Bob Reber. We will miss you.

The SPEAKER. The Chair thanks the gentleman.

The Chair requests the gentleman, Mr. Corpora, to come to the rostrum.

At this time I hand the gentleman a gavel and ask him to preside temporarily.

THE SPEAKER PRO TEMPORE (JOSEPH A. CORPORA III) PRESIDING

FAREWELL ADDRESS

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

Representative Reber stole my favorite song and sang it much better than I could.

It has been an honor and a privilege for me also to have served as the State Representative for the 136th District these past 4 years. I want to extend special thanks to my legislative assistants — Juliann Wesloskie here in Harrisburg and Colleen Haycock back in the district — for their hard work and dedication in helping to serve our constituents. You may recognize their names as their names have always appeared on my letterhead instead of the traditional listings of committee meetings and caucuses.

Also I want to thank the voters of my district for allowing me to serve them and affording me this opportunity and experience.

Lastly I want to thank my wife, Karen, our families, and friends for all of their support in each of our campaigns. Again echoing

Representative Reber's words, together they have proved that we can win campaigns with positive, issue-oriented campaigns and reasonable budgets, and I thank them for that.

I have enjoyed working here. I will miss it and I will always remember it. Best wishes to all of you, and thank you.

The Speaker has indicated that I could preside for a bill or two and has told me that it would be an easy one, so I thank him for that.

The Chair now calls up the tuition voucher bill. The Chair is in error.

BILLS ON THIRD CONSIDERATION

BILL PASSED OVER

The SPEAKER pro tempore. HB 2781 will be over for the day. That is PN 3834.

* * *

The House proceeded to third consideration of HB 2782, PN 4053, entitled:

An Act requiring all school districts to develop a comprehensive school violence prevention plan.

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

Mr. WILT offered the following amendment No. A4200:

Amend Title, page 1, lines 1 and 2, 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," requiring all school districts to develop a comprehensive school violence prevention plan and requiring approval of the Department of Education for expanded or new degree programs.

Amend Bill, page 1, lines 5 through 16; pages 2 through 8, lines 1 through 30; page 9, lines 1 through 17, 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 XIII-B.

SCHOOL VIOLENCE PREVENTION PLAN.

Section 1301-B. Legislative Intent.—It is the intent of the General Assembly that:

(1) All Pennsylvania school districts develop a comprehensive and coordinated school violence prevention plan relevant to the specific needs of the district and drawing on existing State and community resources with the goal to create a safe school environment while assuring that appropriate procedures are in place to deal with crisis situations which might occur.

(2) The school violence prevention plan be developed by a broad-based violence prevention task force based on an assessment of the current needs and resources of the district in the areas of violence prevention and intervention, including an analysis of the types and frequency of crimes and incidents of violence currently occurring on school property or at school-sponsored activities and a review of available community-based resources to address family and youth-related issues.

(3) The school violence prevention plan include appropriate strategies and programs to address both school safety and violence prevention.

Section 1302-B. Definitions.—As used in this article, "Department" shall mean the Department of Education of the Commonwealth.

"Local law enforcement agencies" shall mean local police departments, regional Pennsylvania State Police field installations or headquarters, county sheriffs' offices and school district police or security departments.

"Plan" shall mean the school violence prevention plan developed and adopted by a school district pursuant to this article.

"School board" shall mean the local board of school directors of a school district.

"Secretary" shall mean the Secretary of Education of the Commonwealth.

"Task force" shall mean the locally constituted violence prevention task force formed pursuant to this article.

Section 1303-B. Violence Prevention Plan.—(a) By August 1, 1999, every school district shall develop and submit to the department a violence prevention plan. The plan shall be submitted to the department only after it is recommended by the violence prevention task force created pursuant to section 1305-B and approved by the school board.

(b) The violence prevention plan shall be made available for public inspection in the school district offices for at least thirty (30) days prior to its approval by the school board.

(c) The violence prevention plan shall remain in effect until it is superseded by an approved revision.

(d) Any revisions to the original plan submitted to the department shall be approved by the school board with the advice of its task force and the revised plan submitted to the department.

Section 1304-B. Preliminary Assessments.—(a) Before beginning development of its plan, the task force shall undertake a needs assessment to determine specific issues and concerns within the district and its surrounding community. This should include documentation of current problems, such as truancy, fighting, vandalism, weapons-related offenses and drug-related and alcohol-related incidents already occurring within the school environment, as well as an evaluation of the district's physical environment in order to identify locations which may be particularly isolated or violence prone.

(b) Concurrent with the needs assessment the task force shall also compile a list of school-based and community-based programs for young people already available to deal with violence prevention, intervention and rehabilitation.

Section 1305-B. Violence Prevention Task Force.—(a) The plan provided for in section 1303-B shall be prepared for submission to the school board by a violence prevention task force whose membership shall, at a minimum, include: district administrators, teachers, guidance counselors, school nurses and school directors; parents; students; local law enforcement agencies; community and business leaders; probation and court representatives; social service and health care providers; and other youth-serving professionals.

(b) The task force shall hold at least one public hearing prior to preparing its plan for submission to the school board for approval.

Section 1306-B. Content of School Violence Prevention Plan.—The plan developed by the task force and submitted to the department shall include the following components:

(1) A brief description of the process used to develop the plan, including the members of the task force, the date of public hearings held and the date and official vote by which the local board adopted the plan.

(2) Procedures for assuring compliance with existing laws related to school safety including:

(i) Article XIII-A of this act.

(ii) Section 1317.1 of this act.

(iii) Section 1317.2 of this act.

(iv) 18 Pa.C.S. Ch.61 (relating to firearms and other dangerous articles).

(v) 23 Pa.C.S. Ch. 23 Subch. C.2 (relating to background checks for employment in schools).

(vi) 23 Pa.C.S. Ch. 63 Subch. B (relating to provisions and responsibilities for reporting suspected child abuse) governing reporting of child abuse.

(3) A code of student conduct.

(i) The code of conduct shall conform to the State Board of Education regulations found in 22 Pa.Code 12.3 (relating to school rules).

(ii) The code shall clearly explain school rules and punishments for infractions.

(iii) The code shall include conformity with the zero-tolerance provisions regarding weapons found in section 1317.3; and any other zero-tolerance offenses as established by the school board.

(iv) The code shall include any establishment of a uniform schoolwide dress code pursuant to section 1317.2.

(v) At the beginning of each school year students shall be furnished with a copy of the current code of student conduct adopted by the school board. Copies shall also be made available to administrators, parents and teachers within the district.

(4) Establishment of policies to insure consistent crime reporting by school officials to law enforcement to include development of memoranda of understanding in compliance with section 1303-A.

(5) A comprehensive school crisis plan which outlines policies and procedures for dealing with potential crisis situations which, depending on a local assessment of those situations most likely to occur in the district, may include facilities problems such as electrical outages; fires; protests, strikes or other unrest; natural disasters; transportation delays, problems or accidents; individual child accidents; medical problems involving multiple students, such as a meningitis outbreak; individual medical crises including alcohol and drugs; individual mental health crises including trauma and suicide; intentional acts against persons, including assaults, rape, assaults with weapons, assaults with chemicals, bomb threats or bullying; hostage situations; abductions, kidnappings or missing persons; and events outside school that may affect the school community, such as a major crime or accident such as an airline crash. A comprehensive crisis plan should include the following elements:

(i) Prevention guidelines which outline policies to prevent incidents. These may include curricular offerings or special age-appropriate programs to develop students' interpersonal skills such as peer mediation, mentoring, peer intervention and conflict resolution; staff training; techniques and procedures for identification and reporting by staff and students of potential violent or criminal acts; disciplinary and counseling procedures for drug-related and alcohol-related incidents; and implementation of specific safety procedures to be put in place within the district, such as mandatory visitor identification.

(ii) Early interventions which delineate activities and guidelines to inform people of how to assess a potential problem and what to do about it. These may include staff training in assessment tools for predicting violent juvenile behavior, bomb threat procedures and crisis training drills so students and staff know what to do if an emergency occurs.

(iii) Crisis intervention guidelines which include directions on how to get help, specific steps to be taken and steps to avoid. These should be developed in concert with existing memoranda of understanding developed with law enforcement pursuant to section 1301-A(c). Specific issues that should be addressed in the guidelines include lines of responsibility, reporting procedures, communications protocols, special equipment and materials needs, etc.

(iv) Support guidelines which identify needs and available resources in terms of support for staff, students, families and others after a crisis occurs. This may include referral to counseling, rehabilitation or other intervention programs available in the local community.

(v) Debriefing and evaluation which outline procedures for all responders to meet following an incident in order to evaluate how the various components of the plan operated in actual application.

(vi) Revisions and upgrading of plan which are based on evaluation and other input from responders, victims, staff and others involved in the incident.

(6) Any other programs, curricular offerings or procedures that the task force deems necessary to the safe and orderly operation of the district.

Section 1307-B. State Resources.—(a) In developing its plan, districts may utilize the existing resources of the Center for Safe Schools established by the Department of Education and Central Susquehanna

Intermediate Unit and the Office of Safe Schools established pursuant to section 1302-A. In particular, districts may reference the Toolkit for School Safety Planning developed by the Center for Safe Schools.

(b) The department, through its Office for Safe Schools, shall develop and make available to school districts model violence prevention plans drawn from programs already offered in the State and nationally. These model plans shall include any pertinent supporting materials and information indicating why the model was selected and where it was previously used. These models may be used by individual districts and their task forces to develop their local plans. The department shall make every effort to assure that multiple model plans are available which reflect rural, suburban and urban perspectives.

Section 1308-B. Regional Planning.—(a) In order to provide for maximum coordination of efforts and to avoid duplication, one or more districts may join to form a consortium for the purposes of developing their violence prevention plan and may form a single joint task force to assist them in this regard.

(b) Districts may utilize the services of their intermediate units to facilitate such regional planning.

(c) The provisions of this section notwithstanding, each district which is a member of such a consortium shall submit its own plan, adopted by its school board, to the department.

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

Section 2602-H. Departmental Approval Required for Expanded or New Degree Programs.—(a) State-owned and State-related institutions shall obtain the approval of the Department of Education prior to:

(1) The expansion of any two (2) year degree program to a four (4) year degree program.

(2) The addition of any new two (2) year or four (4) year degree program.

(b) State-owned and State-related institutions shall request approval under subsection (a) by submitting an application in writing to the Department of Education. The application shall describe the feasibility of and rationale for the program expansion or addition and shall contain any other information required by the department. If the department approves the application, the department shall propose a regulation relating to the program expansion or addition in accordance with the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act." Approval of the program shall be effective upon approval of the regulation.

(c) As used in this section,

"State-owned institution" shall mean an institution which is part of the State System of Higher education under Article XX-A and all branches and campuses of a State-owned institution.

"State-related institution" shall mean The Pennsylvania State University, including the Pennsylvania College of Technology, the University of Pittsburgh, Temple University and Lincoln University and their branch campuses and any institution which is hereafter designated State-related by the Commonwealth.

Section 3. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

PARLIAMENTARY INQUIRY

REQUEST TO DIVIDE AMENDMENT

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

Mr. WILT. Thank you, Mr. Speaker.

Mr. Speaker, the first thing I need to do is to make a motion that we divide this amendment beginning on page 5, line 3, with the section titled "Section 2." We need to do this in order to not interfere with the omnibus amendment that this will become a part

of. So that is the first motion I would like to make, to separate the amendment, separate that section out.

The SPEAKER pro tempore. The amendment is not divisible at that point.

AMENDMENT WITHDRAWN TEMPORARILY

Mr. WILT. You know what? Could we hold this off for a second and run a different amendment and come back to this, Mr. Speaker?

The SPEAKER pro tempore. The gentleman, Mr. Wilt, temporarily withdraws his amendment.

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

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. The Chair recognizes Mr. Perzel. Mr. PERZEL. Mr. Speaker, I move to suspend the rules so that amendment A4167 may be considered.

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

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. HB 2782 is over temporarily.

The House proceeded to third consideration of SB 1051, PN 1806, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for standby guardians for minors.

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.

The following roll call was recorded:

YEAS-198

| | | | |
|-------------|-----------|------------|---------------|
| 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 | McGeehan | Snyder, D. W. |
| Belfanti | Forcier | McGill | Staback |
| Benninghoff | Geist | McIlhattan | Stairs |

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

NAYS-0

NOT VOTING-0

EXCUSED-5

| | | | |
|---------|------|----------|------------|
| Gannon | Oric | Pistella | Washington |
| Lederer | | | |

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

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

The SPEAKER pro tempore. Thank you very much.

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

BILLS ON THIRD CONSIDERATION

BILL PASSED OVER TEMPORARILY

The SPEAKER. SB 1262, PN 2062, without objection, will be over temporarily. The Chair hears none.

BILL PASSED OVER

The SPEAKER. Page 5 of today's calendar. SB 1292 is over.

The House proceeded to third consideration of SB 1372, PN 2019, entitled:

An Act relating to the unlawful disposition of motor vehicles; and providing penalties.

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?

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Does the lady, Mrs. Cohen, desire recognition on this bill? The lady is recognized.

Mrs. COHEN. Thank you, Mr. Speaker.

I would like to submit some remarks for the record, please.

The SPEAKER. The lady should submit them through one of the pages. Thank you.

Mrs. COHEN. Thank you.

Mrs. COHEN submitted the following remarks for the Legislative Journal:

Mr. Speaker, I stand today to offer the following remarks into the record in order to clarify and reaffirm the purpose for which SB 1372 has been offered to the General Assembly for its consideration.

As we all agree, the purpose and intent of this legislation as it relates to the unlawful disposition of motor vehicles and illegally obtained and altered property is not to penalize anyone in possession of a vehicle when such possession is done lawfully and without the intent to conceal or misrepresent the identity of a vehicle.

The presumption in this legislation permits the party in a situation where a recycler is in possession of a vehicle or parts to rebut any knowledge or intent or criminal liability under the terms of the statute. This could be accomplished through the production of proper documentation for recycling the vehicle or portions of a vehicle, or for the utilization of parts to repair vehicles if there is no criminal intent as a party to a transaction.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS-197

| | | | |
|--------|--------|----------|-----------|
| Adolph | Druce | Maher | Schroder |
| Allen | Eachus | Maitland | Schuler |
| Argall | Egolf | Major | Scrimenti |

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

NAYS-1

Bishop

NOT VOTING-0

EXCUSED-5

| | | | |
|---------|------|----------|------------|
| Gannon | Orie | Pistella | Washington |
| Lederer | | | |

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

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

BILLS PASSED OVER

The SPEAKER. HB 1499 and HB 1527 are over.

YEAS-198

The House proceeded to third consideration of **HB 2039, PN 3421**, entitled:

An Act amending the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, providing for discharge of municipal claim.

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

Mr. DENT offered the following amendment No. **A3871**:

Amend Sec. 1 (Sec. 10.1), page 2, line 7, by striking out "either" and inserting

any

Amend Sec. 1 (Sec. 10.1), page 2, lines 15 through 18, by striking out "In no" in line 15, all of lines 16 through 18 and inserting

(3) With respect to two or more claims or judgments transferred by a political subdivision to a person, an amount less than the aggregate amount due for such claims or judgments under paragraph (1) if the political subdivision agrees to accept that amount.

Amend Sec. 1 (Sec. 10.1), page 2, line 26, by striking out "(b)(1) or (b)(2)" and inserting

(b)(1), (2) or (3)

Amend Sec. 1 (Sec. 10.1), page 2, line 30, by inserting after "have" the same

Amend Sec. 1 (Sec. 10.1), page 2, line 30; page 3, line 1, by striking out "over all other liens" in line 30, page 2, all of line 1, page 3 and inserting

as the municipal claim has under section 3.

Amend Sec. 1 (Sec. 10.1), page 3, line 8, by striking out "taxes" and inserting

municipal claim

Amend Sec. 1 (Sec. 10.1), page 3, line 8, by striking out "become" and inserting

becomes

Amend Sec. 1 (Sec. 10.1), page 3, by inserting between lines 15 and 16

(f) The provisions of this section shall not apply to a city of the first class.

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. Dent.

Mr. DENT. Thank you, Mr. Speaker.

I just want to note for the record that I will only be offering this amendment, A3871. All other amendments under my name have been withdrawn.

This amendment, A3871, removes the city of the first class, Philadelphia, from the provisions of this legislation. It also removes the 50-percent provision that is in the legislation. Those are the only two significant changes in the amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

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

NAYS-0

NOT VOTING-0

EXCUSED-5

| | | | |
|---------|------|----------|------------|
| Gannon | Orie | Pistella | Washington |
| Lederer | | | |

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. It is the understanding of the Chair that Mr. Dent has no further amendments.

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

Mr. GEORGE offered the following amendment No. A3024:

Amend Sec. 1 (Sec. 10.1), page 2, line 3, by removing the period after "(b)" and inserting

and by posting of a bond or security as provided in subsection (f).

Amend Sec. 1 (Sec. 10.1), page 3, by inserting between lines 15 and 16

(f) A person making payment under subsection (b) must also post a bond or provide other security equal to five per cent of the amount of the municipal claim in order for the municipal claim to be discharged. The bond or other security shall be forfeited to the municipality if the person, in pursuing any remedy against the owner, violates the Fair Debt Collection Practices Act (91 Stat. 874, 15 U.S.C. § 1692 et seq.), the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, section 223 of the Communications Act of 1934 (48 Stat. 1105, 47 U.S.C. § 223 et seq.), 18 U.S.C. § 712 (relating to misuse of names, words, emblems, or insignia) or 18 Pa.C.S. § 7311 (relating to unlawful collection agency practices).

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. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, the bill that we are now working with allows municipalities to sell municipal claims. My amendment would provide for a 5-percent bond when someone buys a claim. This bond will help to prevent problems when municipal claims are essentially privatized. Additionally, the bond could be forfeited if the buyer of the claim violates Federal or State collection laws.

I ask for an affirmative vote, Mr. Speaker.

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

Mr. DENT. Thank you, Mr. Speaker.

I rise very respectfully to oppose the amendment offered by the Representative from Clearfield County.

I believe the amendment is flawed for a few reasons. First, it is up to the local jurisdiction that has contracted with the third party for the sale of these liens to impose any special consideration on that company, not Harrisburg. The effect of requiring a 5-percent bond would render the value of this legislation meaningless; this would gut the bill. No tax collection firm would consider such a provision unless it meant substantially less money that is eventually reverted back to the municipality after collection due to this provision. The harm here falls primarily to the governmental entity that contracted for the service.

Furthermore, the recent tax reform act that we had passed earlier this year, the School Tax Reduction Act, established a new taxpayer bill of rights. All collection companies are subject to this bill of rights. This makes uniform through all governmental units from the State level to municipalities the rights of the taxpayer in a possible dispute including a delinquency or judgment brought against the taxpayer. Now, the overall impact is clear that this amendment would really be problematic for governmental entities that wished to wipe their books clean of these types of

delinquencies. This amendment tells local government what to do instead of them having the discretion of how they themselves enter into contracts with these tax collection companies.

Furthermore, many municipalities, the cities of Allentown, Bethlehem, Lancaster, all very much would like to see legislation like this passed so that these cities can wipe their books clean of these delinquencies for water and sewer liens. They want to be able to dispose of them and receive some money, because they are currently not receiving anything. And for cities like Allentown, Bethlehem, and Lancaster, they have a great deal of money out in delinquent sewer and water liens — considerably more, in many cases, than they have in property tax liens.

So again, I am asking for your opposition to this amendment because this amendment will gut the intent of the bill and will make it very difficult for many of our cities, particularly third-class cities, to recover some of the moneys owed to them through these delinquencies in water and sewer. So again, I respectfully ask for a "no" vote on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. GEORGE. Mr. Speaker?

The SPEAKER. Mr. George.

Mr. GEORGE. Mr. Speaker, I do not know what the previous speaker's concern is that if in fact we here in this hall did not concern ourselves on ultimately what could happen, if in fact we did not concern ourselves and we allowed local government to come up with a plan after the fact, there would be a great many of these municipalities that would fall, and they would say, where are these fellows that give us certain rules and regulations but do not go far enough to protect our investments?

This does not do anything but protect the municipality, Mr. Speaker, and I guess it is up to the men and women of this chamber to make up their minds whether they want to protect them with a small amount of 5 percent that will bring to the attention of those that are dealing with the legitimacy of being involved in this kind of activity. Thank you.

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

The following roll call was recorded:

YEAS—107

| | | | |
|-------------|------------|-----------|-----------------|
| Battisto | Donatucci | Lloyd | Santoni |
| Bebko-Jones | Eachus | Lucyk | Scrimenti |
| Belardi | Evans | Manderino | Serafini |
| Belfanti | Fairchild | Markosek | Shaner |
| Bishop | Geist | Mayernik | Smith, S. H. |
| Blaum | George | McCall | Staback |
| Boscola | Gigliotti | McGeehan | Steelman |
| Boyes | Gordner | Melio | Stetler |
| Butkovitz | Gruitza | Michlovic | Sturla |
| Buxton | Haluska | Micozzie | Surra |
| Caltagirone | Hanna | Mundy | Tangretti |
| Cappabianca | Harhai | Myers | Thomas |
| Carn | Hasay | Olasz | Tigue |
| Casorio | Horsey | Oliver | Travaglio |
| Cawley | Hutchinson | Perzel | Trello |
| Cohen, M. | Itkin | Pesci | Trich |
| Colafella | Jadlowiec | Petrarca | True |
| Colaizzo | James | Petrone | Van Home |
| Corpora | Jarolin | Preston | Veon |
| Corrigan | Josephs | Ramos | Vitali |
| Cowell | Kaiser | Readshaw | Walko |
| Coy | Keller | Rieger | Williams, A. H. |

| | | | |
|---------|-----------|----------|--------------|
| Curry | Kirkland | Roberts | Williams, C. |
| Daley | LaGrotta | Robinson | Wojnaroski |
| DeLuca | Laughlin | Roebuck | Yewcic |
| Dermody | Lescovitz | Rooney | Youngblood |
| DeWeese | Levdansky | Sainato | |

NAYS—90

| | | | |
|--------------|-----------|------------|---------------|
| Adolph | Druce | Maitland | Schuler |
| Allen | Egolf | Major | Semmel |
| Argall | Fargo | Marsico | Seyfert |
| Armstrong | Feese | Masland | Smith, B. |
| Baker | Fichter | McGill | Snyder, D. W. |
| Bard | Fleagle | McIlhattan | Stairs |
| Barley | Flick | McIlhinney | Steil |
| Barrar | Forcier | McNaughton | Stern |
| Benninghoff | Gladeck | Miller | Stevenson |
| Birmelin | Godshall | Nailor | Strittmatter |
| Browne | Gruppo | Nickol | Taylor, E. Z. |
| Bunt | Habay | O'Brien | Taylor, J. |
| Carone | Harhart | Phillips | Tulli |
| Chadwick | Hennessey | Pippy | Vance |
| Civera | Herman | Raymond | Waugh |
| Clark | Hershey | Reber | Wilt |
| Clymer | Hess | Reinard | Wogan |
| Cohen, L. I. | Kenney | Rohrer | Wright, M. N. |
| Cornell | Krebs | Ross | Zimmerman |
| Dally | Lawless | Rublely | Zug |
| Dempsey | Leh | Sather | |
| Dent | Lynch | Saylor | Ryan, |
| DiGirolamo | Maher | Schroder | Speaker |

NOT VOTING—1

Platts

EXCUSED—5

| | | | |
|---------|------|----------|------------|
| Gannon | Orie | Pistella | Washington |
| Lederer | | | |

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—192

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

| | | | |
|--------------|------------|------------|-----------------|
| Belfanti | Flick | McIlhattan | Staback |
| Benninghoff | Forcier | McIlhinney | Stairs |
| Birmelin | Geist | McNaughton | Steelman |
| Bishop | George | Melio | Steil |
| Blaum | Gigliotti | Michlovic | Stern |
| Boscola | Gladeck | Micozzie | Stetler |
| Boyes | Godshall | Miller | Stevenson |
| Browne | Gruppo | Mundy | Strittmatter |
| Bunt | Habay | Myers | Sturla |
| Butkovitz | Haluska | Nailor | Surra |
| Buxton | Hanna | Nickol | Tangretti |
| Caltagirone | Harhai | O'Brien | Taylor, E. Z. |
| Cappabianca | Harhart | Olasz | Taylor, J. |
| Carn | Hasay | Oliver | Thomas |
| Carone | Hennessey | Perzel | Travaglio |
| Casorio | Herman | Pesci | Trello |
| Cawley | Hershey | Petrarca | Trich |
| Chadwick | Hess | Petrone | True |
| Civera | Horsey | Phillips | Tulli |
| Clark | Hutchinson | Pippy | Vance |
| Clymer | Itkin | Platts | Van Horne |
| Cohen, L. I. | Jadlowiec | Preston | Veon |
| Cohen, M. | James | Ramos | Vitali |
| Colafella | Jarolin | Raymond | Walko |
| Colaizzo | 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 | Youngblood |
| Dally | Lawless | Rooney | Zimmerman |
| DeLuca | Leh | Ross | Zug |
| Dempsey | Lescovitz | Rublely | |
| Dent | Levdansky | Sainato | Ryan, |
| Dermody | Lucyk | Santoni | Speaker |
| DeWeese | Lynch | | |

NAYS—5

| | | | |
|---------|-------|-------|--------|
| Gordner | Lloyd | Tigue | Yewcic |
| Gruitza | | | |

NOT VOTING—1

Seyfert

EXCUSED—5

| | | | |
|---------|------|----------|------------|
| Gannon | Orie | Pistella | Washington |
| Lederer | | | |

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

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

The SPEAKER. Will the gentleman, Mr. Dent, come to the rostrum.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guests of Representative Herman, Jeff Feinblatt, who is seated to the left of the Speaker, and Parag Patel. Would these gentlemen please rise.

The Chair requests the gentleman, Mr. Dent, to temporarily preside, after I first give him a gavel to preside with.

THE SPEAKER PRO TEMPORE (CHARLES W. DENT) PRESIDING

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2518, PN 3415**, entitled:

An Act amending the act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law, further providing for auxiliary appeal boards.

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.

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—5

- | | | | |
|---------|------|----------|------------|
| Gannon | Orie | Pistella | Washington |
| Lederer | | | |

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

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

BILLS PASSED OVER

The **SPEAKER pro tempore**. SB 211, PN 940, is over for the day. SB 828, PN 2254, is over for the day.

The House proceeded to third consideration of **SB 829, PN 2164**, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), entitled The First Class Township Code, further providing for monthly meetings, quorum and voting.

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

Mr. **DALLY** offered the following amendment No. **A4108**:

Amend Sec. 1 (Sec. 702), page 2, line 3, by inserting after "capacity." A board member shall recuse himself in any quasi-judicial proceeding of the board in which the member's impartiality in rendering an unbiased adjudication might reasonably be questioned as a result of the member's previously expressed opinion on the particular circumstances of the proceeding.

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

The **SPEAKER pro tempore**. The Chair recognizes the gentleman, Mr. Dally.

Mr. **DALLY**. Thank you, Mr. Speaker.

Mr. Speaker, I am withdrawing amendment 3641 and will instead be submitting amendment 4108.

The **SPEAKER pro tempore**. The gentleman is in order and may proceed. That is the amendment that is on the board.

Mr. DALLY. Okay; sorry.

Mr. Speaker, this amendment would require representatives, township commissioners in a first-class township, when they are sitting in a quasi-judicial capacity — meaning reviewing subdivision plans and land development plans — to be required to recuse themselves if they have rendered an opinion on the matter that is the subject of that quasi-judicial body, and the purpose of that is to maintain fundamental fairness in that proceeding.

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

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—2

Barrar Dempsey

EXCUSED—5

Gannon Oric Pistella Washington
Lederer

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

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

Mr. BROWNE offered the following amendment No. A4110:

Amend Title, page 1, line 5, by removing the period after "voting" and inserting

and for election of the township secretary.

Amend Sec. 1, page 1, line 8, by striking out "Section 702" and inserting

Sections 702 and 901

Amend Sec. 1, page 1, line 10, by striking out "is" and inserting are

Amend Bill, page 2, line 4, by striking out all of said line and inserting Section 901. Election of Secretary; Salary.—The board of commissioners in townships shall elect a secretary, who must [be a qualified voter of the township, and] not be a member of the board. He shall act as secretary of the board, shall be the official keeper of the minutes, and shall perform such other duties as are prescribed by ordinance or resolution of the board. He shall provide suitable books, the cost of which shall be paid out of the township funds, wherein he shall enter all matters of which he is required to keep a record. His salary shall be fixed by ordinance or resolution.

Section 2. The amendment of section 901 of the act shall apply to secretaries elected on or after the effective date of this act.

Section 3. This act shall take effect as follows:

(1) The amendment of section 901 of the act shall take effect in 60 days.

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

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

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Browne, for the purpose of offering an amendment.

Mr. BROWNE. Thank you, Mr. Speaker.

Amendment 4110 deals with the election of a secretary in the First Class Township Code, removes the requirement that the secretary be a qualified voter in the township. It is important for—

The SPEAKER pro tempore. Will the gentleman suspend for a moment.

I always wanted to hit the gavel, but I would respectfully ask the members to please refrain from having extraneous conversations while the gentleman is offering his amendment.

The gentleman, Mr. Browne, may proceed.

Mr. BROWNE. Thank you, Mr. Speaker.

It is important for several reasons. There are several townships that would like to consolidate the manager and secretary function to save the township residents excess resources, and in addition, makes it consistent with other township codes and the Borough Code, and I ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—3

| | | |
|--------|-------|-------|
| Carone | Druce | Itkin |
|--------|-------|-------|

EXCUSED—5

| | | | |
|---------|------|----------|------------|
| Gannon | Orie | Pistella | Washington |
| Lederer | | | |

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

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

Mr. GEORGE offered the following amendment No. A4139:

Amend Title, page 1, line 5, by removing the period after "voting" and inserting

; and providing for sewage sludge testing.

Amend Bill, page 2, by inserting between lines 3 and 4

Section 2. Section 1502 of the act is amended by adding a clause to read:

Section 1502. The corporate power of a township of the first class shall be vested in the board of township commissioners. The board shall have power--

* * *

LXXVIII. Sewage Sludge Testing. To adopt an ordinance requiring the independent testing of sewage sludge spread upon lands within the township in accordance with regulations of the Department of Environmental Protection. The board may impose fines for a violation of the ordinance.

Amend Sec. 2, page 2, line 4, by striking out "2" and inserting
3

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

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. George, for the purpose of offering an amendment.

Mr. GEORGE. Mr. Speaker, this amendment does what you suggested a moment ago, that we allow the local governments to impose their own stringencies or regulations in order to protect themselves. So what this amendment does, it says in the first-class townships, when sewage sludge is being brought in and put on the ground, that the first-class townships can adopt an ordinance requiring the independent testing of sewage sludge upon lands within the township in accordance with the regulations of the Department of Environmental Protection. The board may impose fines for violations of this ordinance. So here we are saying, let them make the choice.

Everybody said some time ago we are going to give local governments the right to formulate what they believe is needed, and we are taking the initiative at this time. We ask that you support this amendment.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. Clark.

Mr. CLARK. Mr. Speaker, could I interrogate the maker of the amendment for a moment?

The SPEAKER pro tempore. Will the gentleman, Mr. George, stand for interrogation? He indicates that he will. The interrogation may proceed. Mr. Clark.

Mr. CLARK. Mr. Speaker, under the definition of "sewage sludge," does that include sludge from a septic tank that is likewise spread on fields?

Mr. GEORGE. Mr. Speaker, I am apprised that that is defined differently under the law, so that would not include the septic sludge.

Mr. CLARK. So septic sludge would be exempt from such an ordinance?

Mr. GEORGE. It would be precluded from that.

Mr. CLARK. In a followup question, is there a reason or a rationale why we would include sewage sludge but not discharge from a septic tank?

Mr. GEORGE. I am also apprised but I need not have been, we know that when we talk about septic sludge, we are talking about something down the road from a family and where we need not concern ourselves about the toxics or the carcinogens. We are talking about material that could be brought in, as they are doing from New York City, that we do not know what is in it. We are told what is in it.

All the amendment does, it says, if in fact those of you that are in charge of this township feel that you believe something could be going on that should not be, something could be going on that would impair the health of your constituents, then you can pass this ordinance and insist on this type of testing. That is all it does. But there is a difference between the septic sludge that your neighbor is responsible for and something that is coming off of the harbor in New York, and that, I guess, hopefully, I have explained properly to you.

Mr. CLARK. Yes, it does. Thank you very much.

I have no further questions or comments.

The SPEAKER pro tempore. The Chair thanks the gentleman for his interrogation.

The Chair recognizes the gentleman, Mr. Saylor, on this amendment.

Mr. SAYLOR. Will the maker of the amendment stand for questioning?

The SPEAKER pro tempore. The maker of the amendment indicates that he will stand for interrogation. The Chair recognizes the gentleman, Mr. Saylor.

Mr. SAYLOR. Mr. Speaker, under this amendment, who exactly would be required to pay for the independent testing of the sludge?

Mr. GEORGE. The company would be required to underwrite the testing of the sludge material.

Mr. SAYLOR. Would the testing take place, Mr. Speaker, at the site of the sludge being loaded, which currently is going through tests now via DEP (Department of Environmental Protection), that the township would require another test?

Mr. GEORGE. Mr. Speaker, I am not standing here today bringing up the issue of sludge or waste as it might seem. Under the current law, sludge is to be tested two times in one given year, so it can be tested on January 1 and January 2, and that is all the testing that needs to be brought about.

If in fact even those that are spreading sludge want to allow the cry to diminish so that we can say, you know, what is the problem; we are generating material; we have to get rid of it, the best way to downcry this is to give people the facts, allow this stuff to be tested as a surprise test when nobody suspects, and when it is found to be permissible and acceptable, then there is no reason to continue to fight the matter on the fact that this stuff must be generated and then disposed of. It is just an assurance to assure the constituency, the neighbors, and the people around that everything is okay.

Mr. SAYLOR. Mr. Speaker, I need some clarification on that. Again my question is, currently DEP requires testing of sewage sludge. Are you requiring an additional test to be performed, and how often would that test have to be performed?

Mr. GEORGE. Mr. Speaker, I am giving your township the authority and the prerogative to mandate whether they want to test it once, whether they want to test it at night when no one suspects

anything, whether they want to test it on any given day, whether they want to test it once or twice or three times.

I think what will come about, under the ordinance, I am sure you are aware of how this will come about, and under the law, we have to give these people this prerogative because the law does not allow it. So just a couple of weeks ago the Governor said we have got to give local control. I am not fighting that battle here at this moment. We will do that next year. All I am saying is, sludge need only be tested on two occasions in any given year, and if in fact it is used as reclamation, it need not be tested at all, and that is the argument right there.

Mr. SAYLOR. Mr. Speaker, let me give you a hypothetical question and you tell me yes or no as far as your amendment concerns and does it affect, is, if as a township I decide I want to have every, every truckload, not just a daily unit being tested, but every truckload coming out of a sewage plant tested, does this place on the burden of the hauler or the sewer system the requirement that the township could just require testing and testing and testing, unlimited testing?

Mr. GEORGE. Mr. Speaker, if there would be one of us that would be against giving this protection to the local government, we could formulate, as you said, the hypothetical that they test it in the morning and they test it in the night and they test it. That is not realistic. The realistic is that in 365 days, there are 363 of those days when it is not tested. Now, if you have a legitimate concern for those you represent, as I think all of us do, then we simply say to the local government, here is what we have passed; if you want to take advantage of it, do so; if you feel there is no need, then do not do so, but at least we are giving you the prerogative, and that is not hypothetically; that is genuinely. Thank you.

Mr. SAYLOR. Thank you, Mr. Speaker.

Mr. Speaker, if I could speak on the amendment, please?

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

Mr. SAYLOR. Mr. Speaker, I rise to oppose the amendment offered by Mr. George.

While I share with him the importance of protecting our constituents from sewage sludge, I think that our Department of Environmental Protection does an outstanding job today in their testing procedures. I have had an opportunity to visit a number of sewage plants and sludge sites across this Commonwealth, and I believe that what this does is place an unfair burden that may happen onto sewage treatment plants, which all of us who today are served by sewage treatment plants will have to bear the cost of in one way or another. And as much as I believe in testing of sludge and protection of individuals, I believe that this can be used as a way of literally being a harassing tactic onto sewage treatment plants and the haulers of sludge.

I think our DEP has done a fine job. I think we should entrust our Department of Environmental Protection for the outstanding job they do and leave it that way currently. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman for his comments, and the Chair now recognizes, on the question, the gentleman, Mr. Hershey.

Mr. HERSHEY. Thank you, Mr. Speaker.

I want to make some comments on amendment 4139. Our farm has been involved in the spreading of sludge for 10 years. We do not need another regulation. The DEP is very diligent on testing the

boroughs and municipalities who are in this business of letting haulers bring the sludge out to the farms, and they test it very regularly; and we have a lot of— It took me a year and a half to get our farm approved, and this is an amendment we do not need.

I encourage the members to vote “no.” Thank you very much.

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

Mr. GEORGE. As they say, Mr. Speaker, the beat goes on; the argument goes on. I am sure that the gentleman who just spoke, there is no amount of money or no amount of anything that would encourage him to do anything illicitly. I do not suggest that for a moment.

For those of you that think the Department of Environmental Protection does such a tremendous job, I suggest you buy a number of plaques and put them up in your city and borough halls so you can remind the people how well the job is done.

But if in fact you live in Bedford County or Blair County, where they were going to bring in 5,000 hogs and no one was going to be responsible, my only argument is, I am not trying to stop the industry from growing. I am just trying to stop people from being concerned when they need not be concerned.

I simply believe that it is a good amendment, but if it affects people in other ways but legitimacy, it will not be a good amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman, Mr. George.

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

The following roll call was recorded:

YEAS—120

| | | | |
|-------------|------------|------------|-----------------|
| Baker | DeWeese | Lloyd | Sainato |
| Battisto | Donatucci | Lucyk | Santoni |
| Bebko-Jones | Druce | Major | Scrimenti |
| Belardi | Eachus | Manderino | Shaner |
| Belfanti | Evans | Markosek | Smith, S. H. |
| Bishop | Fairchild | Masland | Staback |
| Blaum | Feese | Mayernik | Stairs |
| Boscola | George | McCall | Steelman |
| Boyes | Gigliotti | McGeehan | Stetler |
| Butkovitz | Gordner | McIlhattan | Sturla |
| Buxton | Gruitza | McIlhinney | Surra |
| Caltagirone | Haluska | McNaughton | Tangretti |
| Cappabianca | Hanna | Melio | Thomas |
| Carn | Harhai | Michlovic | Tigue |
| Carone | Harhart | Mundy | Travaglio |
| Casorio | Herman | Myers | Trello |
| Cawley | Hutchinson | Olasz | Trich |
| Clark | Itkin | Oliver | Tulli |
| Cohen, M. | James | Pesci | Van Horne |
| Colafrilla | Jarolin | Petrarca | Veon |
| Colaizzo | Josephs | Petrone | Vitali |
| Corpora | Kaiser | Platts | Walko |
| Corrigan | Keller | Preston | Waugh |
| Cowell | Kirkland | Ramos | Williams, A. H. |
| Coy | Krebs | Readshaw | Williams, C. |
| Curry | LaGrotta | Rieger | Wogan |
| Daley | Laughlin | Roberts | Wojnaroski |
| Dally | Leh | Roebuck | Yewcic |
| DeLuca | Lescovitz | Rohrer | Youngblood |
| Dermody | Levdansky | Rooney | Zug |

NAYS—76

| | | | |
|--------------|-----------|----------|---------------|
| Adolph | Fargo | Marsico | Semmel |
| Allen | Fichter | McGill | Serafini |
| Argall | Fleagle | Micozzie | Seyfert |
| Armstrong | Flick | Miller | Smith, B. |
| Bard | Forcier | Nailor | Snyder, D. W. |
| Barley | Geist | Nickol | Steil |
| Barrar | Gladeck | O'Brien | Stern |
| Benninghoff | Godshall | Perzel | Stevenson |
| Birmelin | Gruppo | Phillips | Strittmatter |
| Browne | Habay | Pippy | Taylor, E. Z. |
| Bunt | Hasay | Raymond | Taylor, J. |
| Chadwick | Hennessey | Reber | True |
| Civera | Hershey | Reinard | Vance |
| Clymer | Hess | Ross | Wilt |
| Cohen, L. I. | Jadlowiec | Rubley | Wright, M. N. |
| Cornell | Kenney | Sather | Zimmerman |
| Dempsey | Lawless | Saylor | |
| Dent | Lynch | Schroder | Ryan, |
| DiGirolamo | Maher | Schuler | Speaker |
| Egolf | Maitland | | |

NOT VOTING—2

| | |
|--------|----------|
| Horsey | Robinson |
|--------|----------|

EXCUSED—5

| | | | |
|---------|------|----------|------------|
| Gannon | Orie | Pistella | Washington |
| Lederer | | | |

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?

AMENDMENT A4108 RECONSIDERED

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Bard, who moves that the vote by which amendment No. 4108 was passed to SB 829, PN 2164, on the 10th day of November be reconsidered.

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

The following roll call was recorded:

YEAS—193

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

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

NAYS-0

NOT VOTING-5

| | | | |
|-----------|----------|----------|----------|
| Colafella | Petrarca | Readshaw | Robinson |
| Godshall | | | |

EXCUSED-5

| | | | |
|---------|------|----------|------------|
| Gannon | Orie | Pistella | Washington |
| Lederer | | | |

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

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

The clerk read the following amendment No. A4108:

Amend Sec. 1 (Sec. 702), page 2, line 3, by inserting after "capacity."
A board member shall recuse himself in any quasi-judicial proceeding of the board in which the member's impartiality in rendering an unbiased adjudication might reasonably be questioned as a result of the member's previously expressed opinion on the particular circumstances of the proceeding.

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

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

Mr. DALLY. Mr. Speaker, I once again offer amendment A4108. What this amendment does is requires a board member, being a commissioner in a first-class township, to recuse him or herself in any quasi-judicial proceeding when rendering an

unbiased adjudication might be reasonably questioned as a result of that member's previously expressed opinion on that particular matter. So it only applies to quasi-judicial proceedings.

The SPEAKER pro tempore. On the question, the Chair recognizes the gentlelady, Ms. Bard.

Ms. BARD. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment.

The SPEAKER pro tempore. The gentlelady is recognized for the purpose of interrogation. Ms. Bard.

Ms. BARD. Could you please define "quasi-judicial proceeding."

Mr. DALLY. Yes, Mr. Speaker. A quasi-judicial proceeding would be a proceeding in which the township board of commissioners is sitting in a judicial capacity ruling upon subdivisions, land development plans, and the like. It does not apply to administrative or legislative functions.

Ms. BARD. And, Mr. Speaker, I would like to ask the question, as an elected representative of the people that might be surrounding a proposed development, would that township supervisor be able beforehand, before the actual final vote, be able to represent his constituents by expressing their opinion in open forums?

Mr. DALLY. Mr. Speaker, as the amendment states, if there is a possibility of that person not being able to render an unbiased adjudication as a result of a previously expressed opinion, under this amendment they would have to recuse themselves.

Ms. BARD. Mr. Speaker, I would like to speak to the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentlelady, Ms. Bard.

Ms. BARD. Thank you, Mr. Speaker.

There was a situation in one of the municipalities which I represent whereby an elected township supervisor represented his constituents in terms of requesting information, providing public hearings on a major subdivision in the area. The constituents that he represented asked him to put their case before the commissioners in these public forums and before the other townspeople. As an elected representative in carrying out his obligations to represent his own constituents, he expressed the pros and cons of this development. Because he expressed more cons than pros at the time of the final vote for the subdivision hearing when he was sitting on the board of commissioners in a quasi-judicial capacity, his vote was challenged and he was not allowed to vote.

This amendment speaks directly to that situation saying that in those cases, a township commissioner or supervisor would not be allowed to vote. If that is the case, we are taking away the rights of the citizens to be represented by their local elected officials, and I think this is a very serious matter and that we should vote "no" on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentlelady, Ms. Bard.

The Chair recognizes the gentleman, Mr. McNaughton.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

Mr. Speaker, as I read the amendment, it does not say that in the amendment, Mr. Speaker. It does not prevent township commissioners of the first-class township from acting on subdivision plans in the normal course of business, Mr. Speaker. It prevents those individuals from expressing an opinion in a

quasi-judicial fashion, something that is on appeal, something that might be a conditional use. It does not speak to the normal course of business that would involve a township commissioner.

In those instances where it is quasi-judicial, I believe that before you render a decision, you should listen to the facts of the case and you should not express an opinion in those types of instances, and therefore, Mr. Speaker, I am wholeheartedly supporting this amendment and asking that the full chamber do so. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Northampton, Mr. Dally.

Mr. DALLY. Thank you, Mr. Speaker.

Mr. Speaker, point of clarification. When we speak of quasi-judicial, what is meant by that is a township board of supervisors reviewing or considering a conditional-use application or perhaps an appeal from the zoning hearing board. In those situations, that board should be impartial because they are sitting essentially as a court to make that decision, and it is essential, on the issue of fundamental fairness, that they receive a fair hearing before that board. If there are those that have a biased opinion and they have expressed that bias, rightfully so they should be excused. That does not prevent someone from expressing opinions on the matter, and they should be going to the hearing with an open mind and make their decision after all the evidence has been presented, and I request a vote in favor of the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Centre County, Mr. Herman.

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

We had much discussion about this bill in the House Local Government Committee, and I regret that I am going to support the lady, Ms. Bard, and ask for opposition and a "no" vote to this amendment.

I think regardless of what types of proceedings may be asked for in an amendment like this, I think, without a doubt, when a person is elected to a public office, the constituency and the voters want to know where you stand on a particular issue, and it certainly is your prerogative and also I think your duty to make that expression known when those kinds of issues come before you for a particular vote.

I think this really abrogates the democratic process in our society, and I really think this amendment should be defeated. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Lancaster, Mr. Armstrong.

Mr. ARMSTRONG. Mr. Speaker, I also want to reiterate the fact that, as our Chairman Herman has stated, we actually dealt with this bill in the Subcommittee on Boroughs in Local Government. This was addressed in committee and at that point did not have the support, and so that is why we are faced with it today.

So I would ask that the members would vote "no," because we are dealing with an issue here where we are trying to clamp up an elected official's freedom of speech.

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

Mr. DALLY. Thank you, Mr. Speaker.

I have to differ with my colleagues as far as how this amendment came about, and at the meetings that we discussed

SB 829, I expressed my concern about the language in that bill and stated that I would prepare an amendment to address my concerns, and that is why you have amendment 4108 before you.

The analogy that was made as far as people running for office, I think that analogy can be made here. Someone running for judge cannot make public their decision on a case should that case come before them. I think this is the same situation when you are dealing with a quasi-judicial proceeding before a township board of supervisors. It is different. It is not administrative; it is not legislative; it is judicial, and that is the distinction. And once again I request support of the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Chester, Mr. Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I would like to add a comment about this.

I had served, have served, as a township supervisor in the past, and I also have presided over conditional-use hearings, and I think there is a legitimate concern when people come before a board of supervisors that they want to believe that they are going to get a fair hearing, and I think it is certainly not good practice for our township supervisors to express an opinion before they have had a chance to hear the evidence that is brought before them in the conditional-use hearings.

I certainly sympathize with the idea of protecting people's free-speech rights, and once the decision has been rendered by the board, it would certainly be appropriate at that point for members of the township supervisors' boards, our township commissioners, to be able to express themselves. But I think it does tend to reduce the credibility of a conditional-use hearing to know that the people that are participating and are going to make a decision in it have expressed an opinion and perhaps prejudiced themselves before they have had a chance to hear the evidence. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Erie County, Mr. Boyes.

Mr. BOYES. Thank you, Mr. Speaker.

And like the previous speaker, I rise to support the amendment. I served as a township supervisor. I presided over the quasi-judicial hearings that were on appeal from these zoning boards, and I felt as a rule that people would ask you, well, how are you going to vote on that issue, and I would not tell them; I waited until the process. The appearance of fairness has to be into the system. It is only right that the people that are taking the efforts, going out to petition their viewpoint across to the board of supervisors at that time, have the feeling that it is going to be fair and it is open to the process on the decision. To render a decision ahead of time to go out there makes a joke of the process, of the whole hearing process, and the powers that are invested in the board of supervisors to make that decision.

I support this amendment from personal experience, and I know like the previous speaker that to make the system work, the element of fairness and openness has to be part of it, and it cannot be part of it if they are rendering the decision ahead of time. You would never accept this in the court of common pleas or any court of law, and the quasi-judicial functions and duties that are imposed on the supervisors are there. It is apparent, and the fairness element has to be there. By voting for this amendment, you are just reinforcing that whole concept of keeping the system working for the people that have petitioned them, and they want a fair hearing before the board of supervisors.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman, Mr. Boyes, and now recognizes the gentlelady, Ms. Bard, for the second time on the amendment. Ms. Bard.

Ms. BARD. Thank you, Mr. Speaker.

I would submit to the members of the House that the analogous situation is not comparing the elected supervisors to a judge but rather comparing the elected supervisors to elected members of the General Assembly.

This is not a judicial race that we are talking about or a judicial appointment; it is quasi-judicial, and the elected officials are able to speak on any topic which a constituent might question them about. Certainly when that elected official goes and sits on the board and considers the development plan, for example, for a subdivision, that supervisor could change his or her mind based on the information that is presented. There is nothing that says that there cannot be a change of mind. But any activity up until that vote should not be held against an elected official for stating their opinion. And I think that, yeah, it is a matter of free speech and representing the people that have elected those who serve.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair must instruct the gentleman, Mr. Dally, he has already spoken twice on the amendment. Thank you.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the majority whip for the purpose of placing Representative CARONE of Butler County on leave of absence temporarily.

CONSIDERATION OF SB 829 CONTINUED

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

The following roll call was recorded:

YEAS—133

| | | | |
|-------------|------------|------------|-----------------|
| Allen | Dermody | Lawless | Rooney |
| Argall | DeWeese | Leh | Ross |
| Baker | DiGirolamo | Lescovitz | Sainato |
| Barley | Donatucci | Levdansky | Santoni |
| Battisto | Egolf | Lucyk | Sather |
| Bebko-Jones | Fargo | Maher | Semmel |
| Belardi | Feese | Maitland | Serafini |
| Belfanti | Fleagle | Major | Seyfert |
| Birmelin | Geist | Manderino | Shaner |
| Bishop | George | Markosek | Smith, B. |
| Blaum | Gigliotti | Marsico | Snyder, D. W. |
| Boscola | Godshall | Mayernik | Stairs |
| Boyes | Gordner | McCall | Steil |
| Browne | Gruitza | McGeehan | Stevenson |
| Bunt | Gruppo | McGill | Sturla |
| Butkovitz | Habay | McIlhattan | Surra |
| Buxton | Haluska | McIlhinney | Tangretti |
| Caltagirone | Hanna | McNaughton | Taylor, E. Z. |
| Cappabianca | Harhai | Melio | Tigue |
| Carn | Harhart | Myers | Travaglio |
| Casorio | Hasay | Olasz | Trello |
| Cawley | Hennessey | Oliver | Trich |
| Chadwick | Hutchinson | Perzel | Tulli |
| Colafranca | Itkin | Pesci | Veon |
| Colaizzo | Jadlowiec | Petrarca | Walko |
| Cornell | James | Petrone | Williams, A. H. |
| Corpora | Jarolin | Phillips | Wilt |
| Cowell | Josephs | Preston | Wogan |

| | | | |
|---------|----------|----------|------------|
| Coy | Kaiser | Ramos | Wojnaroski |
| Daley | Keller | Readshaw | Youngblood |
| Dally | Kenney | Reinard | |
| DeLuca | Kirkland | Roberts | Ryan, |
| Dempsey | LaGrotta | Robinson | Speaker |
| Dent | Laughlin | Roebuck | |

NAYS—61

| | | | |
|--------------|-----------|--------------|---------------|
| Adolph | Fichter | Nailor | Steelman |
| Armstrong | Flick | Nickol | Stern |
| Bard | Forcier | O'Brien | Stetler |
| Barrar | Gladeck | Pippy | Strittmatter |
| Benninghoff | Herman | Platts | Taylor, J. |
| Civera | Hershey | Raymond | True |
| Clark | Hess | Reber | Vance |
| Clymer | Krebs | Rohrer | Van Horne |
| Cohen, L. I. | Lloyd | Rubley | Vitali |
| Cohen, M. | Lynch | Saylor | Waugh |
| Corrigan | Masland | Schroder | Williams, C. |
| Curry | Michlovic | Schuler | Wright, M. N. |
| Druce | Micozzie | Scrimenti | Yewcic |
| Eachus | Miller | Smith, S. H. | Zimmerman |
| Evans | Mundy | Staback | Zug |
| Fairchild | | | |

NOT VOTING—3

| | | |
|--------|--------|--------|
| Horsey | Rieger | Thomas |
|--------|--------|--------|

EXCUSED—6

| | | | |
|--------|---------|----------|------------|
| Carone | Lederer | Pistella | Washington |
| Gannon | Orie | | |

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—192

| | | | |
|-------------|-----------|------------|---------------|
| Adolph | Egolf | Major | Schuler |
| Allen | Fairchild | Manderino | Scrimenti |
| Argall | Fargo | Markosek | Semmel |
| Armstrong | Feese | Marsico | Serafini |
| Baker | Fichter | Masland | Seyfert |
| Barley | Fleagle | Mayernik | Shaner |
| Barrar | Flick | McCall | Smith, B. |
| Battisto | Forcier | McGeehan | Smith, S. H. |
| Bebko-Jones | Geist | McGill | Snyder, D. W. |
| Belardi | George | McIlhattan | Staback |
| Belfanti | Gigliotti | McIlhinney | Stairs |
| Benninghoff | Gladeck | McNaughton | Steelman |
| Birmelin | Godshall | Melio | Steil |
| Bishop | Gordner | Michlovic | Stern |
| Blaum | Gruitza | Micozzie | Stetler |
| Boscola | Gruppo | Miller | Stevenson |
| Boyes | Habay | Myers | Strittmatter |

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

You know, I do not really like to say goodbye, because I really do not feel like I am saying goodbye; I am simply moving across the building, but perhaps at a time like this it is better to recall the old German word "auf Wiedersehen" — goodbye, and I will see you again — because again, I look forward to working with many of you, though in a different capacity, over in the Pennsylvania Senate.

So again, I do want to thank everybody here — the majority leader, Representative Perzel; Speaker Ryan — for all the courtesies that they have extended to me over the years. Certainly I should extend my thanks to the Democratic floor leader, Representative DeWeese, for his courtesies that he has extended to me as well.

Again, thank you. I am not going to wax philosophical here today because I intend to see a lot more of you, and again, just thank you so much for the many friendships and for this great opportunity to serve in this wonderful body that means so much to me and I know to all of you. Again, I look forward to working with you as a member of the Pennsylvania Senate. Take care.

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

STATEMENT BY DEMOCRATIC LEADER

Mr. DeWEESE. Mr. Speaker?

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

Mr. DeWEESE. To just make a quick observation on the retirement of Mr. Dent.

I am quite fond of him — in a manly way, wholesome manly way. He is my friend, and I want to thank him most of all, because as he leaves, we bring a Democrat to the House of Representatives.

Thank you, Mr. Speaker.

The SPEAKER pro tempore, Mr. Dent.

Mr. DENT. Thank you, Mr. Speaker.

I would just like to note that the two people who encouraged me most to run for the Pennsylvania Senate were Senator Jubelirer and, of course, Representative DeWeese. So I should note that for the record. Thank you.

CONSIDERATION OF HB 2782 CONTINUED

The SPEAKER pro tempore. Turn to page 4 of today's calendar, HB 2782, PN 4053.

The House has before it a motion to suspend the rules so that the gentleman, Mr. Perzel, may offer amendment A4167.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—190

| | | | |
|-----------|------------|-----------|-----------|
| Adolph | DiGirolamo | Maher | Sather |
| Allen | Donatucci | Maitland | Saylor |
| Argall | Druce | Major | Schroder |
| Armstrong | Eachus | Manderino | Schuler |
| Baker | Egolf | Markosek | Scrimenti |
| Bard | Evans | Marsico | Semmel |
| Barley | Fairchild | Masland | Serafini |
| Barrar | Fargo | Mayernik | Seyfert |

NAYS—1

Bard

NOT VOTING—4

| | | | |
|------|--------|-------|-------|
| Bunt | Eachus | Evans | Mundy |
|------|--------|-------|-------|

EXCUSED—6

| | | | |
|--------|---------|----------|------------|
| Carone | Lederer | Pistella | Washington |
| Gannon | Orie | | |

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.

**FAREWELL ADDRESS
BY MR. DENT**

The SPEAKER pro tempore. Will the House come to order; will the House come to order.

I would like to take this opportunity to thank the members of this great body for allowing me the great honor and privilege of serving with you over these past 8 years. I would also like to thank my family and certainly most of all my constituents for again bestowing upon me this honor to serve. I have always said that, you know, after my family, serving the public and serving with you has indeed been the greatest honor and privilege of my life, and again, I want to thank you from the bottom of my heart for the many friendships that I have developed in this body over the years.

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

NAYS-6

| | | | |
|-------|---------|----------|-------|
| Hanna | Lawless | Steelman | Steil |
| Krebs | Lynch | | |

NOT VOTING-1

Thomas

EXCUSED-6

| | | | |
|--------|---------|----------|------------|
| Carone | Lederer | Pistella | Washington |
| Gannon | Orie | | |

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. PERZEL offered the following amendment No. A4167:

Amend Title, page 1, lines 1 and 2, 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," further providing for defacing, injuring or destroying property used for school purposes, for authority of teachers and vice-principals, for possession

of weapons, for penalties for violation of compulsory attendance requirements, for safe schools and for reporting of certain incidents; and providing for notice of arrest, for violence prevention plans, for juvenile crime programs and for youth service centers.

Amend Bill, page 1, lines 5 through 16; pages 2 through 8, lines 1 through 30; page 9, lines 1 through 17, by striking out all of said lines on said pages and inserting

Section 1. Section 777 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding subsections to read:

Section 777. Defacing, Injuring or Destroying Property Used for School Purposes; Penalty.--* * *

(c) (1) Where the damage to school property exceed \$1,000 from an incident of vandalism and if the offender has willfully or recklessly damaged school district property or has willfully or recklessly committed acts against school district property cognizable as an offense under subsection (a), as it relates to a school or educational facility, then unless a legally binding settlement agreement has been entered into between the parties assuring that restitution will be made, the board of school directors of the school district owning the damaged property shall institute a civil action to recover compensatory damages not exceeding \$50,000 plus court costs and attorney fees from the offender or from the parents or a legal guardian of the offender if the offender is a minor. A finding of willful damage shall not be dependent upon:

(i) a prior finding that the offender, if a minor, is delinquent or is a dependent child; or

(ii) the offender's conviction of any prior criminal offense.

(2) If a court renders a judgment under this subsection in favor of a board of school directors of a school district, the court shall order full restitution unless the board and the offender or the parent or legal guardian of the minor agree that the offender, or the minor and the parent or legal guardian, will perform community service in lieu of full payment of the judgment.

(3) If an agreement for community service is reached under paragraph (2), the court shall order the offender, and in the case of a minor offender may also order the parents or legal guardian of the minor offender, to make payment of money and to perform such community service as has been agreed to by the parties as equating to full restitution. In the order, the court:

(i) shall specify the amount to be paid by the offender, or by the minor offender and the parents or legal guardian, and the number of hours of community service to be performed;

(ii) may designate a specific type of community service or delegate the service to an established community service program; and

(iii) may specify any court conditions necessary to carry out the order.

(4) Where the damages to school property are one thousand dollars (\$1,000) or less, the board of school directors of the school district owning the damaged property may institute a civil action to recover compensatory damages and the liability of a parent or legal guardian for the actions of a minor offender shall be premised upon the provisions of 23 Pa.C.S. Ch. 55 (relating to liability for tortious acts of children). Notwithstanding the provisions of 23 Pa.C.S. § 5505(b) (relating to monetary limits of liability), for amounts in excess of one thousand dollars (\$1,000), the liability of a parent or legal guardian for the actions of a minor offender shall be premised upon a finding that the parent or legal guardian failed to exercise reasonable and diligent supervision of the minor, which would likely have prevented the occurrence of the damage.

(d) If a child is convicted for a violation of this section, the court, including a court not of record, shall send to the Department of Transportation a certified record of the conviction or other disposition on a form prescribed by the department.

Section 2. Section 1317 of the act amended July 25, 1963 (P.L.315, No.169), is amended to read:

Section 1317. Authority of Teachers[,] and Vice Principals [and Principals over Pupils].--[Every teacher, vice principal and principal in the public schools shall have the right to exercise the same authority as to conduct and behavior over the pupils attending his school, during the time

they are in attendance, including the time required in going to and from their homes, as the parents, guardians or persons in parental relation to such pupils may exercise over them.] (a) (1) In all matters relating to the discipline in and conduct of the public schools, public school employes and school administrators shall be in the same relation to pupils as parents and guardians. This relationship shall extend to all activities connected with the public schools, including, but not limited to, any activity conducted during the school day or during the time a pupil is traveling to or from school or traveling to or from a school-sponsored activity or during any academic, athletic or extracurricular activity sponsored by the school district at any time.

(2) Public school employes and administrators shall be immune from civil liability for any action taken in good faith with regard to any pupil at any time for the safety and supervision of the pupil or for the safety and supervision of others, including, but not limited to, pupils, public school employes, visitors or the professional employe or administrator taking such action. Each public school entity shall provide all public school employes with guidelines and annual training on techniques for safely restraining pupils who are engaged in violent behavior.

Section 3. Section 1317.2 of the act, amended June 25, 1997 (P.L.297, No.30), is amended to read:

Section 1317.2. Possession of Weapons Prohibited.—(a) Except as otherwise provided in this section, a school district or area vocational-technical school shall expel, for a period of not less than one year, any student who is determined to have brought onto or is in possession of a weapon on any school property, any school-sponsored activity or any public conveyance providing transportation to or from a school or school-sponsored activity.

(b) Every school district and area vocational-technical school shall develop a written policy regarding expulsions for possession of a weapon as required under this section. Expulsions shall be conducted pursuant to all applicable regulations.

(c) The superintendent of a school district or an administrative director of an area vocational-technical school may recommend modifications of such expulsion requirements for a student on a case-by-case basis. The superintendent or other chief administrative officer of a school entity shall, in the case of an exceptional student, take all steps necessary to comply with the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.).

(d) The provisions of this section shall not apply to the following:

(1) a weapon being used as part of a program approved by a school by an individual who is participating in the program; or

(2) a weapon that is unloaded and is possessed by an individual while traversing school property for the purpose of obtaining access to public or private lands used for lawful hunting, if the entry on school premises is authorized by school authorities.

(e) Nothing in this section shall be construed as limiting the authority or duty of a school or area vocational-technical school to make an alternative assignment or provide alternative educational services during the period of expulsion.

(e.1) A school district receiving a student who transfers from a public or private school during a period of expulsion for an act or offense involving a weapon may assign that student to an alternative assignment or provide alternative education services, provided that the assignment may not exceed the period of expulsion.

(f) All school districts and area vocational-technical schools shall report to the Office for Safe Schools in the Department of Education all incidents involving [possession of a weapon prohibited by this section as follows:

(1) The school superintendent or chief administrator shall report the discovery of any weapon prohibited by this section to local law enforcement officials.

(2) The school superintendent or chief administrator shall report to the Department of Education all incidents relating to] expulsions for possession of a weapon on school grounds[, school-sponsored activities or public conveyances providing transportation to a school or

school-sponsored activity. Reports shall include all information as required under section 1303-A.

(g) As used in this section, the term “weapon” shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury]. The report shall include the information required under section 1303-A(b).

Section 4. Section 1333(b) of the act is amended by adding a clause to read:

Section 1333. Penalties for Violation of Compulsory Attendance Requirements.—* * *

(b) * * *

(4.1) In the event any child has twice been convicted of a summary offense under clause (1), any subsequent offense under clause (1) shall be graded as a misdemeanor of the third degree. The district justice shall refuse to accept for filing any complaint for a third or subsequent offense, but shall direct the prosecutor to refer the matter to the appropriate juvenile court authority for the filing of a delinquency petition for adjudication and disposition under 42 Pa.C.S. Ch.63 (relating to juvenile matters).

* * *

Section 5. Section 1338.1 of the act, added November 17, 1995 (Sp.Sess., P.L.1110, No.29), is amended to read:

Section 1338.1. Suspension of Operating Privilege.—(a) The Department of Transportation shall suspend for 90 days the operating privilege of any child upon receiving a certified record that the child was convicted of violating section 1333 or 777. If the department receives a second or subsequent conviction for a child’s violation of section 1333 or 777, the department shall suspend the child’s operating privilege for six months.

(b) Any child whose record is received by the department under section 1333(c) or 777 and who does not have a driver’s license shall be ineligible to apply for a driver’s license under 75 Pa.C.S. §§ 1505 (relating to learners’ permits) and 1507 (relating to application for driver’s license or learner’s permit by minor) for the time periods specified in subsection (a). If the child is under sixteen (16) years of age when convicted, suspension of operating privileges shall commence in accordance with 75 Pa.C.S. § 1541 (relating to period of revocation or suspension of operating privilege) for the time specified in subsection (a).

(c) An insurer may not increase premiums, impose any surcharge or rate penalty or make any driver record point assignment for automobile insurance, nor shall an insurer cancel or refuse to renew an automobile insurance policy on account of a suspension under this section.

Section 6. Article XIII-A of the act is amended by adding a subarticle heading to read:

ARTICLE XIII-A.

(a) Safe Schools Generally.

Section 7. Section 1301-A of the act is amended to read:

Section 1301-A. Definitions.—As used in this article,

“Act of violence” shall mean an offense, including the attempt, solicitation or conspiracy to commit the offense, under any of the following provisions of 18 Pa.C.S.:

(1) Section 912 (relating to possession of weapon on school property).

(2) Section 2501 (relating to criminal homicide).

(3) Section 2701 (relating to simple assault) if the offense would reasonably result in the expulsion of the perpetrator or if the victim requires outside medical assistance.

(4) Section 2702 (relating to aggravated assault).

(5) Section 2706 (relating to terroristic threats).

(6) Section 3121 (relating to rape).

(7) Section 3122.1 (relating to statutory sexual assault).

(8) Section 3123 (relating to involuntary deviate sexual intercourse).

(9) Section 3124.1 (relating to sexual assault).

(10) Section 3125 (relating to aggravated indecent assault).

(11) Section 3126 (relating to indecent assault).

(12) Section 3301 (relating to arson and related offenses).

(13) Section 3701 (relating to robbery).

(14) Section 3702 (relating to robbery of motor vehicle).

"Local law enforcement agencies" shall mean local police departments, regional Pennsylvania State Police field installations or headquarters, county sheriffs' offices and school district police or security departments.

"Office" shall mean the Office for Safe Schools[,] in the Department of Education.

"Plan" shall mean the violence prevention plan developed and adopted by a school district board of school directors.

"School entity" shall mean any public school district, charter school, intermediate unit or area vocational-technical school.

"School property" shall mean any public school grounds, any school-sponsored activity or any conveyance providing transportation to or from a school entity or school-sponsored activity.

"Serious bodily injury" shall mean bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

"Task force" shall mean the Violence Prevention Task Force established in section 1328-A.

"Weapon" shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle, knuckles, billy club, blackjack, grenade, incendiary device and any other tool, instrument or implement capable of inflicting serious bodily injury.

Section 8. Section 1303-A of the act, amended June 25, 1997 (P.L.297, No.30), is amended to read:

Section 1303-A. Reporting.—(a) The office shall conduct a one-time survey of all school entities to determine the number of incidents involving acts of violence on school property and all cases involving possession of a weapon by any person on school property which occurred within the last five (5) years. The survey shall be based on the best available information provided by school entities.

(b) All school entities shall report to the office all new incidents involving acts of violence, possession of a weapon or possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or possession, use or sale of alcohol or tobacco by any person on school property at least once a year, as provided by the office, on a form to be developed and provided by the office. The form shall include:

- (1) Age or grade of student.
- (2) Name and address of school.
- (3) Circumstances surrounding the incident, including type of weapon, controlled substance, alcohol or tobacco.
- (4) Sanction imposed by the school.
- (5) Notification of law enforcement.
- (6) Remedial programs involved.
- (7) Parental involvement required.
- (8) Arrests, convictions and adjudications, if known.

If a person other than a student is involved, the report shall state the relationship of the individual involved to the school entity.

(c) [All] By June 30, 1999, all school entities shall develop and implement a single memorandum of understanding [with local law enforcement which sets forth procedures to be followed when an incident involving an act of violence or possession of a weapon by any person occurs on school property. Law enforcement protocols shall be developed], in cooperation with each local law enforcement entity with jurisdiction over the school entity and the Pennsylvania State Police.

(1) The memorandum must establish a reporting protocol in accordance with subsection (d)(1) and (2).

(2) The memorandum may, without limitation, require reporting for any of the following:

- (i) Gang-related activity.
- (ii) An offense under 18 Pa.C.S. § 2709 (relating to harassment and stalking).
- (iii) An offense under 18 Pa.C.S. § 2710 (relating to ethnic intimidation).

(3) The memorandum must be renewed every two (2) years.

(4) A school entity which fails to enter into a memorandum by June 30, 1999, or which fails to renew the memorandum every two (2) years shall be ineligible for funding under Article XXV or under section 4011(b) of the Safe and Drug-Free Schools and Communities Act of 1994 (Public Law 89-10, 20 U.S.C. § 7111) until the school entity establishes compliance.

(d) The following provisions govern immediate required reporting to law enforcement:

(1) Any school administrator, teacher, nurse or school employe shall immediately report to the superintendent or chief school administrator or a designee any of the following:

(i) An act of violence. This subclause shall not apply to a weapon which is:

(A) used, as part of a school-approved program, by an individual who is participating in the program; or

(B) unloaded and possessed by an individual while traversing school property for the purpose of obtaining access to public or private lands used for lawful hunting if the entry on school premises is authorized by school authorities.

(ii) An offense under 18 Pa.C.S. § 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages).

(iii) Possession, use or sale of a "controlled substance," as defined in section 2 of the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act."

(iv) Possession of "drug paraphernalia," as defined in section 2 of "The Controlled Substance, Drug, Device and Cosmetic Act."

(2) Upon receipt of a report under clause (1), the superintendent or chief school administrator shall ensure the immediate reporting to the local law enforcement entity with primary jurisdiction by the most expeditious means possible if the incident occurred on the school property of any public school.

(3) The parent, guardian or other person having control or charge of any student involved in an incident reported to local law enforcement pursuant to this section shall be notified by the superintendent or chief school administrator immediately following the filing of such report.

(4) Except as set forth in clause (4), an individual who intentionally violates clause (1) or (2) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of three hundred dollars (\$300) or to imprisonment for not more than ninety (90) days, or both.

(5) An individual who, after being sentenced under clause (3), intentionally violates clause (1) or (2) commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of two thousand five hundred dollars (\$2,500) or to imprisonment for not more than one (1) year, or both.

Section 9. The act is amended by adding a section to read:

Section 1310-A. Notice of Arrest.—(a) The law enforcement officer or his designee, as defined in 18 Pa.C.S. § 6102 (relating to definitions), effectuating any arrest of an individual of compulsory school age, as defined in section 1326 of this act, with the exception of summary offenses within 75 Pa.C.S. (relating to vehicles), shall notify, within 24 hours of its occurrence, by delivery of a copy of the summary citation or by informing the principal of the public, private, parochial or charter school which the individual attends, of the identity of the alleged offender, the offenses allegedly committed and any other relevant information concerning the alleged offenses necessary to protect public safety. If the law enforcement officer is unable to determine the school which the individual attends, then a copy of the summary citation shall be delivered or information concerning the identity of the alleged offender, the offenses allegedly committed and any other relevant information concerning the alleged offenses necessary to protect public safety shall be communicated, within 24 hours of its occurrence, to the superintendent of the school district in which the individual resides.

(b) Information provided under subsection (a) shall be for the limited purposes of protecting school personnel and students from danger and for arranging appropriate counseling or safety measures for the students. The

building principal or his designees shall inform the child's teacher or teachers of all information received under subsection (a). Information obtained under subsection (a) may not be further disseminated or be used for admissions or disciplinary decisions concerning the child unless the act or acts surrounding the arrest took place or within 1,500 feet of the school property.

Section 10. Article XIII-A of the act is amended by adding a subarticle to read:

(b) Violence Prevention Plan.

Section 1321-A. Legislative Intent.—It is the intent of the General Assembly that:

(1) All school districts in this Commonwealth develop a plan relevant to the specific needs of the district and drawing on existing State and community resources with the goal to create a safe school environment while assuring that appropriate procedures are in place to deal with crisis situations which might occur.

(2) The plan is to be developed by the task force based on an assessment of the current needs and resources of the district in the areas of violence prevention and intervention, including an analysis of the types and frequency of crimes and incidents of violence currently occurring on school property or at school-sponsored activities and a review of available community-based resources to address family and youth-related issues.

(3) The plan should include appropriate strategies and programs to address both school safety and violence prevention.

Section 1322-A. Plan Required.—By August 1, 1999, every school district shall develop and submit to the Department of Education a plan. The plan shall be submitted to the department only after it is recommended by a task force and approved by the school board.

Section 1323-A. Public Inspection.—The plan shall be made available for public inspection in the school district offices for at least thirty (30) days prior to its approval by the school board.

Section 1324-A. Duration.—The plan shall remain in effect until it is superseded by an approved revision.

Section 1325-A. Revisions.—Any revisions to the original plan submitted to the Department of Education must be approved by the school board with the advice of its task force, and the revised plan shall be submitted to the department.

Section 1326-A. Preliminary Assessment.—Before beginning development of its plan, the task force shall undertake a comprehensive needs assessment to determine specific issues and concerns within the district and its surrounding community. This assessment should include documentation of current problems such as truancy, fighting, vandalism, weapons-related offenses and drug-related and alcohol-related incidents already occurring within the school environment, as well as an evaluation of the district's physical environment in order to identify locations which may be particularly isolated or violence prone.

Section 1327-A. Review of Existing Programs.—Concurrent with the needs assessment, the task force shall also compile a list of school-based and community-based programs for young people already available to deal with violence prevention, intervention and rehabilitation.

Section 1328-A. Task Force.—(a) The plan provided for in section 1322-A shall be prepared for submission to the school board by a violence prevention task force whose membership shall, at a minimum, include: district administrators, teachers, guidance counselors, school nurses and school directors; parents; students; local law enforcement agencies; community and business leaders; probation and court representatives; social service and health care providers; and other youth-serving professionals.

(b) The task force shall hold at least one public hearing prior to preparing its plan for submission to the school board for approval.

Section 1329-A. Content of Plan.—The plan shall include:

(1) A brief description of the process used to develop the plan, including the members of the task force, the date of public hearings held and the date and official vote by which the local board adopted the plan.

(2) Procedures for assuring compliance with existing laws related to school safety, including this article, sections 1317.1, 1317.2, 1517, 5311 through 5314, 18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous

articles), 23 Pa.C.S. Ch. 63 Subchs. B (relating to provisions and responsibilities for reporting suspected child abuse) and C.2 (relating to background checks for employment in schools).

(3) A code of student conduct, which at a minimum complies with 22 Pa. Code § 12.3 (relating to school rules). The code shall clearly explain school rules and punishments for infractions. The code shall include conformity with the zero-tolerance provisions regarding weapons found in section 1317.3 and any other zero-tolerance offenses as established by the school board. The code shall include any establishment of a uniform schoolwide dress code pursuant to section 1317.2. At the beginning of each school year students shall be furnished with a copy of the current code of student conduct adopted by the school board. Copies shall also be made available to administrators, parents and teachers within the district.

(4) Establishment of policies to insure consistent crime reporting by school officials to law enforcement to include development of memoranda of understanding in compliance with section 1303-A.

(5) A comprehensive school crisis plan which outlines policies and procedures for dealing with potential crisis situations which, depending on a local assessment of those situations most likely to occur in the district, may include facilities problems such as electrical outages; fires; protests, strikes or other unrest; natural disasters; transportation delays, problems or accidents; individual child accidents; medical problems involving multiple students, such as a meningitis outbreak; individual medical crisis including alcohol and drugs; individual mental health crisis including trauma and suicide; intentional acts against persons, including assaults, rape, assaults with weapons, assaults with chemicals, bomb threats or bullying; hostage situations; abductions, kidnappings or missing persons; and events outside school that may affect the school community, such as a major crime or accident such as an airline crash. A comprehensive crisis plan should include the following elements:

(i) Prevention guidelines which outline policies to prevent incidents. These may include curricular offerings or special age-appropriate programs to develop students' interpersonal skills such as peer mediation, mentoring, peer intervention and conflict resolution; staff training; techniques and procedures for identification and reporting by staff and students of potential violent or criminal acts; disciplinary and counseling procedures for drug-related and alcohol-related incidents; and implementation of specific safety procedures to be put in place within the district, such as mandatory visitor identification.

(ii) Early interventions which delineate activities and guidelines to inform people of how to assess a potential problem and what to do about it. These may include staff training in assessment tools for predicting violent juvenile behavior, bomb threat procedures and crisis training drills so students and staff know what to do if an emergency occurs.

(iii) Crisis intervention guidelines which include directions on how to get help, specific steps to be taken and steps to avoid. These should be developed in concert with existing memoranda of understanding developed with law enforcement pursuant to section 1301-A(c). Specific issues that should be addressed in the guidelines include lines of responsibility, reporting procedures, communications protocols, special equipment and materials needs, etc.

(iv) Support guidelines which identify needs and available resources in terms of support for staff, students, families and others after a crisis situation occurs. This may include referral to counseling, rehabilitation or other intervention programs available in the local community.

(v) Debriefing and evaluation which outlines procedures for all responders to meet following an incident in order to evaluate how the various components of the plan operated in actual application.

(vi) Revisions and upgrading of plan which are based on evaluation and other input from responders, victims, staff and others involved in the incident.

(6) Any other programs, curricular offerings or procedures that the task force deems necessary to the safe and orderly operations of the district.

Section 1330-A. State Resources.—(a) In developing plans, districts may utilize the existing resources of the Center for Safe Schools

established by the Department of Education and Central Susquehanna Intermediate Unit and the Office for Safe Schools established pursuant to section 1302-A. In particular, districts may reference the Toolkit for School Safety Planning developed by the Center for Safe Schools.

(b) The Department of Education, through its Office for Safe Schools, shall develop and make available to school districts model violence prevention plans drawn from programs already offered in the State and nationally. These model plans shall include any pertinent supporting materials and information indicating why the model was selected and where it was previously used. These models may be used by individual districts and their task forces to develop their local plans. The department shall make every effort to assure that multiple model plans are available which reflect rural, suburban and urban perspectives.

Section 1331-A. Regional Planning.—In order to provide for maximum coordination of efforts and to avoid duplication, one or more districts may join to form a consortium for the purpose of developing a plan and may form a single joint task force to assist them in this regard. Districts may utilize the services of their intermediate units to facilitate such regional planning.

Section 1332-A. Submission of Individual Plan Required.—The provisions of this subarticle notwithstanding, each district which is a member of such a consortium shall submit its own plan, adopted by its school board to the Department of Education.

Section 1333-A. Pre-existing Plans.—(a) Any school district which has already developed a school violence prevention plan, adopted by its local board of school directors and that contains the components required in section 1329-A, shall not be required to develop a new plan, but may submit the pre-existing plan to the Department of Education in compliance with section 1322-A.

(b) Any revisions to a pre-existing plan shall be subject to the requirements of section 1325-A.

Section 11. The act is amended by adding sections to read:

Section 1550. Juvenile Crime Program.—Beginning with the 1999-2000 school year and each subsequent year thereafter, the Department of Education shall have the power and its duty shall be to:

(1) Develop and provide resource information to educators and public and private elementary and secondary schools and organizations on juvenile crime.

(2) Provide for distribution to school entities and public and private or nonpublic elementary and secondary schools in this Commonwealth materials on juvenile crime. Such materials shall include, but need not be limited to, the mechanics of the juvenile justice system and the nature of delinquency proceedings, the penalties for committing a crime that would be graded higher than a misdemeanor if committed by an adult and the consequences of committing a crime.

(3) The Secretary of Education shall prepare and submit an annual report to the Governor and the General Assembly outlining juvenile crime programs and achievements, highlighting new initiatives and recommending future programs.

(4) The Secretary of Education shall consult at least annually with the Commissioner of the Pennsylvania State Police, and other law enforcement personnel which the Secretary of Education deems necessary, in order to prepare the materials and assess the trends of juvenile crime in this Commonwealth.

Section 1551. Youth Service Centers.—(a) The Secretary of Education, in consultation with the Secretary of Health, shall develop and implement a strategic plan for creation of youth service centers as a means to deliver comprehensive and coordinated social services at or near public school sites. The centers shall provide services which will enhance students' abilities to succeed in school. The plan developed for the centers shall provide for identification and coordination of existing resources, including a schedule to implement a network of youth service centers across this Commonwealth and contain, but not be limited to, the following components for each site:

- (1) Referrals to health and social services.
- (2) Employment counseling, training and placement.
- (3) Summer and part-time job development.

(4) Drug and alcohol abuse counseling.

(5) Family crisis and mental health counseling.

(b) The Department of Education shall hold Statewide hearings and issue a report of its findings to the General Assembly, prior to implementation of this section.

(c) The Department of Education shall promulgate rules, regulations and standards to comply with this section.

Section 12. This act shall take effect as follows:

(1) The addition of section 1551 of the act shall take effect immediately.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. Does the gentleman, Mr. DeWeese, seek recognition on the amendment?

Mr. Snyder, do you seek recognition on the amendment? You are in order.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, the amendment before us is an omnibus amendment that consolidates several of the legislative proposals that have been submitted by the members of this body to deal with the issue of school violence.

There are several provisions in here, which if there are any specific questions we would be happy to address, but basically we have put this package together to deal with school violence, provide for our Violence Prevention Act, to give greater authority to our school directors to develop proposals within their own districts. We deal here with protection from civil liability. There are provisions in here to require PennDOT to notify schools of various convictions to deal with suspension of their license, and it provides for some amendments to the possession of weapons.

We ask the members to support this broad amendment. It has bipartisan support. As I said, it has incorporated many of the proposals that the members of this body have discussed over the last several months. It comes as the result of the hearings that were done during this summer by our Policy Committees, and the other side has also brought up many of these issues.

Therefore, I ask the members to support this amendment to HB 2782.

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

Mr. DeWEESE. Thank you very much.

I would like to affirm and fortify the observations of the gentleman from Lehigh. Number one, this is an opportunity for us as Democrats to participate in the amendment, and the crime-prevention-training language that Representative Daley of Washington County has injected into the proposal is something that we have been working on. The Good-Samaritan immunity language that the Representative from Lehigh talked about was a focus of Representative Scrimenti from Erie County. And finally, the opportunity, literally, of the Commonwealth to take away the licenses, driver's licenses, of kids who deface school property is brand-new language.

I join my colleague from the Lehigh Valley and the floor leader on the other side in asking for an affirmative vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman. The gentleman, Mr. Lloyd, is recognized on the amendment.

Mr. LLOYD. Mr. Speaker, I would like to interrogate the gentleman, Mr. Snyder.

The SPEAKER pro tempore. The gentleman indicates he will stand for interrogation. You are in order.

Mr. LLOYD. Mr. Speaker, I would like to understand what this amendment does. The first part of the amendment, which starts on page 1, line 16, and ends on page 2, line 43, appears to be similar to some piece of legislation we passed back in September or October. Is that accurate? Is that what this is?

Mr. SNYDER. Mr. Speaker, the provision that you reference, which is referenced as section (c)(1)—

Mr. LLOYD. Yes.

Mr. SNYDER. —through, I believe that goes through (4)(d), that is similar language to what the House passed previously in HB 1272, which is a Title 18 bill, which is the Crimes Code. We have taken that same language to put it into the School Code for implementing it, because it deals with school buildings.

Mr. LLOYD. Well, Mr. Speaker, what I am concerned about is we had some debate over that language in 1272, and there was an amendment put in at the last minute which alleviated the concerns which many of us had. Is this language which is in this bill the same as the language on which we previously voted?

Mr. SNYDER. Mr. Speaker, this is the identical language as it was amended in that legislation.

Mr. LLOYD. Now, the next section, which starts on page 2, line 44, and ends on page 3, line 14, have we also voted on that previously?

Mr. SNYDER. Mr. Speaker, this is legislation that Representative Dennis Leh from Berks County had introduced, and this was put in to provide for protection of our school employees, to provide them immunity from civil liability for any action which they take in good faith with regard to any pupil at the time for safety and supervision. In other words, what we are trying to do here, Mr. Speaker, is protect the teachers and administrators who at this moment are fearful of getting involved with a situation because of the potential liability, and this would give them that protection if they are doing it for the safety of the pupils in that situation.

Mr. LLOYD. So in other words, Mr. Speaker, on page 2, line 53, where it says that "In all matters relating to the discipline in and conduct of the public schools, public school employes and school administrators shall be in the same relation to pupils as parents and guardians," what that means is that if a parent or guardian would be allowed to impose a certain type of discipline on that student, so would the school officials.

Mr. SNYDER. Mr. Speaker, that is the same as in loco parentis, which means that it gives them that same authority to act as you just mentioned. And also, this is Representative Scrimenti's language as well. I need to correct that.

Mr. LLOYD. Well, what I am trying to understand is, there is a lot of debate about corporal punishment in the public schools. This would appear to say that since a parent may paddle a child, so may the teacher or so may somebody else. There do not appear to be any rules with regard to which school employees and school administrators are allowed to do that. I am not sure what the current state of the law is. I know that some school districts do not allow that. I do not know what State policy is. This would appear, to me at least, to say that if a parent could paddle the child, so may any school employee.

Mr. SNYDER. Mr. Speaker, there is another provision in the School Code that would prohibit or restrict that type of activity. This language, especially when you look at the second portion of this, that particular section, it deals with strictly intervening or preventing harm to be occurring to an individual.

Mr. LLOYD. I do not know, Mr. Speaker. As I read page 3, starting on line 5, it says that public school employees and administrators are immune if they take action in good faith "for the safety and supervision of the pupil or for the safety and supervision of others...." Presumably anything they do to correct a student is intended to be for the safety of everybody and for the supervision of the students. I am just trying to understand. I do not know if there is anything happening here that makes a dramatic change in the law, but I have been told over the years that teachers have increasingly, either because of court decisions or State Board of Education rules, not been allowed or had restrictions placed on their ability to impose corporal punishment. This appears to be reversing that.

Mr. SNYDER. Mr. Speaker, the last sentence of section 2 there, lines 11 through 14, I think specifically describes the type of activity we are talking about: "Each public school entity shall provide all public school employes with guidelines and annual training on techniques for safely restraining pupils who are engaged in violent behavior," and that training is part of the granting of the civil immunity for that action, and this is what we are trying to talk about. We are talking about prevention here. There are other sections of the School Code that deal with the corporal-punishment questions that you are asking about.

Mr. LLOYD. Well, I understand that, but my concern is that whatever is passed last is going to govern, and it just seems to me that there are no restrictions here or no requirements for the school district with regard to whether it is the superintendent who imposes discipline or whether it is the custodian, because it says "school employes," and school employees stand in the same position as parents.

Mr. SNYDER. Well, Mr. Speaker, if you are a school custodian and you see some kids ready to throw somebody down the steps, and that school janitor interferes by trying to take action to prevent that harm being potentially done to a student, we want to give that individual the same type of immunity as any other employee within the school setting. So that is the purpose for providing not just for teachers.

Mr. LLOYD. Well, it is your position that this does not override any policy of the State Board of Education or any policy in the School Code or any policy adopted by regulation with regard to when discipline may be imposed in a public school and by whom discipline may be imposed and what type of discipline may be imposed.

Mr. SNYDER. Mr. Speaker, for the purposes of just creating a legislative acknowledgment or history of our intention, the intention of this section is not to override, expand, or alter any existing regulations or statute that deal with corporal punishment and other means of discipline. This section is intended to provide for statutory guidelines for the prevention of violence within a school building or on school property.

Mr. LLOYD. All right. On page 4, line 22 through line 30, have we voted on that before? What does that do? It has to do, I assume, with increasing the penalty for somebody who is— Are these people who miss school?

Mr. SNYDER. Mr. Speaker, I would like to defer this question to Representative Browne from Lehigh County. This was one of his proposals, and it was a recommendation from the Judicial Court Justice Commission to provide this type of language. But if you have any specific questions, I—

Mr. LLOYD. No; my question is that it looks like if you skip school more than twice, it is a misdemeanor 3. Am I reading that correctly, because I do not know what the law is today.

Mr. SNYDER. Mr. Speaker, you would have to be formally adjudicated for truancy for this to be applicable, and to be adjudicated, you would need three incidences of truancy.

Mr. LLOYD. Moving down to the next section of the bill, suspension of operating privileges for a violation of section 777. What is section 777?

Mr. SNYDER. Mr. Speaker, first of all, section 777 is the issue that you asked us earlier about, the institutional vandalism, and what this particular section would do is it provides that if a student is convicted of a violation of defacing, injuring, or destroying school property, which is what section 777 is—

Mr. LLOYD. We are going to take his driver's license.

Mr. SNYDER. —then you can take the driver's license away. That is correct.

Mr. LLOYD. Now, you mentioned, and I think we are coming to it on the next page, page 5, with regard to weapons, and we have debated that issue numerous times in recent years, including on HB 1272, and there was language removed from 1272 that was problematic for many people. This language which starts "ARTICLE XIII-A...Section 1301-A..." and all these changes, I mean, are these things we voted on before or is this a new proposal, and if it is a new proposal, what does it do?

Mr. SNYDER. Mr. Speaker, this is all new language. The House has not considered this portion of the bill prior to this. This came out of the Children's Partnership. This is their recommendation to deal with the school violence.

Mr. LLOYD. Well, I guess my concern is, we have debated at great length the situation with regard to whether students ought to be automatically suspended if they bring a weapon to school and what weapon that ought to be and what happens if they have a shotgun in the trunk of the car because they are going hunting. All those issues we have debated. My question is, I see a laundry list of things here called acts of violence. I see a change in the definition of "Weapon." I am not sure how that all fits into anything and what the consequences of those changes are, but if we have not debated that before, I would like someone to explain to me what this does.

Mr. SNYDER. Mr. Speaker, I will give the answers to you in portions. The first section which pretty much goes down from lines 6 to 26, that defines the violations that would have to be reported to law enforcement agencies.

Mr. LLOYD. But are those violations committed only by students or are those violations committed by anybody?

Mr. SNYDER. By anybody on school property.

Mr. LLOYD. And we know that it is limited to school property because of what? That that is what section 1301, that is what that deals with? I mean, my concern is that we have not had a very good history of making changes in the laws governing firearms in this chamber. We have come back and redone it and redone it and redone it. I would like to make sure that we are not unintentionally doing some things here.

Mr. SNYDER. Well, first of all, we have the definition of "School property," which is where the crime would be committed, and the only change there is expanding it so that it is transportation to or from the school entity or school-sponsored activity. That is the only change there.

Mr. LLOYD. Well, Mr. Speaker, this is an exceed— If I could be on the amendment, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is in order.

Mr. LLOYD. Mr. Speaker, this is an exceedingly tedious way to deal with this subject. I know it is going to pass. I do not know whether it should pass or whether it should not. I am just going to vote "no." Everybody else can vote "yes." Thank you.

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

Mr. THOMAS. Mr. Speaker, I would like to interrogate the speaker of the amendment, but prior to the interrogation, I would like to just put a couple things on the record.

Number one, Mr. Speaker, it is very clear to all of us that during this past term, we have offered and passed a number of bills designed to look at the whole issue of school violence, school safety, and violence prevention. And, Mr. Speaker, some of those measures that we have adopted and approved have come back to haunt us, and I cite the particular situation in Philadelphia County where I remember we had a very heated debate on the question of whether or not a 15-year-old who commits certain crimes should be certified as an adult. So we have in Philadelphia a 16-year-old who stayed in an adult prison for over 14 months before it was determined that he was innocent and that he was wrongfully arrested and placed in an adult correctional institution, and I cite that situation to, one, then go into my interrogation, because my interrogation focuses on some specific things, and I hope the speaker would stand for interrogation.

The SPEAKER pro tempore. The gentleman, Mr. Snyder, indicates that he is willing to stand for interrogation. You are in order and may proceed.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I go back to Act 26, which I think became the umbrella of measures that we put in place to deal with this whole issue of school violence, and I have two questions. One, have we looked at the impact of Act 26 on the question of school violence? That is the first part of the question. And then the second part of the question is, how does this comprehensive amendment fit into, complement, conflict, or stand next to the provisions of Act 26?

Mr. SNYDER. Mr. Speaker, this amendment is the work of the Children's Partnership, which includes school personnel, law enforcement agencies, representatives of government, and it is their recommendations that you see before you right now. And yes, we did take into consideration the impact on Act 26, the Safe Schools Act, because this enhances that act. It provides more protocols. It clarifies the responsibilities of the schools, and it provides for various provisions in the School Code now that enable us to administer this law more effectively.

Mr. THOMAS. So, Mr. Speaker, you are saying that, one, we do not have any hard data in on the impact of Act 26.

Mr. SNYDER. Mr. Speaker, there is an annual report on school violence that is published by the Department of Education under Act 26. So, you know, I think in the future as this law gets implemented, we will be able to measure what impact it has on school violence with that statistical information that is available on an annual basis.

Mr. THOMAS. So the provisions in this amendment stand independently of the provisions in Act 26, or can we argue that this amendment is so comprehensive that in effect it absorbs all the provisions of Act 26?

Mr. SNYDER. No; I think the better word is that it enhances Act 26 by clarifying some of those provisions and broadening the coverage under the issue of school violence and prevention of school violence in the School Code.

Mr. THOMAS. Mr. Speaker—

Mr. SNYDER. And it also corrects some of the deficiencies that have come out of Act 26, you know, due to the couple years of implementation, such as a memorandum of understanding.

Mr. THOMAS. Well, Mr. Speaker, that leads me to my next question, because I know that the Philadelphia School District and I think several other school districts wrote to the General Assembly and to the Department of Education with a list of issues as they related to the inability to implement Act 26 because of conflict in the School Code versus what was taken into consideration in Act 26, and let me give you a couple examples.

There was a subsequent bill or a subsequent law to Act 26 which directed school districts to report all incidences of violence to local police. Arguably, Act 26 provided the trigger for school districts carrying out that earlier law's mandate. But the Philadelphia School District in its questions regarding Act 26 stated that the language in Act 26 was confusing and that it did not provide the kind of mandate that would have brought about automatic reporting of incidences of violence.

The second issue, another issue that was raised— Well, I will stop; okay.

Mr. SNYDER. Yeah; I need to address one at a time here.

This amendment deals with the specific problem that you are raising in the debate and the questions and the problems that were presented to the legislature from school districts such as Philadelphia. If you look at the bottom of page 6 of the amendment beginning with line 48, it provides that these provisions would now provide for immediate reporting to law enforcement agencies by the various people there and the circumstances, and it goes back to the question that Representative Lloyd had raised earlier about the various offenses under the Crimes Code that would have to be reported. That section that he was talking about and this section are tied together, and this is what clarifies the language of Act 26.

Mr. THOMAS. Well, Mr. Speaker, in Philadelphia you know that we have one superintendent and we have deputy superintendents and at the school level we have a principal, and so part of the problem was not knowing who was supposed to do what, but I will accept your explanation on that. Let me get to my second concern.

The school district was confused as to whether or not, because Act 26 provided that there was a number of weapons that would not be permitted on school property, but it also exempted certain school districts where certain weapons would be allowed; for example, people who hunt and give kids their guns, or kids that take part in sport hunting. In those areas, Act 26 exempted them or waived liability as it related to them in being able to bring certain weapons to school, while in urban school districts, these weapons are specifically prohibited, and the question is whether or not this amendment resolves that question of whom do weapons apply to and the kinds of weapons that are under consideration.

Mr. SNYDER. Mr. Speaker, those exemptions that you just referenced are still incorporated into this act. Again, if you look at

the bottom of page 6 that deals with this particular part, there are two exemptions, and they apply to all school districts whether or not they may be applicable because they do not hunt or something. But let me just— The two exemptions are where the weapon is used as part of a school-approved program by an individual who is participating in that program, such as a rifle team, or the second exemption is if it is a weapon that is unloaded and possessed by an individual while on school property for the purpose of obtaining access to public or private lands for lawful hunting. So that is not in the school, but let us say there are woods next to the school property. If you are walking across that school property to get into those woods for hunting and it is an unloaded weapon, these would be exempted, and these are the current exemptions in law. We are not changing the exemptions or broadening them in any way.

Mr. THOMAS. Okay. So we still have a situation where young people in one school district can bring a hunting rifle to school and in another school district they cannot.

Mr. SNYDER. That is not true, Mr. Speaker.

Mr. THOMAS. Okay.

Mr. SNYDER. Mr. Speaker, this applies to all school districts, and only under those circumstances. As I said, if you have a rifle team in Philadelphia, this is as applicable as it is in a school in a rural county. And the other point is that, now, you may not have hunting areas located next to your school property as in rural areas, but that is not allowing those weapons into the school; that is allowing you to traverse the property — you know, walking outside on the property to go from one point into an area where the hunting is permitted.

Mr. THOMAS. Okay. Mr. Speaker, my last—

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

Mr. Thomas, it is the Chair's understanding that this bill is going to go over for the day. The Chair is very reluctant to interrupt you during your interrogation and will not do so if you would like to continue. However, if you would like to save this for another day, the bill is going to go over.

Mr. THOMAS. Thank you, Mr. Speaker. I yield.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILL PASSED OVER

The SPEAKER pro tempore. Without objection, HB 2782 will be over for the day.

STATEMENT BY MR. HERSHEY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester County, Mr. Hershey, under unanimous consent.

Mr. HERSHEY. Thank you, Mr. Speaker.

With Veterans Day coming up tomorrow, I would like to make a few comments as chairman of the committee.

Tomorrow we want to honor the many veterans. We have some here in the House; statewide, we have a lot of veterans here in Pennsylvania. We want to thank them for their commitment, their dedication to keep our land free, and also their help to secure our freedom that we enjoy today.

Also, as chairman of the committee the past year, I would like to say it was an honor to serve those men and women who have

served. I thank you for the time, and we hope we have a great celebration tomorrow. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the majority leader, who calls for an immediate meeting of the Rules Committee at the majority leader's desk.

BILL ON CONCURRENCE REPORTED FROM COMMITTEE

HB 366, PN 4082 (Amended)

By Rep. PERZEL

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for government-owned companies; providing for property and casualty insurance rate and form filings, for the making of rates, for powers and duties of the Insurance Commissioner and for rating organizations; imposing penalties; providing for health insurance coverage for mental illnesses; and making repeals.

RULES.

SUPPLEMENTAL CALENDAR C

BILL ON CONCURRENCE IN SENATE AMENDMENTS AS AMENDED

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 366, PN 4082**, as further amended by the House Rules Committee:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for government-owned companies; providing for property and casualty insurance rate and form filings, for the making of rates, for powers and duties of the Insurance Commissioner and for rating organizations; imposing penalties; providing for health insurance coverage for mental illnesses; and making repeals.

On the question,

Will the House concur in Senate amendments as amended by the Rules Committee?

The SPEAKER pro tempore. Moved by the gentleman, Mr. Micozzie, that the House concur in the amendments, and the question recurs, will the House concur in the amendments inserted by the Senate as amended by the House?

The gentleman, Mr. Lloyd, is recognized on the question.

Mr. LLOYD. I yield to the gentleman, Mr. Micozzie, for an explanation of the amendments added by the Rules Committee.

The SPEAKER pro tempore. Mr. Micozzie, do you seek recognition? The gentleman is in order.

Mr. MICOZZIE. Thank you, Mr. Speaker.

As you recall, HB 366 was passed about a year ago, which had to do with allowing foreign governments to do business in Pennsylvania. Since that time, it has been amended in the Rules Committee, and there are three new provisions.

The first provision repeals outdated agent countersignature requirements. This is an objective of the Insurance Department and, on a national level, the National Association of Insurance Commissioners. It repeals antiquated laws that require an in-State agent's signature on a policy sold through an out-of-State agent or insurer. This is no longer needed. The Insurance Department already requires the out-of-State agent or insurer to be licensed in Pennsylvania and comply with all our laws.

The second provision that was placed into the bill establishes the Property and Casualty Filing Reform Act. This is another objective of the Insurance Department. It reduces the regulatory red tape on business insurance. Personal lines and workmen's compensation are not affected. It gives business greater opportunity to negotiate coverage and rates while still giving the department the power to regulate these areas.

The language is that of SB 1077, which passed the Senate unanimously in June and was unanimously approved by the House Insurance Committee on October 5.

The third provision mandates mental health coverage in group policies to employers of 50 or more with ongoing study about costs and the need for future expansion of this coverage.

Mr. Speaker, can I have some quiet, please? I cannot hear myself think.

The SPEAKER pro tempore. The gentleman is correct. This is a major piece of legislation. The House will come to order.

Mr. MICOZZIE. The amendment mandates that all group policies issued to employers with 50 or more policies cover serious mental illness as defined in the act. There can be no difference in annual or lifetime limits for mental and physical illness. It also mandates that coverage for mental illness shall be, at a minimum, at least 30 inpatient and 60 outpatient days with no lifetime limits. Inpatient days can be converted to outpatient days on a 1-for-2 basis. Cost-sharing arrangements, including deductibles and copayments, for mental illness shall not be so prohibitive as to deny access to care. The Legislative Budget and Finance Committee must report to the General Assembly every 2 years on the cost of this mandate and the possible need for expanded coverage of other mental illnesses.

This is a compromise, meaning it will be too much for some and not enough for others, but it is a fair balance of legitimate but competing interests. You will hear a lot about what it does not do, but look at what it really does.

The current law: Pennsylvania, as to about 38 other States, follows the Federal mental health law, which is not even a mandate. It requires that if group coverage to employers with 50 or more employees provides mental health coverage, it must not have different annual and lifetime limits. But that is not even a mandate, and it does not have any rules on the amount of coverage or cost-sharing arrangements.

The amendment: This is a mandate on group coverage to employers of 50 or more and with meaningful amounts of coverage required. The inpatient and outpatient days are the same amounts that apply to drug and alcohol coverages but without any lifetime limits. While cost-sharing can be different than for physical illnesses, they cannot be so much as to deny access to care, something that the Insurance Department will regulate as part of its general supervisory power. We will be hearing from the Legislative Budget and Finance Committee every 2 years on this mandate — what its costs are and on whether it should be expanded. That way

we will have real data based on Pennsylvania's experience and needs.

No, this is not all the parity advocates want, but it is much more than what we now have, much more than the employer and the insurance communities have accepted to date, and it is a guarantee that any future expansion will be done in a reasonable manner.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Will the gentleman stand for interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will. You are in order and may proceed.

Mr. MICHLOVIC. Mr. Speaker, my first question is, does the gentleman know how many people approximately across the State that this comprehensive bill will cover?

Mr. MICOZZIE. Between 2.7 and 3 million people, residents.

Mr. MICHLOVIC. 2.7, 3 million people—

Mr. MICOZZIE. Yes.

Mr. MICHLOVIC. —will be covered under this in companies of 50 or larger.

Mr. MICOZZIE. That is correct.

Mr. MICHLOVIC. And the source of your information? Do you know? What is the source of your information?

Mr. MICOZZIE. The Insurance Department.

Mr. MICHLOVIC. Okay. Thank you.

Mr. Speaker, that 2.7 million, that is all the people covered for the mental illnesses. That is not the people with the mental illnesses that are covered; that is the whole group.

Mr. MICOZZIE. That is everybody that is covered.

Mr. MICHLOVIC. Okay. My information is that the people with mental illness that have the problem, that need the coverage under the provisions of this bill, will be somewhere in the range of 90,000, 95,000 across the Commonwealth of Pennsylvania, even though there are 2.7 million covered.

Mr. MICOZZIE. Where did you get that source?

Mr. MICHLOVIC. From staff and advocates of the—

Mr. MICOZZIE. I do not know if that is—

Mr. MICHLOVIC. Okay.

Mr. MICOZZIE. I have no data on that.

Mr. MICHLOVIC. Will children with depression be covered under the legislation?

Mr. MICOZZIE. Children with severe depression will be covered.

Mr. MICHLOVIC. If they are in one of the groups.

Mr. MICOZZIE. What is that?

Mr. MICHLOVIC. If they are in one of the groups.

Mr. MICOZZIE. That is my understanding.

Mr. MICHLOVIC. Okay. There is a further restriction, as I understand it, in the legislation that the illnesses covered are only those that are biologically or organically related.

Mr. MICOZZIE. If you look at the bill on page 9, it outlines those that are covered.

Mr. MICHLOVIC. Okay.

Mr. MICOZZIE. Down at the bottom of the page, and I can read them off: "SERIOUS MENTAL ILLNESS" MEANS ANY OF THE FOLLOWING MENTAL ILLNESSES AS DEFINED BY THE AMERICAN PSYCHIATRIC ASSOCIATION IN THE MOST RECENT EDITION OF THE DIAGNOSTIC AND STATISTICAL MANUAL: SCHIZOPHRENIA, BIPOLAR DISORDER, OBSESSIVE-COMPULSIVE DISORDER, MAJOR

DEPRESSIVE DISORDER, PANIC DISORDER, ANOREXIA NERVOSA, BULIMIA NERVOSA, SCHIZO-AFFECTIVE DISORDER AND DELUSIONAL DISORDER."

Mr. MICHLOVIC. Okay. Excuse me; some of the information I have been getting in the last 2 days has been changing, so some of those— Panic disorder, as a matter of fact, is not an organically induced problem. So just those listed at the bottom of page 9.

Mr. MICOZZIE. That is true.

Mr. MICHLOVIC. Okay. Are the contents of this legislation in any way related to the investigation and the study that was undertaken by the Welfare Department, the Department of Welfare, at the Governor's request with the report that was to be filed last Thursday? Is any of this related to that report?

Mr. MICOZZIE. No; it is not.

Mr. MICHLOVIC. Okay. Thank you.

And finally, the chief advocate on your side of the aisle is not available for me to ask a question today. He and I have worked on the legislation. Does Mr. Gannon support this legislation, to your knowledge?

Mr. MICOZZIE. It is my understanding that Mr. Gannon supports the legislation.

Mr. MICHLOVIC. Okay. Thank you.

Thank you for your—

Mr. MICOZZIE. Finally.

Mr. MICHLOVIC. —willingness to be interrogated. I would like to speak on the legislation.

The SPEAKER pro tempore. The gentleman is in order.

Mr. MICHLOVIC. Mr. Speaker, in talking about 10 minutes ago to the gentleman's staff — I was not able to talk to the gentleman, Mr. Gannon — he does not support, he signed off, he signed off on this legislation. He signed off on this legislation because there are some very important components that are missing in this legislation.

The thing that he was really trying to do was expand the horizon for the number of people covered under the legislation. As late as yesterday, I talked to him, and he was hanging tough with employers with 20 employees or more would be covered. This legislation has employers with 50 or more. That is a very large group. Only those people are covered who work for, have insurance with companies of 50 employees or more. Think about your own legislative district. How many companies do you have in that district? How many of them are over 50 employees? All of those small employers, many of them that you see in the chambers of commerce and that you see in your offices or that you see on your way to work, do not have 50 employees. A company with 50 employees today is pretty large.

And this is not an accident; it is not an accident that this bill comes to us at the eleventh hour and eleventh day, if you will. It has been placed in front of the people, the advocates for the mentally ill, at the eleventh hour and the eleventh month and the eleventh day, and says, this is all you are going to get. Meanwhile, they have started a process, and that process, quite frankly, is one that comes out of the election process. The Governor is running for reelection; he is willing to hear; he is out there stomping. He is listening to people, and in the campaign, he heard from people that were affected by mental illness in their families, and they told him, we want this problem resolved; we do not want separate but equal treatment, what this legislation will do; we want equal treatment; we want to be full citizens of the Commonwealth of Pennsylvania; we want full coverage like everybody else. And he listened; to his

credit, he listened, and he enjoined his administrators in the Department of Welfare to conduct a study and get back to him. They did. They were in a very tight negotiation at this point to decide how we are going to get this legislation that meets the needs of that constituency, that very important and large constituency across this Commonwealth — a lot more than 90,000 people, a lot more than 2.7 million covered — and get to those people and deal with it in a legislative fashion that is fair and effective.

And just when we are about to get that done, the advocates of this thing, that have been working for years, are faced with a, essentially, take-it-or-leave-it prospect: You either get this or you get no hearing with us; you either take this — which, by the way, is essentially a little pilot project or a study group so that the Committee for Budget and Finance can study it for a couple more years, but what those couple more years give the insurance industry is a couple more years to delay this whole issue and not really put it into effect across the State. That should not be, that should not be sufficient for us. We need to really deal with this issue honestly and cover people in a full fashion.

As a result of that kind of constraint, of pushing, of pressure, the advocates for this are all over the place. Well, not all over the place; most of them accepted the compromise and said, well, we will get a little bit now. None of them, none of them are happy with what they got. And maybe you feel that is okay; everybody leaves this hall not fully satisfied. I have heard that; I have heard that and said that myself. But I will tell you, after working on this thing for 18 years, I am really not satisfied; I am really not satisfied if we leave this hall pretending we did something when we did very little, when we passed a pilot project so that a small portion of the population can be covered and a whole nother part of the population be put off. Why? Because the insurance companies really do not want to cover everybody, and that is really why. They are flexing their muscles on this. They found a way to defer for another couple of years this issue.

We have grappled with this issue on this floor more and more lately. Of all of those 18 years, I have had more debates on this floor about this issue in the last year than we had in the other 17. We are just at the point now where people are out there, outside the doors, banging the doors down to get in here and get some resolution to this problem. There is pressure out there to get something done for the mentally ill across the Commonwealth of Pennsylvania, and I think we ought to do a better job than what we are doing in here.

I commend the gentleman, Mr. Gannon, for being an absolute tiger on this issue and pushing his whole caucus to pay attention to this issue; this is important. I commend the gentleman, Mr. Micozzie, for working with us on it and trying to deliver a compromise, which to his mind is a suitable compromise. But I am sorry, Mr. Speaker, if there is one person who has to stand on this floor and say, it is not good enough for us, I am going to be that person. I have been working on it too long. I have too much respect for the people that have testified at those hearings all those years to let them down and not even say a word.

This is not a suitable compromise, should not be a suitable compromise, and for that reason I am going to vote “no,” if for no other reason than to protest the way it was done and the shortness in the breath of what we are doing here, and I ask those of you that can join me in that effort to do so. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the lady from Cumberland County, Representative Vance.

Mrs. VANCE. Thank you, Mr. Speaker.

For too long Pennsylvanians with serious mental illnesses have been faced with little or no health insurance. In fact, they have been viewed with suspicion. But the time is long past that we lock away our mentally ill in institutions, and we need to rip away the veil of secrecy. This legislation addresses the most serious biologically based mental illnesses.

I have been part of ongoing talks for quite a long period of time, trying to resolve this issue. It really did come down to the fact of employers with 50 or employers with 20. Most of the States that have been successful in passing mental health parity have done it with employers who have 50 or more employees as well as listing the biologically based mental illnesses. We are now going to be able to treat the most serious ones. We are going far beyond the Federal mandates, but we are finally recognizing that the brain can malfunction in your body the same as your heart or your liver or another organ. It is long past time that we do something about this.

I do not believe that we are ever going to get legislation that is going to make everyone totally happy, but this is a giant step to list the diseases that are biologically based, to agree to go back and look again in 2 years to see if it should be expanded more to cover more people. If in fact we go down to the 20, which had been talked about, we perhaps put our employers, our small employers, at a great competitive disadvantage with the surrounding States, because those States all have it at 50 or more. Delaware recently enacted very similar legislation to this, and I say that we may not help 100 percent, but we are taking a huge step to recognize mental illness as a malfunction of the human body the same as any other, and I strongly urge your support for this bill. Thank you.

The SPEAKER pro tempore. The Chair recognizes the Democratic chairman of the House Insurance Committee, the gentleman from Beaver County, Mr. Colafella.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, first of all, I want to commend Representative Nick Micozzie and Representative Tom Gannon, who took up the measure, and it is something we should have done a long time ago. I also want to commend Tom Michlovic, who has been a staunch supporter of mental health parity for many, many years.

Sadly, Mr. Speaker, we are only covering 2.7 million people in Pennsylvania in the area of mental health, and that is not enough. We cover everybody who is covered with regular health insurance, and mental health is just as important as regular health insurance.

This also applies only to one-fourth of the employers in this State. In other words, this mental health coverage only covers employers that have 50 or more employees, and that is not right.

We should not call this mental health parity, because it does not even come close to providing full parity to all the citizens of Pennsylvania. Instead of providing the citizens of Pennsylvania the coverage they deserve, we will only provide coverage for a select minority of people.

This bill is a very small step towards mental health parity, but I can tell you in the next session that the Insurance Committee will work very hard to improve this particular bill. It has taken many, many years for this legislature to recognize that a great many of physical health problems occur because people have mental health problems. It has taken this legislature a long time to recognize that mental health is a disease and it is something that needs to be treated and people need to be hospitalized and they need to be paid for.

One of the real problems, by the way, with mental health is that there are a tremendous amount of people in this Commonwealth who suffer depression, but they do not want to spend the money or they cannot afford to go to a doctor. This particular bill is a first step towards helping these people, some people in this State, to go to a physician, to take care of their mental health problem. Hopefully we can improve this legislation in the next session so that more people who suffer depression or suffer mental health problems will go to see their physician and hopefully rectify their problem.

I intend to support this legislation, but I think in the next session we have got to improve on it. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Maher, on concurrence.

Mr. MAHER. Thank you, Mr. Speaker.

If I could interrogate.

Mr. MICOZZIE. Yes.

The SPEAKER pro tempore. You wish to interrogate the gentleman, Mr. Micozzie?

Mr. MAHER. Yes, sir.

The SPEAKER pro tempore. The gentleman indicates he will stand for interrogation. You are in order and may proceed.

Mr. MAHER. Mr. Speaker, my question is simply to affirm my understanding of the intent of the description of the specific conditions of mental illness that are intended to be covered under this legislation.

Specifically, if an individual has what is known as a borderline personality disorder that is diagnosed as having a comorbidity with one of the specified illness conditions, that individual would in fact be covered under this legislation. Is that correct?

Mr. MICOZZIE. Yes.

Mr. MAHER. Thank you.

The SPEAKER pro tempore. Does the gentleman, Mr. Stetler, seek recognition? The gentleman from York is in order.

Mr. STETLER. Thank you, Mr. Speaker.

Would the chairman stand for a brief interrogation?

The SPEAKER pro tempore. The gentleman indicates he will. You are in order.

Mr. STETLER. Thank you, Mr. Speaker.

Mr. Speaker, I guess I have two questions. The second one will follow naturally after the first.

I am under the impression that the Health Care Cost Containment Council has agreed to take a serious look at the costs of this legislation, and I am wondering what the status of that is and when we would expect to hear from them.

Mr. MICOZZIE. There were three bills that they were looking at early on, and what they have done is they contracted out to an independent firm to come back with a report.

Mr. STETLER. But is there a timeframe for that report, Mr. Speaker?

Mr. MICOZZIE. I am not aware of one.

Mr. STETLER. I guess my second question is, would you not feel a little bit more comfortable with this legislation if you knew what the actual costs were going to be?

Mr. MICOZZIE. Well, one of the biggest controversies or the controversy is cost. We have had, on both sides of the issue, the advocates and the industry, both sides come up with reports, and of course, my time and the committee's time in hearings and informational meetings — and we had many of them — to try to come up with exactly what the cost would be, and that is the

biggest controversy that we have had throughout the discussions over the last 2 years or 2½ years, and that is why we put in the bill that the Budget and Finance Committee would come back with a report. I tried to get an earlier report, like maybe a year, but we came up with 2 years.

I agree with you that if we had the costs nailed down, if we had a history, empirical study, I think we could make a more intelligent decision on what else to put in the bill.

Mr. STETLER. Thank you.

Mr. Speaker, may I speak on the legislation?

The SPEAKER pro tempore. The gentleman is in order.

Mr. STETLER. Thank you, Mr. Speaker.

Mr. Speaker, I support this legislation. I think it is extremely important, and it is a small step forward. However, I believe that my support has to have an asterisk after it, and that is, you know, I believe that the process was not complete when we voted on this legislation. I would have much preferred to have waited for the Health Care Cost Containment Council to have issued its report. I think it would have been a nonpartisan, unbiased presentation of the true costs of this legislation, and I hope that while we vote "yes" here in this House and send it to the Senate, that the Senate looks at that and says, I think we ought to wait and get a full report from the HC-4.

Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. On concurrence, the Chair recognizes the gentleman from Allegheny County, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

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

The SPEAKER pro tempore. The gentleman, Mr. Micozzie, nods his assent. You may begin.

Mr. DeLUCA. Mr. Speaker, as I look over page 21 here, section (1), which lists the serious mental illnesses and describes what are covered, I guess I have a problem. Since they are serious mental illnesses that you describe here and since we are going to be only covering 2.7 million people in companies that have 50 or more employees, what do the other individuals do who do not happen to be working for companies that have 50 or more employees, who fall into this category, in which is a very broad range of mental illness, which a lot of these can be treated, what do these individuals do? Do they continue to suffer with this stigma that we in society have not addressed, which we in the Commonwealth of Pennsylvania have not come out of the Dark Ages in? What do these people do who are not covered by this bill?

Mr. MICOZZIE. Well, when we began the process 2½ years ago, we recognized the seriousness of this illness, and between myself and my committee — and that includes Nick Colafella — we tried to do everything we could to make the members knowledgeable about the problem, by having all these meetings, and we tried to get a compromise between all of the interested parties. Many hours were spent on that because of our concern, my concern, the committee's concern, Nick Colafella's concern, Pat Vance's concern. We came up with this compromise, and like I said in my report, not everybody is going to be happy, but we are going to continue to work on it. It is a step in the right direction. It is a first step, and I think it is the first step in that direction. At the end of this session, it is either that we come up with some kind of an amendment to address many of the people that we are talking about, or now we go into the next session, and by the time we get

around to it, it will be April, May, or June because of the budget and whatever.

Mr. DeLUCA. Is it my understanding then that you are committed to address this issue in the next session to help these individuals who fall out of this loop, who are not covered under this legislation, who have these serious mental problems, who can be helped out there with medication? This illness, like Representative Vance has alluded to, is no different than any other illness. Are you saying that we, as the chairman of the Insurance Committee, intend to try to address this problem in the next session?

Mr. MICOZZIE. Well, first of all, as long as there is a Tom Gannon around and a Representative Michlovic, I am sure the issue will continue to come up. If you look at the bill, the amendments, we also have a 2-year study by the Legislative Budget and Finance Committee, which then the report would be made to my office or to my staff and whatever, and of course, the committee will have that in front of them, and then we go on from there.

Mr. DeLUCA. Well, I understand that part of it, the 2-year study. In the meantime, 2 years, as you know, we have just passed diabetes legislation in the Senate not too long ago—

Mr. MICOZZIE. My bill.

Mr. DeLUCA. Your bill.

Mr. MICOZZIE. Well, not my bill; my amendment.

Mr. DeLUCA. Your amendment.

Mr. MICOZZIE. Matt Wright's bill.

Mr. DeLUCA. But it is my understanding, there is no cap on that bill. Am I correct?

Mr. MICOZZIE. Well, there were a lot of compromises on that bill.

Mr. DeLUCA. I understand the compromise, but there is no cap on it. Am I correct?

Mr. MICOZZIE. What do you mean by no cap?

Mr. DeLUCA. There is no cap like we have for 50 employees. Does that pertain to 50 employees?

Mr. MICOZZIE. No.

Mr. DeLUCA. Diabetes is not any different than mental health illness. It does cost a lot of money; it does cost a lot of money. Is there any inpatient limitation on if somebody has to go to a hospital for diabetes?

The SPEAKER pro tempore. Will the gentleman suspend.

That legislation is not before the House. Will the gentleman please confine his interrogation to HB 366, please.

Mr. DeLUCA. Mr. Speaker, all I am trying to do is equate this with pieces of legislation that we passed which are just as important as this legislation, and I think the two have a very significant factor addressing each other, because we are talking about cost; we are talking about the reason we cannot expand on this is because of the cost factor that the insurance companies have alluded to. I think that is the only reason I bring it out, but if you—

The SPEAKER pro tempore. Perhaps that would be appropriate for your remarks after interrogation.

Mr. DeLUCA. Oh, okay; all right; all right.

All right. That ends my interrogation, Mr. Speaker, and I would like to make a few remarks.

The SPEAKER pro tempore. On concurrence, the gentleman is in order.

Mr. DeLUCA. Would I be in order to make those remarks pertaining to what I was doing, Mr. Speaker?

The SPEAKER pro tempore. The Chair is going to listen, but—

Mr. DeLUCA. Listen carefully.

The SPEAKER pro tempore. I will listen carefully. You go ahead.

Mr. DeLUCA. All right.

I commend you, Mr. Speaker, for taking this small step, and I really commend you for working on this compromise.

But I know various people who have come into my office who are being treated, who cannot afford to be treated because of the fact that it is a very expensive procedure. I have looked at other States who have adopted mental health parity, and just in this country alone, addressing the depression illnesses that are out there, it costs this country \$12 billion a year, \$12 billion a year in lost wages and unproductive individuals, that we could make them productive. Eighty percent of the individuals today can be helped by having medication, if they could afford it.

The only thing I find disturbing in this legislation is the fact that a lot of people are precluded from getting help. Now, even though we are going to have a cost study in 2 years by the Health Care Cost Containment Council, 2 years could have a very devastating effect for an individual who has any of these, any of these serious illnesses. It could lead to suicides, and God forbid, none of us, none of us in this room, none of our loved ones, are immune to this sickness. It can happen overnight to any individual in this room, to any one of our loved ones, and God forbid if they do not have the help to take advantage of all the technology and the advances that we have made towards this illness because the insurance companies have said, it is going to cost us too much money.

Well, you know, we passed legislation not too long ago that would address diabetes, and that is certainly going to cost a lot of money, and we have no restrictions on that illness. Certainly, cancer costs us a lot of money, and that certainly would be devastating today if we would say that we are only going to limit cancer treatment to employers who have only 50 employees and we are only going to give them 60 days of outcare treatment and 30 days of hospitalization treatment. Can you imagine how many people would be dying today if we said that?

Other States have adopted mental health parity, and they have found out in the long run that it is cost efficient, cost efficient, to adopt this type of legislation, and that is why I say, we need to do more. Although I will vote for this, I hope every member in this House comes back next session to address this legislation, to address the people we are not, the majority of people that we are not addressing today, the majority of people we are not addressing today for these mental health illnesses, serious ones; that we continue to make people suffer when there is help out there.

So therefore, I would hope that both chairmen of the Insurance Committee and Representative Gannon, myself and Representative Micozzie and every member in this House come back next year and expand on this type of legislation. It is needed. It is time we wipe out the mental stigma about mental illness, and it is about time we introduce true mental parity for individuals who are suffering. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On concurrence, the Chair recognizes the lady from Philadelphia, Representative Bishop.

Ms. BISHOP. Thank you, Mr. Speaker.

Would the maker of the bill stand for interrogation, please? Thank you.

The SPEAKER pro tempore. The gentleman indicates he will. You are in order and may proceed.

Ms. BISHOP. Mr. Speaker, can you tell me how many hospital days one who is suffering from mental illness is allowed per year in this bill?

Mr. MICOZZIE. It is 30 inpatient days.

Ms. BISHOP. 30 inpatient days per year?

Mr. MICOZZIE. Per year, and 60 outpatient—

Ms. BISHOP. And how many outpatient days?

Mr. MICOZZIE. 60.

Ms. BISHOP. 60 outpatient days per year in this bill?

Mr. MICOZZIE. And the inpatient can be converted to outpatient on a 2-to-1 basis.

Ms. BISHOP. Mr. Speaker, first of all, let me commend you for beginning what is a new step. As we move into the 21st century, it is time to bring mental illness out of the darkness. So I want to, first of all, commend you for starting the step.

However, as I look at serious mental illness, especially schizophrenia and some of the other disorders, 30 days is hardly enough. Sometimes it almost takes 30 days to analyze the exact condition so that the doctors can treat the disease.

And while I want to support this bill, I want to say that there are many things that the families out there who have loved ones that are sick are looking to us to correct. They are looking to us to treat mental illness as we treat every other illness in the Commonwealth of Pennsylvania, and I also agree that it should not be treated any differently. I think it is time that they have a proper mental health parity bill — one that is treated the same as cancer, one that is treated the same as tuberculosis, or any other incurable disease or almost incurable disease we have.

So looking at— And I will not question you anymore. I would just like to make, if I can, a statement on the bill.

The SPEAKER pro tempore. The lady is in order.

Ms. BISHOP. Looking at the serious condition of mental illness, looking at the number of families that are out there — and it is speculated by some that one out of every five families suffers some form of mental illness — looking at the number of days that are required to even analyze or diagnose some of these illnesses, I feel that this bill does not go nearly far enough; I feel that it is only a Band-Aid, and if we are not going to address it equally, if we are not going to treat mental illness people as we treat people with diabetes and every other kind of disease, then we should not pass anything today. Not pass it today? It is enough; it is a good start. It is not a good start. If we started here, it will be perhaps years before we even bring it up to par.

So I am asking that we get an opportunity to go back, have an opportunity to look at the exact amount of mental illness people that suffer in the Commonwealth of Pennsylvania. The 2.7 million that are addressed in this bill seems hardly enough. I think we do need to address those families that work in companies where there are only two or three in the office. I think of the people who work in my district office, and I love them, and they love me, and I am sure that you all have people who work there. If they came down with some serious mental illness, I would like to know that there was a place that they could be treated and be covered under the insurance policy, like we are covered, because I am sure if any of us got sick and went to the hospital with any other disease, we would have more than 30 days a year.

I conclude in my closing remarks that 30 days per year for a serious mental illness and serious depression is only a Band-Aid. Many of the people in our Commonwealth who are caught up in our criminal justice system were seriously ill first. It is speculated

by some of the advocates of mental illness that they used drugs, they used alcohol, to medicate themselves because they did not have proper insurance to go and be treated in a proper way, and down through the years with medicating themselves with drugs and alcohol, they got caught up in the criminal justice system, because they were unable to work any longer. So I think we need to look at the whole piece, the people that are in our criminal justice system because of mental illness, which we cannot do anything now about, but we can prevent others from going there if we introduce the right kind of legislation, support it, and pass it.

So because of the number of people that are looking to me in my district and in the Commonwealth of Pennsylvania to do the right thing, I am going to have to vote “no” on this bill, because I think it is the wrong thing in the state that it is in now, and it does not cover enough people and the days’ coverage is certainly not long enough. Thank you, Mr. Speaker.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair would like to welcome Brian Keener and David Chia. They are medical students from the Penn State School of Medicine. They are here as guests of Representative Pat Fleagle, and they are seated to the left of the Speaker. Would they please rise. Welcome to the hall of the House.

CONSIDERATION OF HB 366 CONTINUED

The SPEAKER pro tempore. On concurrence, the gentleman from Lancaster, Mr. Sturla, is recognized.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman, Mr. Micozzie, rise for a brief interrogation?

The SPEAKER pro tempore. He will. You may proceed.

Mr. STURLA. Mr. Speaker, it is my understanding that earlier you had said that there would be 2.7 million Pennsylvanians covered by this because they fit into that category of being employed by someone with 50 employees or more. Is that correct?

Mr. MICOZZIE. That is my understanding.

Mr. STURLA. Mr. Speaker, of those 2.7 million that are currently employed by someone with 50 employees or more, how many of them currently have this very same coverage with their employer right now?

Mr. MICOZZIE. We do not have that data available. We can find out and send it to you afterwards.

Mr. STURLA. Do you believe, given the nature of employers with 50 or more employees, that there is a pretty good chance that a majority of them already have this coverage from their employer?

Mr. MICOZZIE. I have no knowledge of that.

Mr. STURLA. Okay.

Mr. Speaker, if I could make a few comments.

The SPEAKER pro tempore. The gentleman is in order.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, earlier one of the members who commented said, currently there is little or no coverage for persons with mental illness, and I agree with that statement. My sense is that even after passing this, there will be essentially little or no coverage for persons with mental illness, because what we are doing is ensuring that those people that currently have coverage, those people that

work for employers that have 50 or more employees and most likely have benefits, health insurance benefits, that have this coverage, are going to be getting that coverage, and we are going to guarantee it for the next 2 years.

Now, that is a step forward, in a sense, in that we guarantee that coverage for those people for the next 2 years, but it is a very small step. It is almost insignificant in terms of moving forward on this issue. And while I commend those people that have put forward this proposal and I will support it as a tiny step sort of in that direction, we have a whole lot more work to do to ensure that those persons that need these types of services have access to them and that it not just be those persons that currently have those benefits being able to retain those benefits but expanding those benefits to many other thousands of Pennsylvanians and millions of Pennsylvanians that may need access to these benefits. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On concurrence, the Chair recognizes the gentleman from Blair County, Mr. Stern.

Mr. STERN. Thank you, Mr. Speaker.

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

The SPEAKER pro tempore. The gentleman, Mr. Micozzie, indicates he will stand for interrogation. You are in order and may proceed.

Mr. STERN. In regards to the mental health parity issue, could you tell me, Mr. Speaker, what the position of the Pennsylvania Chamber of Business and Industry is on this position?

Mr. MICOZZIE. Throughout the discussions in the last year and a half, their main concern, of course, was cost. At this point, I do not know their position on this particular amendment.

Mr. STERN. Okay. But it would be impacting on many of our employers in the Commonwealth, the 2.7 million that would be covered under this particular clause. Correct?

Mr. MICOZZIE. Yes.

Mr. STERN. Is there an official position by the National Federation of Independent Business on that particular issue as far as the mental health parity?

Mr. MICOZZIE. They do not support or oppose.

Mr. STERN. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Lackawanna County, Mr. Serafini, is recognized on concurrence.

Mr. SERAFINI. Mr. Speaker, I would like to interrogate the sponsor of the bill, please.

The SPEAKER pro tempore. The gentleman indicates he is willing. You are in order and may proceed.

Mr. SERAFINI. Mr. Speaker, I understand that large commercial risks may be, according to the Insurance Commissioner, based on his opinion, eliminated from rate filings. Is that correct?

Mr. MICOZZIE. That is correct; SB 1077, which was passed by the committee—

Mr. SERAFINI. Right.

Mr. MICOZZIE. —unanimously.

Mr. SERAFINI. Thank you.

And “large commercial risk,” when I read the definition, it does not sound like it is that much of a large commercial risk. It states that they have to have an aggregate annual property and casualty premium on all policies, excluding workmen’s comp, of only \$25,000 and 25 employees. Could someone tell me how that definition of “large commercial risk” was developed?

Mr. MICOZZIE. In speaking to the Commissioner’s Office, Insurance Commissioner, it seems that there is a lot of redundancy in the filings, and they wanted to streamline the process, and the National Association of Insurance Commissioners is also on the same wavelength as trying to make it more efficient in the commercial property and casualty.

Mr. SERAFINI. Thank you, Mr. Speaker.

It just appeared to me that that was not a very large commercial establishment.

Mr. MICOZZIE. But do not forget, the large companies also have professional insurance. One of the requirements is that they have to have professional insurance people looking over the business as far as the corporation or the company is concerned. That is a requirement.

Mr. SERAFINI. I understand.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. On concurrence, the gentleman from Chester County, Mr. Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, I rise today as someone who has supported every effort to bring mental health parity legislation to the floor. I have voted for it a number of times both in committee as well as here on the floor of the House and have been working with Representative Gannon and others to try to move forward the best bill possible.

With that said, I rise to support concurrence in HB 366 today. Mr. Speaker, if we do not concur in HB 366 today, then we revert back to coverage under the Federal law and the Federal legislation. I would point out that the only thing that the Federal law requires is it prohibits differences in annual or lifetime limits, period, but that is only for policies that offer mental health coverage. There is not even a requirement under the Federal law for groups of 50 or more to offer mental health coverage. I would also point out that the Federal law applies only to groups of 50 or more.

Mr. Speaker, I disagree with a couple comments made by previous speakers that this is only a minor step in the right direction or that we should not pass this at all today, because as I said, this does go significantly further than the Federal legislation, yet I believe it does so in a responsible manner at this point. In addition to prohibiting differences in annual or lifetime dollar limits in coverage for these serious mental illnesses, it also requires coverage for serious mental illnesses in groups of 50 or more, something that the Federal law does not do. It also makes sure that in that coverage, at least 30 inpatient and 60 outpatient days annually are covered, and it has other provisions in here for converting coverage from inpatient days to outpatient days on a 1-for-2 basis, as has already been discussed by previous speakers.

So, Mr. Speaker, while it is not a bill that goes as far as some people would like it to go, I think it is a responsible step; it is definitely a good step in the right direction. It goes further than the Federal law does at this point. If we reject this and do not pass this today, we fall back under Federal law, which is very, very, very limited.

So I want to commend Representative Gannon for his efforts. I also want to commend our House Insurance chairman, Representative Micozzie. He and I have not always seen eye to eye on this issue, but I appreciate the fact that he has been willing to keep an open mind on this issue and work towards bringing a consensus piece of legislation to the floor, and I pledge that I will be back there next semester to continue working on this type of legislation, as others have suggested we do. So thank you.

The SPEAKER pro tempore. On concurrence, the Chair recognizes the gentleman from Huntingdon County, Mr. Sather.

Mr. SATHER. Thank you, Mr. Speaker.

I just want to echo what some have already expressed but I think it is important to note. We are dealing with a major illness here on the mental health parity issue, and some have declared that it is time we recognize that. The Insurance Committee, with Chairman Micozzie, has worked long and hard on this issue, and I think we have finally come to a position now that not all but many of those are supportive of legislation that will address this very much needed illness.

And I think it is important that we note, we are paying right now; industry is paying right now in the loss of productivity. I have said that in committee; I have said it here on the floor. Yes, there is a cost involved. It is an illness. Let us deal with it. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the lady from Cumberland County, Representative Vance, for the second time on concurrence.

Mrs. VANCE. Thank you, Mr. Speaker.

Very briefly, I just had a call from Representative Gannon. He likened this piece of legislation to striking a candle in the darkness. He said he has not given up the fight. He realizes this is just a start, but he urges the members to vote "yes" on this legislation, and I think we owe him a great debt of thanks for being a supreme advocate for the mentally ill. Thank you, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments as amended by the Rules Committee?

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

The following roll call was recorded:

YEAS—193

| | | | |
|--------------|------------|------------|---------------|
| Adolph | Eachus | Maher | Schuler |
| Allen | Egolf | Maitland | Scrimenti |
| Argall | Evans | Major | Semmel |
| Armstrong | Fairchild | Manderino | Serafini |
| Baker | Fargo | Markosek | Seyfert |
| Bard | Feese | Marsico | Shaner |
| Barley | Fichter | Masiand | Smith, B. |
| Barrar | Fleagle | Mayernik | Smith, S. H. |
| Battisto | Flick | McCall | Snyder, D. W. |
| Bebko-Jones | Forcier | McGeehan | Staback |
| Belardi | Geist | McGill | Stairs |
| Belfanti | George | McIlhattan | Steelman |
| Benninghoff | Gigliotti | McIlhinney | Steil |
| Birmelin | Gladeck | McNaughton | Stern |
| Blaum | Godshall | Melio | Stetler |
| Boscola | Gordner | Micozzie | Stevenson |
| Boyes | Gruitza | Miller | Strittmatter |
| Browne | Gruppo | Mundy | Sturla |
| Bunt | Habay | Nailor | Surra |
| Butkovitz | Haluska | Nickol | Tangretti |
| Buxton | Hanna | O'Brien | Taylor, E. Z. |
| Caltagirone | Harhai | Olasz | Taylor, J. |
| Cappabianca | Harhart | Oliver | Thomas |
| Cam | Hasay | Perzel | Tigie |
| Casorio | Hennessey | Pesci | Travaglio |
| Cawley | Herman | Petrarca | Trello |
| Chadwick | Hershey | Petronie | Trich |
| Civera | Hess | Phillips | True |
| Clark | Horsley | Pippy | Tulli |
| Clymer | Hutchinson | Platts | Vance |
| Cohen, L. I. | Itkin | Preston | Van Horne |

| | | | |
|------------|-----------|----------|------------------|
| Cohen, M. | Jadlowiec | Ramos | Veon |
| Colafrilla | James | Raymond | Vitali |
| Colaizzo | Jarolin | Readshaw | Walko |
| Cornell | Josephs | Reber | Waugh |
| Corpora | Kaiser | Reinard | Williams, A. H. |
| Corrigan | Keller | Rieger | Williams, C. |
| Cowell | Kenney | Roberts | Wilt |
| Coy | Kirkland | Robinson | Wogan |
| Daley | Krebs | Roebuck | Wojnaroski |
| Dally | LaGrotta | Rohrer | Wright, M. N. |
| DeLuca | Laughlin | Rooney | Yewcic |
| Dempsey | Lawless | Ross | Youngblood |
| Dent | Leh | Rubley | Zimmerman |
| Dermody | Lescovitz | Sainato | Zug |
| DeWeese | Levdansky | Santoni | |
| DiGrolamo | Lloyd | Sather | Ryan, Speaker |
| Donatucci | Lucyk | Saylor | |
| Druce | Lynch | Schroder | |

NAYS—4

| | | | |
|--------|-------|-----------|-------|
| Bishop | Curry | Michlovic | Myers |
|--------|-------|-----------|-------|

NOT VOTING—0

EXCUSED—6

| | | | |
|--------|---------|----------|------------|
| Carone | Lederer | Pistella | Washington |
| Gannon | Orie | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as amended by the Rules Committee were concurred in.

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

ANNOUNCEMENT BY
SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Can I have your attention.

It has been the practice of the Speaker to make an announcement whenever one of the members becomes a parent, and I am happy to pass along some happy news to you today. One of our members became a parent for the first time this summer during our summer break. That member would be me. The Chair is proud to announce that Michele and Scot Chadwick had a daughter, Paige, on June 12 of 1998.

The Chair thanks the members for their indulgence.

THE SPEAKER (MATTHEW J. RYAN)
PRESIDING

SUPPLEMENTAL CALENDAR B

BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS
AS AMENDED

The House proceeded to consideration of concurrence in Senate amendments to House amendments to the following SB 1200, PN 2259, as further amended by the House Rules Committee:

An Act designating Route 581 in Cumberland County, Pennsylvania, as the American Ex-Prisoners of War Highway; designating a section of the Bay Front Parkway in Erie County, Pennsylvania, as the Bernard (Benny) J. Dombrowski Memorial Highway; designating a section of Route 26 in Centre County, Pennsylvania, as the Nittany Parkway; designating a bridge in Bethel Township, Lebanon County, as the Senator Clarence F. Manbeck Bridge; designating the Mount Union Bypass in Huntingdon County as the James DiCosimo Bypass; designating a portion of Route 26 in Huntingdon County as the Standing Stone Parkway; designating a portion of State Route 0094 in York and Cumberland Counties as the 94th Infantry Division Memorial Highway; and designating a bridge in Chester County as the Ben Weaver Bridge.

On the question,

Will the House concur in Senate amendments to House amendments as amended by the Rules Committee?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Zug.

Mr. ZUG. Mr. Speaker, just briefly, in SB 1200 there is a clause where we name a bridge in Lebanon County, in the Monroe Valley, after Clarence Manbeck, who served, from Lebanon County, in this chamber from 1961 to 1966 and later in the Senate from 1967 to 1982.

Senator Manbeck made his name being chairman of the Senate Transportation Committee. Ironically, we are naming a bridge after him that is a small bridge. It is not concrete and steel; it is really wood. So we are taking technology full circle, and this is the first wooden bridge that PennDOT is installing on a State road in Pennsylvania. It is cheaper, it is easier to do, and Senator Manbeck, even though he is not here any longer, is still using technology in promoting Pennsylvania roads and transportation. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments to House amendments as amended by the Rules Committee?

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

The following roll call was recorded:

YEAS—197

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

| | | | |
|--------|---------|----------|------------|
| Carone | Lederer | Pistella | Washington |
| Gannon | Orie | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments as amended by the Rules Committee were concurred in.

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

VOTE CORRECTION

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

Mr. GODSHALL. To correct the record, Mr. Speaker.

On SB 829, amendment 4108, motion to reconsider, I was not recorded. I was in my seat. My button failed to activate. I wish to be recorded in the affirmative. Thank you.

The SPEAKER. The Chair thanks the gentleman.

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mr. HASAY called up HR 552, PN 4062, entitled:

A Resolution proclaiming November 1998 as "Microenterprise Month" in Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

| | | | |
|--------|---------|----------|------------|
| Carone | Lederer | Pistella | Washington |
| Gannon | Orie | | |

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

APPROPRIATIONS COMMITTEE MEETING

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

Mr. BARLEY. Thank you, Mr. Speaker.

Mr. Speaker, I would like to call for a meeting of the House Appropriations Committee immediately upon the recess in the conference room of the majority Appropriations complex.

The SPEAKER. The Chair thanks the gentleman.

EDUCATION COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Stairs, on the Education Committee.

Mr. STAIRS. Thank you, Mr. Speaker.

The Education Committee will reconvene a meeting from this morning in room 60 regarding the standards in chapter 4.

JUDICIARY COMMITTEE MEETING

The SPEAKER. Members of the Judiciary Committee will meet on adjournment at the rear of the House.

Mr. Birmelin. For what purpose does the gentleman rise?

Mr. BIRMELIN. Mr. Speaker, just a P.S. on the Judiciary Committee meeting. We are going to have it in the House Appropriations Committee room after the Appropriations Committee is done. I have been assured that they will only need it for 4 or 5 minutes. So we will meet there in about 5 minutes.

The SPEAKER. The Judiciary Committee will meet in the majority Appropriations Committee room at the conclusion of the meeting of the Appropriations Committee.

VOTE CORRECTION

The SPEAKER. Mr. Armstrong.

Mr. ARMSTRONG. Mr. Speaker, I want to correct the record on a vote.

I was voted in error on amendment 4139, SB 829. I need to be voted as a "yes."

GAME AND FISHERIES COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Smith.

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

The Game and Fisheries Committee will reconvene immediately in room 302, South Office Building. Thank you, Mr. Speaker.

VOTE CORRECTIONS

The SPEAKER. The lady, Ms. Seyfert.

Ms. SEYFERT. I stand to correct the record.

I was not recorded for a vote on HB 2039, PN 3421, and I would like to be recorded in the affirmative.

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

The gentleman, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, I would like to correct the record.

On SB 829, amendment 4139, I would like to be recorded in the positive, a "yes." Thank you.

FINANCE COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Boyes.
Mr. BOYES. Thank you, Mr. Speaker.

I am going to call an immediate meeting of the House Finance Committee in the back of the rear of the hall, an immediate meeting for consideration of one piece of legislation, one bill.

VOTE CORRECTION

The SPEAKER. The gentleman, Mr. Eachus.

Mr. EACHUS. Mr. Speaker, my vote was not recorded on SB 829, sir. I would like to be recorded in the negative.

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

AGRICULTURE AND RURAL AFFAIRS COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Bunt.

Mr. BUNT. Mr. Speaker, I would like to reconvene a meeting of the House Agriculture and Rural Affairs Committee to consider some legislation in room 39, East Wing. Thank you.

The SPEAKER. The Chair thanks the gentleman.

VOTE CORRECTIONS

The SPEAKER. The lady, Ms. Mundy.

Ms. MUNDY. Mr. Speaker, I rise to correct the record.

The SPEAKER. The lady is in order.

Ms. MUNDY. On SB 829 my vote was not recorded. I would like to be recorded in the negative.

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

The gentleman, Mr. Semmel.

Mr. SEMMEL. Thank you, Mr. Speaker.

On HB 2437, final passage, my vote was not recorded. I want to be recorded in the affirmative.

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

The gentleman, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to be recorded in the negative on amendment 4108 to SB 829.

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. Mr. Tigue, you called to my attention earlier that today is the 223d anniversary of the Marine Corps. I will note that for the record, for the half dozen of us who served in the Marine Corps. Thank you, Mr. Tigue.

Mr. TIGUE. Happy birthday, Mr. Speaker.

SENATE MESSAGE

HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to the Senate amendments to **HB 1660, PN 3934**.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1172, PN 3733**; and **HB 2209, PN 2919**, with information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 1172, PN 3733

An Act amending the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, further providing for definitions, for continuing education and for broker's disclosure to seller; providing for duties of licensees generally, for duties of seller's agent, for duties of buyer's broker, for duties of dual agent, for duties of designated agent and for duties of a transactional licensee; further providing for broker's disclosure to buyer and for information to be given at initial interview; providing for written agreement with broker and for mandatory provisions of sales contract; and further providing for cemetery broker's disclosure.

HB 1660, PN 3934

An Act designating a section of SR 0073 in Montgomery County, Pennsylvania as the POW/MIA Memorial Highway; designating a bridge in Chester County as the Marty Godra Memorial Bridge; and designating a portion of SR 0248 in Carbon County as the POW/MIA Remembrance Highway.

HB 2209, PN 2919

An Act repealing certain acts as being obsolete.

SB 1013, PN 2210

An Act amending the act of June 29, 1996 (P.L.434, No.67), entitled Job Enhancement Act, further providing for definitions; further providing for job creation tax credits and prohibitions; further providing for Small Business First definitions, funds and accounts, loan eligibility and administration; further providing for family savings account definition and administration; providing for industrial development assistance; providing for community development bank grants and loans; providing for tax-exempt bond allocation; transferring assets; making appropriations; and making repeals.

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

VOTE CORRECTION

The SPEAKER. The gentleman, Mr. Surra.
Mr. SURRA. Thank you, Mr. Speaker.

On SB 829 on the Daily amendment, I was recorded as a "yes."
I would like to be recorded as a "no."

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

Are there any further corrections?

RECESS

The SPEAKER. The House will be in recess awaiting the reports of several of the committees that are presently meeting.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(J. SCOT CHADWICK) PRESIDING****BILLS REREPORTED FROM COMMITTEE**

HB 2085, PN 3998

By Rep. BARLEY

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for advance directives for emergency medical service health care; and making an appropriation.

APPROPRIATIONS.

HB 2858, PN 4059

By Rep. BARLEY

An Act establishing Neighborhood Improvement Districts; conferring powers and duties on municipal corporations and neighborhood improvement districts; providing for annual audits; and making repeals.

APPROPRIATIONS.**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

SB 658, PN 2274 (Amended)

By Rep. BIRMELIN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the powers and duties of probation officers concerning juveniles and for registration of sexual offenders.

JUDICIARY.

SB 950, PN 2275 (Amended)

By Rep. BIRMELIN

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for visitation rights and partial custody when there is a deceased parent; further providing for protection from abuse; providing for appointing guardians for care-dependent persons; providing for release of information in confidential reports; and further providing for information relating to prospective child-care personnel.

JUDICIARY.

SB 1239, PN 2273 (Amended)

By Rep. BIRMELIN

An Act amending the act of August 6, 1941 (P.L.861, No.323), entitled, as amended, Pennsylvania Board of Probation and Parole Law, further providing for transmission of record to the board, for reporting and investigation and for supervision of persons paroled or on probation in other states; providing for proceedings subsequent to parole; and imposing a penalty.

JUDICIARY.**BILLS ON SECOND CONSIDERATION**

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

HB 2085, PN 3998; and HB 2858, PN 4059.

BILLS REMOVED FROM TABLE

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

Mr. PERZEL. Mr. Speaker, I move that the following bills be removed from the table and placed on the active calendar:

SB 1239;
SB 658; and
SB 950.

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

BILLS RECOMMITTED

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

Mr. PERZEL. Mr. Speaker, I move that the following bills be recommitted to the Committee on Appropriations:

SB 1239;
SB 658; and
SB 950.

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

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Maher.

Mr. MAHER. Mr. Speaker, I move that this House do now adjourn until Monday, November 16, 1998, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:55 p.m., e.s.t., the House adjourned.