

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, MARCH 16, 1999

SESSION OF 1999

183D OF THE GENERAL ASSEMBLY

No. 17

HOUSE OF REPRESENTATIVES

The House convened at 10:30 a.m., e.s.t.

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

PRAYER

REV. CROFT M. PENTZ, Chaplain of the House of Representatives and pastor of senior adult and outreach ministries, Calvary Assembly of God, Waynesboro, Pennsylvania, offered the following prayer:

Just a quote about having your picture taken. Someone has said that when God takes your picture, he does not touch up the proof.

Let us pray:

God, our Heavenly Father, we come to You with thanks and praise for Your many blessings of the past. Forgive us for not thanking You, for taking so many things for granted.

Today we join the psalmist who said, "I will lift up mine eyes unto the hills, from whence cometh my help. My help cometh from the Lord, which made heaven and the earth."

We indeed lift up our eyes and hearts heavenward, seeking Your help. We look to You in reverence and respect. We look to You with grateful hearts in appreciation for all You have done for us, our families, our Commonwealth, and our nation.

Forgive us for decisions we made without seeking Your help. Forgive us when we made decisions affecting others but were made with personal motives and personal benefit.

Help us to be more sensitive to people's needs rather than our feelings and opinions. May the needs of the people guide us in determining the laws we interpret and make. Help us to discern the difference between people's need and their greed. Forgive us if we have hurt anyone because of the lack of our sensitivity.

Place Your hand upon each one in this chamber. Touch them physically and mentally. Touch those who may be ill, weak in body, or hurting emotionally. Refresh and renew them by Your spirit.

We thank You, Lord, in advance for hearing and answering our prayer. In Thy holy name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, March 15, 1999, will be postponed until printed. The Chair hears no objection.

COMMUNICATIONS FROM DEPARTMENT OF HEALTH

The SPEAKER. The Chair acknowledges receipt of the "1997 Individual Reports of Maternal Deaths" submitted by the Department of Health pursuant to the Abortion Control Act.

The Chair acknowledges receipt of the annual Quality Assurance Report submitted by the Department of Health.

(Copies of communications are on file with the Journal clerk.)

REMARKS SUBMITTED FOR THE RECORD

VOTE CORRECTIONS

Mr. FLICK submitted the following remarks for the Legislative Journal:

Mr. Speaker, I was on leave March 10, 1999. Had I been here, I would have voted in the following way:

HB 58 &	Y
A0568	Y
HB 103 &	Y
A0559	Y
HB 115 &	Y
A0064,	Y
A0827	Y
HB 116	Y
HB 117 &	Y
A0549	Y
HB 123 &	Y
A0777,	N
A0792,	N
A0798	Y
HB 124 &	Y
A0252,	N
A0479	Y
HB 181 &	Y
A0793,	N
A0830	N
HB 217	Y
HB 237	Y
HB 285	Y

The SPEAKER. Members will please report to the floor. We are about to take the term photograph.

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

HB 192, PN 981 By Rep. CLYMER

An Act authorizing the release of Project 500 restrictions on certain lands in the Borough of Dickson City, Lackawanna County, for residential development and extension of Jermyn Street under certain conditions.

STATE GOVERNMENT.

HB 219, PN 210 By Rep. CLYMER

An Act authorizing the Department of General Services, with the approval of the Governor, to convey to East Allen Township, Northampton County, certain land situate in East Allen Township, Northampton County, Pennsylvania.

STATE GOVERNMENT.

HB 220, PN 211 By Rep. CLYMER

An Act providing for purchases of materials, supplies and equipment with the Department of General Services.

STATE GOVERNMENT.

HB 369, PN 984 (Amended) By Rep. GODSHALL

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for limitations on rates of specific taxes; and providing for special limitation on rates of taxes for certain amusements.

TOURISM AND RECREATIONAL DEVELOPMENT.

HB 555, PN 986 (Amended) By Rep. CLYMER

An Act amending the act of June 5, 1913 (P.L.419, No.276) entitled "An act to authorize the display of the State, county, city, borough, or other municipal flags on public buildings in the Commonwealth," providing for display of the Pennsylvania flag for deceased firefighters and police officers.

STATE GOVERNMENT.

HB 739, PN 985 (Amended) By Rep. SEMMEL

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for the Emergency Management Assistance Compact.

VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON JUDICIARY**

HB 459, PN 479

By Rep. CLYMER

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, regulating paint projectiles.

STATE GOVERNMENT.

**FINANCE AND
PROFESSIONAL LICENSURE
COMMITTEE MEETINGS**

The SPEAKER. For the information of the members, the gentleman, Mr. Boyes, calls a meeting of the Finance Committee during the first break in our session today, as does the gentleman, Mr. Civera, with the Professional Licensure Committee.

Mr. Boyes, do you want your committee to meet in the back of the hall or at some other place?

Mr. BOYES. Mr. Speaker, in the back of the hall would be appropriate, and all members of the Finance Committee, at the first break, will take up consideration of one bill. Thank you, Mr. Speaker.

The SPEAKER. Mr. Civera, your committee will meet where?

Mr. CIVERA. Mr. Speaker, the Professional Licensure Committee will meet at the rear of the House at the first break for the purpose of passing some regs. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlemen.

Members, please take your seats. We are going to go ahead now with the photography. Members, please take your seats. If there are any members in their offices, they better arrive promptly, because the doors are going to be shut.

The House will be at ease.

Members, please listen to me for a moment. It is my intention to take an unrecorded roll call. The purpose of doing that is to see just who is missing for this photograph session, so please, only those in their seat indicate that you are present. Other people will come in later; I know that. But for the moment, let us see who is available early today to do these photographs.

Members will proceed to vote. Only those in their seats; only those in their seats.

The clerk will record the vote.

The clerk will give a copy of the vote to the two floor leaders so that they may contact their members.

LEAVES OF ABSENCE

The SPEAKER. For the information of the members, Mr. PHILLIPS, Mrs. LEDERER, Mr. RAMOS, and Mr. EVANS request leave for the day. Without objection, leaves will be granted.

PHOTOGRAPHS TAKEN

The SPEAKER. If there are any members in their offices, this is the last call. The photographers are going to take this picture at 11 promptly.

Members, please take your seats. Conferences on the floor will please break up.

The Chair at this time requests the photographer to take a microphone and give instructions to the members.

(Official photographs were taken.)

SUBCOMMITTEE MEETING

The SPEAKER. The gentleman, Mr. McIlhinney.

Mr. McILHINNEY. Mr. Speaker, I just want to make an announcement. The Subcommittee on Land Use Management which was postponed at 10:30 will meet in room 205 immediately upon recess. Thank you.

The gentleman, Mr. Boyes.

Mr. BOYES. At this time, if it be appropriate, I would like to ask for the meeting of the Finance Committee at the rear of the House.

The SPEAKER. In just a moment.

Mr. BOYES. Okay.

The SPEAKER. It will be necessary for the photographers to move their equipment from one side of the hall to the other. Accordingly, we are going to break for an hour or until called back sooner by the Chair or extended by the Chair.

REPUBLICAN CAUCUS

The SPEAKER. It is the understanding of the Speaker that the Republican Caucus will meet immediately on the declaration of the recess.

DEMOCRATIC CAUCUS

The SPEAKER. Mr. Cohen.

Mr. COHEN. Mr. Speaker, the Democratic Caucus will also meet immediately upon the recess.

The SPEAKER. Without more, it is the intention of the Chair to be here— Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

There will be an immediate caucus then as soon as we break, and I would like to say to the staff members who are involved with the legislation, if they would immediately report to the caucus room. Thank you then.

The SPEAKER. The Chair thanks the gentleman.

So there is no misunderstanding, 1 hour from now, the photographers are going to turn their cameras on again. Please be here.

Does the majority leader or minority leader have any further business?

GAME AND FISHERIES COMMITTEE MEETING

The SPEAKER. Mr. Smith.

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

I would like an immediate meeting at the rear of the House of the Game and Fisheries Committee. Thank you, Mr. Speaker.

The SPEAKER. Game and Fish will meet right now in the rear of the hall of the House.

RECESS

The SPEAKER. Any further business or announcements?

Hearing none, this House stands in recess until 12 o'clock; 12 o'clock.

AFTER RECESS

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

PHOTOGRAPHS TAKEN

The SPEAKER. Members will please report to the floor. We are about to take the second photograph, which is primarily of the Democratic side of the House. Please report to the floor. Members will report to the floor, please.

Members will please take their seats. The photographer is giving signals as to where you are out of balance, so please pay attention to him. He is up here by the floor leader's desk.

(Official photographs were taken.)

REPUBLICAN CAUCUS

The SPEAKER. It is the understanding of the Chair that the Republicans will resume their caucus.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Cohen, is recognized relative to the Democratic side.

Mr. COHEN. Mr. Speaker, the Democrats also will resume our caucus. We have two bills with amendments coming up this afternoon that we have not yet completed caucusing on.

The SPEAKER. When the Chair recesses the House, it is the intention of the Chair to return at 2 o'clock, unless extended or called back sooner.

GUESTS INTRODUCED

The SPEAKER. We have several guests on the floor of the House today as the guests of Representative Ken Ruffing: the mayor of the city of McKeesport, Joe Bendel, and also from the city of McKeesport, John Knezovich. Would these folks please raise their hands.

We apologize for the confusion at this time, but it was brought about by the photographers.

RECESS

The SPEAKER. Does the majority leader or minority leader have any further business?

Hearing none, the House will stand in recess until 2 o'clock, unless recalled sooner.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(MARK S. McNAUGHTON) PRESIDING**

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
March 16, 1999

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, March 22, 1999, 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, March 22, 1999, 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.

Mr. GEIST. Mr. Speaker?

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

Mr. GEIST. A ruling from the Chair, Mr. Speaker.

The SPEAKER pro tempore. There is nothing before the House.

Mr. GEIST. Yes, there is, Mr. Speaker. I looked out over this august body, and I see a relaxing of the dress code. Is it okay for gentlemen to remove their coats?

The SPEAKER pro tempore. Mr. Geist, you could readdress that issue when the Speaker takes the Chair.

Mr. GEIST. Well, you are the Speaker right now, Mr. Speaker. It is all in your hands. You have absolute control of this House.

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

HB 28, PN 16 By Rep. GANNON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for drug trafficking sentencing and penalties.

JUDICIARY.

HB 77, PN 987 (Amended) By Rep. GANNON

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for escape; and providing for escape from a detention facility.

JUDICIARY.

HB 308, PN 315 By Rep. GANNON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of falsifying identification to law enforcement officers; and providing penalties.

JUDICIARY.

HB 393, PN 988 (Amended) By Rep. GANNON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for participation in environmental law or regulation.

JUDICIARY.

HB 538, PN 989 (Amended) By Rep. GANNON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for prosecution barred by former prosecution for different offense.

JUDICIARY.

HB 773, PN 823 By Rep. BOYES

An Act amending the act of March 11, 1971 (P.L.104, No.3), known as the Senior Citizens Rebate and Assistance Act, further defining income to exclude a portion of railroad retirement benefits and Federal Social Security benefits; and providing for appropriations.

FINANCE.

HB 779, PN 990 (Amended) By Rep. GANNON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for police animals; and providing penalties.

JUDICIARY.

HB 877, PN 951

By Rep. GANNON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for juvenile history record information.

JUDICIARY.

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome Ronald G. Wagenmann, township manager of Upper Merion Township, here as the guest of Representative Connie Williams, who is seated to the left.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the Democratic minority whip to put Representative PISTELLA on leave of absence for the rest of the week. Without objection, so ordered.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—197

Adolph	Egolf	Manderino	Schuler
Allen	Fairchild	Mann	Scrimenti
Argall	Fargo	Markosek	Semmel
Armstrong	Feese	Marsico	Serafini
Baker	Fichter	Masland	Seyfert
Bard	Fleagle	Mayernik	Shaner
Barley	Flick	McCall	Smith, B.
Barrar	Forcier	McGeehan	Smith, S. H.
Bastian	Frankel	McGill	Snyder
Battisto	Freeman	McIlhattan	Solobay
Bebko-Jones	Gannon	McIlhinney	Staback
Belardi	Geist	McNaughton	Stairs
Belfanti	George	Melio	Steelman
Benninghoff	Gigliotti	Metcalf	Steil
Birmelin	Gladeck	Michlovic	Stern
Bishop	Godshall	Micozzie	Stetler
Blaum	Gordner	Miller, R.	Stevenson
Boyes	Grucela	Miller, S.	Strittmatter
Browne	Gruitza	Mundy	Sturla
Bunt	Habay	Myers	Surra
Butkovitz	Haluska	Nailor	Tangretti
Buxton	Hanna	Nickol	Taylor, E. Z.
Caltagirone	Harhai	O'Brien	Taylor, J.
Cappabianca	Harhart	Oliver	Thomas
Carn	Hasay	Orie	Tigue
Casorio	Hennessey	Perzel	Travaglio
Cawley	Herman	Pesci	Trello
Chadwick	Hershey	Petrarca	Trich
Civera	Hess	Petrone	True
Clark	Horsey	Pippy	Tulli
Clymer	Hutchinson	Platts	Vance
Cohen, L. I.	Jadlowiec	Preston	Van Horne
Cohen, M.	James	Raymond	Veon
Colafella	Josephs	Readshaw	Vitali
Cornell	Kaiser	Reinard	Walko
Corrigan	Keller	Rieger	Washington
Costa	Kenney	Roberts	Williams
Coy	Kirkland	Robinson	Wilt
Curry	Krebs	Roebuck	Wogan

Dailey	LaGrotta	Rohrer	Wojnaroski
Daley	Laughlin	Rooney	Wright
Daily	Lawless	Ross	Yewcic
DeLuca	Leh	Rubley	Youngblood
Dempsey	Lescovitz	Ruffing	Yudichak
Dermody	Levdansky	Sainato	Zimmerman
DeWeese	Lucyk	Samuelson	Zug
DiGirolamo	Lynch	Santoni	
Donatucci	Maher	Sather	Ryan,
Druce	Maitland	Saylor	Speaker
Eachus	Major	Schroder	

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Evans	Phillips	Pistella	Ramos
Lederer			

LEAVES ADDED—1

Stetler

LEAVES CANCELED—1

Ramos

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 102, PN 84**, entitled:

An Act amending the act of June 9, 1997 (P.L. 169, No. 14), known as the Nurse Aide Resident Abuse Prevention Training Act, further providing for information relating to applicants for enrollment in State-approved nurse aide training programs.

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—197

Adolph	Egolf	Manderino	Schuler
Allen	Fairchild	Mann	Scrimenti
Argall	Fargo	Markosek	Semmel
Armstrong	Feese	Marsico	Serafini
Baker	Fichter	Masland	Seyfert
Bard	Fleagle	Mayernik	Shaner
Barley	Flick	McCall	Smith, B.
Barrar	Forcier	McGeehan	Smith, S. H.
Bastian	Frankel	McGill	Snyder
Battisto	Freeman	McIlhattan	Solobay
Bebko-Jones	Gannon	McIlhinney	Staback

Belardi	Geist	McNaughton	Stairs
Belfanti	George	Melio	Steelman
Benninghoff	Gigliotti	Metcalfe	Steil
Birmelin	Gladeck	Michlovic	Stern
Bishop	Godshall	Micozzie	Stetler
Blaum	Gordner	Miller, R.	Stevenson
Boyes	Grucela	Miller, S.	Strittmatter
Browne	Gruitza	Mundy	Sturla
Bunt	Habay	Myers	Surra
Butkovitz	Haluska	Nailor	Tangretti
Buxton	Hanna	Nickol	Taylor, E. Z.
Caltagirone	Harhai	O'Brien	Taylor, J.
Cappabianca	Harhart	Oliver	Thomas
Carn	Hasay	Orie	Tigue
Casorio	Hennessey	Perzel	Travaglio
Cawley	Herman	Pesci	Trello
Chadwick	Hershey	Petrarca	Trich
Civera	Hess	Petrone	True
Clark	Horsey	Pippy	Tulli
Clymer	Hutchinson	Platts	Vance
Cohen, L. I.	Jadlowiec	Preston	Van Home
Cohen, M.	James	Raymond	Veon
Colafella	Josephs	Readshaw	Vitali
Cornell	Kaiser	Reinard	Walko
Corrigan	Keller	Rieger	Washington
Costa	Kenney	Roberts	Williams
Coy	Kirkland	Robinson	Wilt
Curry	Krebs	Roebuck	Wogan
Dailey	LaGrotta	Rohrer	Wojnaroski
Daley	Laughlin	Rooney	Wright
Dally	Lawless	Ross	Yewcic
DeLuca	Leh	Rubley	Youngblood
Dempsey	Lescovitz	Ruffing	Yudichak
Dermody	Levdansky	Sainato	Zimmerman
DeWeese	Lucyk	Samuelson	Zug
DiGirolamo	Lynch	Santoni	
Donatucci	Maher	Sather	Ryan,
Druce	Maitland	Saylor	Speaker
Eachus	Major	Schroder	

NAYS-0

NOT VOTING-0

EXCUSED-5

Evans	Phillips	Pistella	Ramos
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.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. HB 125 is over temporarily.

The House proceeded to third consideration of **HB 438, PN 458**, entitled:

An Act amending the act of February 18, 1769 (1 Sm.L.284, No.594), entitled "An act for regulating, pitching, paving and cleansing, the highways, streets, lanes and alleys; and for regulating, making and amending the water courses and common sewers, within the inhabited and

settled parts of the city of Philadelphia; for raising of money to defray the expenses thereof; and for other purposes therein mentioned," repealing provisions relating to wood haulers, stacking of wood and penalties for stealing wood in Philadelphia.

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-195

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

NAYS-0

NOT VOTING—2

Cam Roebuck

EXCUSED—5

Evans Phillips Pistella Ramos
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 House proceeded to third consideration of **HB 444, PN 464**, entitled:

An Act amending the act of March 23, 1819 (P.L.150, No.97), entitled "An act prescribing the form of the Bushel, to be used for measuring Lime, in certain counties therein mentioned," repealing provisions relating to appointment of person to mark bushel for measuring of lime.

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—196

Adolph	Egolf	Manderino	Schuler
Allen	Fairchild	Mann	Scrimenti
Argall	Fargo	Markosek	Semmel
Armstrong	Feese	Marsico	Serafini
Baker	Fichter	Masland	Seyfert
Bard	Fleagle	Mayernik	Shaner
Barley	Flick	McCall	Smith, B.
Barrar	Forcier	McGeehan	Smith, S. H.
Bastian	Franke!	McGill	Snyder
Battisto	Freeman	McIlhattan	Solobay
Bebko-Jones	Gannon	McIlhinney	Staback
Belardi	Geist	McNaughton	Stairs
Belfanti	George	Melio	Steelman
Benninghoff	Gigliotti	Metcalfe	Steil
Birmelin	Gladeck	Michlovic	Stern
Bishop	Godshall	Micozzie	Stetler
Blaum	Gordner	Miller, R.	Stevenson
Boyes	Grucela	Miller, S.	Strittmatter
Browne	Gruitza	Mundy	Sturla
Bunt	Habay	Myers	Surra
Butkovitz	Haluska	Nailor	Tangretti
Buxton	Hanna	Nickol	Taylor, E. Z.
Caitagirone	Harhai	O'Brien	Taylor, J.
Cappabianca	Harhart	Oliver	Thomas
Cam	Hasay	Orie	Tigue
Casorio	Hennessey	Perzel	Travaglio
Cawley	Henman	Pesci	Trello
Chadwick	Hershey	Petrarca	Trich
Civera	Hess	Petrone	True

Clark	Horsey	Pippy	Tulli
Clymer	Hutchinson	Platts	Vance
Cohen, L. I.	Jadlowiec	Preston	Van Horne
Cohen, M.	James	Raymond	Veon
Colafella	Josephs	Readshaw	Vitali
Cornell	Kaiser	Reinard	Walko
Corrigan	Keller	Rieger	Washington
Costa	Kenney	Roberts	Williams
Coy	Kirkland	Robinson	Wilt
Curry	Krebs	Rohrer	Wogan
Dailey	LaGrotta	Rooney	Wojnaroski
Daley	Laughlin	Ross	Wright
Dally	Lawless	Rubley	Yewcic
DeLuca	Leh	Ruffing	Youngblood
Dempsey	Lescovitz	Sainato	Yudichak
Dermody	Levdansky	Samuelson	Zimmerman
DeWeese	Lucyk	Santoni	Zug
DiGirolamo	Lynch	Sather	
Donatucci	Maher	Saylor	Ryan,
Druce	Maitland	Schroder	Speaker
Eachus	Major		

NAYS—0

NOT VOTING—1

Roebuck

EXCUSED—5

Evans Phillips Pistella Ramos
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.

* * *

BILL PASSED OVER

The SPEAKER pro tempore. Without objection, HB 8 is over for the day.

RESOLUTIONS PURSUANT TO RULE 35

Mrs. COHEN called up **HR 45, PN 641**, entitled:

A Resolution designating April 1999 as "Autism Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Adolph	Egolf	Manderino	Schuler
Allen	Fairchild	Mann	Scrimenti
Argall	Fargo	Markosek	Semmel
Armstrong	Feese	Marsico	Serafini
Baker	Fichter	Masland	Seyfert
Bard	Fleagle	Mayernik	Shaner
Barley	Flick	McCall	Smith, B.
Barrar	Forcier	McGeehan	Smith, S. H.

Bastian	Frankel	McGill	Snyder
Battisto	Freeman	McIlhattan	Solobay
Bebko-Jones	Gannon	McIlhinney	Staback
Belardi	Geist	McNaughton	Stairs
Belfanti	George	Melio	Steelman
Benninghoff	Gigliotti	Metcalfe	Steil
Birmelin	Gladeck	Michlovic	Stern
Bishop	Godshall	Micozzie	Stetler
Blaum	Gordner	Miller, R.	Stevenson
Boyes	Grucela	Miller, S.	Strittmatter
Browne	Gruitza	Mundy	Sturla
Bunt	Habay	Myers	Surra
Butkovitz	Haluska	Nailor	Tangretti
Buxton	Hanna	Nickol	Taylor, E. Z.
Caltagirone	Harhai	O'Brien	Taylor, J.
Cappabianca	Harhart	Oliver	Thomas
Carn	Hasay	Orie	Tigue
Casorio	Hennessey	Perzel	Travaglio
Cawley	Herman	Pesci	Trello
Chadwick	Hershey	Petrarca	Trich
Civera	Hess	Petrone	True
Clark	Horsey	Pippy	Tulli
Clymer	Hutchinson	Platts	Vance
Cohen, L. I.	Jadlowiec	Preston	Van Horne
Cohen, M.	James	Raymond	Veon
Colafella	Josephs	Readshaw	Vitali
Cornell	Kaiser	Reinard	Walko
Corrigan	Keller	Rieger	Washington
Costa	Kenney	Roberts	Williams
Coy	Kirkland	Robinson	Wilt
Curry	Krebs	Roebuck	Wogan
Dailey	LaGrotta	Rohrer	Wojnaroski
Daley	Laughlin	Rooney	Wright
Dally	Lawless	Ross	Yewcic
DeLuca	Leh	Rublely	Youngblood
Dempsey	Lescovitz	Ruffing	Yudichak
Dermody	Levdansky	Sainato	Zimmerman
DeWeese	Lucyk	Samuelson	Zug
DiGirolamo	Lynch	Santoni	
Donatucci	Maher	Sather	Ryan,
Druce	Maitland	Saylor	Speaker
Eachus	Major	Schroder	

NAYS-0

NOT VOTING-0

EXCUSED-5

Evans	Phillips	Pistella	Ramos
Lederer			

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

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

Mr. BATTISTO. To make a motion, Mr. Speaker.

Mr. Speaker, I make a motion to suspend the House rules in order to call up immediately HB 10 for consideration.

The SPEAKER pro tempore. Will the gentleman suspend? We are ready to go to HR 63 for the moment.

Mr. BATTISTO. Okay.

The SPEAKER pro tempore. Thank you.

Mr. SERAFINI called up HR 63, PN 859, entitled:

A Resolution acknowledging the numerous achievements of Dr. Christopher J. Dressel, Jr. on his retirement as the 121st President of the Lackawanna County Medical Society and designating March 27, 1999 as "Christopher J. Dressel Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-197

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

NAYS-0

NOT VOTING-0

EXCUSED—5

Evans	Phillips	Pistella	Ramos
Lederer			

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

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 10, PN 982, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for licensing eligibility and licensing of minors, for learner's permits, for school, examination or hearing on accumulation of points or excessive speeding and for restraint systems; and making editorial changes.

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

RULES SUSPENDED

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

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, I rise to make a motion that we suspend the rules so that we might consider HB 10 immediately without amendments, please.

The SPEAKER. The Chair thanks the gentleman.

On the question of suspension of the rules, I will restate the motion. This motion is to permit the immediate consideration of HB 10 without amendments. Is that correct?

Mr. BATTISTO. Yes, Mr. Speaker.

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

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

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

I would like to second that motion. We have worked for many years on this piece of legislation, and there is such an immediate need for it that Representative Battisto and I would love to bring this bill to the floor of the House immediately. Thank you.

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

The following roll call was recorded:

YEAS—178

Adolph	DiGirolamo	Mann	Saylor
Allen	Donatucci	Markosek	Schroder
Argall	Druce	Marsico	Schuler
Armstrong	Egolf	Masland	Scrimenti

Baker	Fairchild	Mayernik	Semmel
Bard	Fargo	McCall	Serafini
Barley	Feese	McGeehan	Seyfert
Barrar	Fichter	McGill	Smith, B.
Bastian	Fleagle	McIlhattan	Smith, S. H.
Battisto	Flick	McIlhinney	Snyder
Bebko-Jones	Forcier	McNaughton	Solobay
Belardi	Frankel	Melio	Staback
Belfanti	Freeman	Metcalfe	Stairs
Benninghoff	Geist	Michlovic	Stern
Birmelin	George	Micozzie	Stevenson
Bishop	Gigliotti	Miller, R.	Strittmatter
Blaum	Gladeck	Miller, S.	Sturla
Browne	Godshall	Mundy	Surra
Bunt	Gruitza	Myers	Tangretti
Butkovitz	Habay	Nailor	Taylor, E. Z.
Buxton	Harhai	Nickol	Taylor, J.
Caltagirone	Harhart	O'Brien	Thomas
Cappabianca	Hasay	Oliver	Travaglio
Carn	Hennessey	Orie	Trello
Casorio	Herman	Perzel	Trich
Cawley	Hershey	Petrarca	True
Chadwick	Hess	Petrone	Tulli
Civera	Horsey	Pippy	Vance
Clark	Hutchinson	Preston	Van Home
Clymer	Jadlowiec	Raymond	Veon
Cohen, L. I.	James	Readshaw	Walko
Cohen, M.	Josephs	Reinard	Washington
Colafella	Kaiser	Rieger	Williams
Cornell	Keller	Roberts	Wilt
Corrigan	Kenney	Robinson	Wogan
Costa	Kirkland	Roebuck	Wojnaroski
Coy	LaGrotta	Rohrer	Wright
Curry	Laughlin	Rooney	Yewcic
Dailey	Leh	Ross	Youngblood
Daley	Lescovitz	Rubley	Yudichak
Dally	Lucyk	Ruffing	Zimmerman
DeLuca	Lynch	Sainato	Zug
Dempsey	Maitland	Samuelson	
Dermoddy	Major	Santoni	Ryan,
DeWeese	Manderino	Sather	Speaker

NAYS—18

Boyes	Haluska	Pesci	Steil
Eachus	Hanna	Platts	Stetler
Gannon	Krebs	Shaner	Tigue
Gordner	Lawless	Steelman	Vitali
Grucela	Maier		

NOT VOTING—1

Levdansky

EXCUSED—5

Evans	Phillips	Pistella	Ramos
Lederer			

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? 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?

Mr. Battisto, do you seek recognition?

Mr. BATTISTO. Mr. Speaker, just a few words.

Mr. Speaker, HB 10 is a result of 1 year's work, and a symposium convened by the Governor has developed a set of criteria for trying to improve the way we license young drivers. It is an important piece of legislation. As I said, it took a year to develop. We have had hearings on this bill. We have heard from students and parents alike. They would like to move it as expeditiously as possible.

Therefore, I move that we move it as quickly as possible. Thank you.

The SPEAKER. The gentleman, Mr. Geist.

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

On the bill?

The SPEAKER. On the bill.

Mr. GEIST. Mr. Speaker, we have held hearings. The Governor proposed a piece of legislation. Representative Battisto and I have listened and we have listened very carefully.

I would like to thank the staff that has worked on this on both sides of the aisle and the cooperation that we have received. We believe that we have written probably what is the best bill that we can possibly get so that we can have safer, more responsible teenage drivers on the roads of Pennsylvania. With one out of six teenagers who are 16 years of age who are either going to be involved in a very, very bad traffic accident or be cited for a major traffic violation within the first year of their driving, if we can cut those horrific statistics down and save lives in Pennsylvania, then I think that we and our committee have done our job.

Mr. Speaker, it is unacceptable to accept the casualty losses that we have on Pennsylvania's highways, where we have had the parents who have come in to our committee and we have heard the stories and seen the results. It makes it imperative that we move this legislation and pass it now, and I ask for an affirmative vote of the House members.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 10.

The bill is based, in my view, upon a flawed analysis of accidents that occur in Pennsylvania, and that flawed assumption is that younger drivers get involved in accidents simply because they are younger drivers, and there are loads and tons of studies and analyses and statistics that show otherwise, and what those statistics show is that inexperienced drivers have more accidents than experienced drivers irrespective of their age. A 30-year-old driver with inexperience, that class of drivers statistically has just as many accidents and just as serious accidents as a 16- or 17-year-old driver that just got their driver's license. The 30-year-old that just got the driver's license and the 16, in terms of accidents, is exactly the same.

What we are doing here is we are penalizing youth for one reason, in that they are young and that they are an easy target, and it is unfortunate that most of our inexperienced drivers happen to be young, because that is when they get their first driver's license. What we should be doing is emphasizing training, extending the period of time for the learner's permits, and also perhaps raising the age for everyone to get their driver's license instead of this scheme of imposing all these additional penalties on our youth simply because they are young. This is unfair to the young people of this Commonwealth to do this.

The bill has a second problem, Mr. Speaker. It is the first step and a backdoor step towards a mandatory first-offense seatbelt law in this Commonwealth. It has every single word that you would want in a mandatory seatbelt except one, and that is "secure," and we will be back here someday in the future if we pass this bill and someone will have a law, a proposal, that simply will add the word "secure" to this seatbelt law.

We have already said prior in this General Assembly, Mr. Speaker, that when we deny our courts their costs — and this bill says that if there is a conviction because you did not have your seatbelt or because the number of passengers in the vehicle did not equal the number of seatbelts, that the courts do not get their costs — we have already said that that is unconstitutional to do that. We do not have the constitutional right to deny courts their costs when they are adjudicating cases that are before them.

This is unfair to the drivers, our youth in Pennsylvania. It is a backdoor step to getting a mandatory seatbelt law in this State, and it affronts the courts by denying them the costs that they are entitled to under law when they hear cases before them.

I ask for a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny County, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support HB 10, and I do so because of the fact that last year on May 6 I introduced exactly almost the same legislation that Representative Geist and the Governor are endorsing today, and I want to commend the majority and minority chairmen of the Transportation Committee for coming up with this bill.

You know, the previous speaker talked about statistics. Well, let me give you a statistic that is in Pennsylvania here. The teenage drivers make up 4 percent — 4 percent — of the driving population in this Commonwealth of Pennsylvania, yet they contribute 15 percent to the accident rate — 15 percent. Now, other States who have adopted this type of legislation have reduced their fatalities, have reduced their accidents. It is documented. This is a bill that will save lives, and this is what we need in this Commonwealth today. We need to save the teenager's life.

As far as a backdoor increase for mandatory seatbelts, that is preposterous. We hear that all the time. No matter what we are trying to do, we are putting a foot in the door for something. No matter what type of legislation, put one foot in the door and other things will come. Why should you not? When you are driving, why should you not have seatbelts for every passenger you have in that car? I know when I was a teenager and I was driving, I loaded the car up with 8 to 10 people in that car. You are talking about, was that responsible? No, it was not responsible; it was irresponsible, but I am older now, and we need to teach that to our younger children.

This bill is about saving lives, and I ask everyone in this chamber to endorse this type of legislation, because it is a good piece of legislation. It will save lives for our teenagers. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

Will the prime sponsor of this legislation stand for a brief interrogation?

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

Mr. EACHUS. Mr. Speaker, under the provisions of HB 10, is there a mandatory requirement for driver's license training within our public school system to support our efforts of training a skilled driver?

Mr. GEIST. No. This is a Title 75 bill. We plan to work with Representative Stairs, Representative Battisto, and others on your side of the aisle to bring about a true driver's education bill that will be administered by PennDOT and funded out of the Motor License Safety Fund so that we can have the very best driver's education in the country.

Mr. EACHUS. And, Mr. Speaker, can you explain to the membership of the House exactly what sanctions are taken against a minor driver who has that junior driver's license if they either have a moving violation or an accident of their fault.

Mr. GEIST. At six points their license will be suspended, or 25 miles an hour over.

Mr. EACHUS. Okay. Are there any— So they would have the capability up to six points to withdraw, to go to the class and withdraw those points from their license like everyone else?

Mr. GEIST. No. Nobody can withdraw their points in Pennsylvania. Once you earn those points, they are yours.

Mr. EACHUS. Okay.

And one last question, sir. I am concerned about the punitive nature of this on young drivers. I think all of us want to see that safety increase, but, you know, what we are concerned about from the parents that have been contacting us is that, you know, we are concerned that their concern is that their young drivers are going to lose their driver's licenses forever.

Mr. GEIST. Mr. Speaker, this is far from a punitive bill, and to use the word "punitive" in this piece of legislation is really a reach.

This is a bill that is truly concerned with prudent driving and the safety of those who are going to be driving. It is an opportunity for a lot of behind-the-wheel experience. It is also an opportunity that, in the past where parents or guardians did not have to be notified, where they will be notified, and it is a chance to correct problems with problem drivers before they can go out and kill themselves. We do not think of this as being punitive at all.

We have worked very closely with a lot of organizations who really know this stuff inside and out, and I believe that if I had to label this bill as anything, I would label it as the General Assembly's love of teenagers and seeing that they live and drive responsibly.

Mr. EACHUS. On the bill, Mr. Speaker?

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

Mr. EACHUS. I understand the gentleman's term of "the love for junior drivers," but, sir, I am concerned that there will be a fallout to our young drivers. If we are not going to make driver's education mandatory in our public schools so that we have the adequate 50 hours of training which is required under this legislation, we are going to leave our young drivers short of the commitment of the Commonwealth of Pennsylvania to this legislation, and I am concerned about that function.

So I appreciate the opportunity and the indulgence of the membership. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Fayette, Mr. Shaner.

Let me read the names of those who have indicated they wish to speak on this so you do not have to remain standing: Shaner,

Vitali, Godshall, Markosek, George, Battisto, Surra, McGill, Rohrer, Trello, Colafella, and now Bunt.

The gentleman, Mr. Shaner.

Mr. SHANER. Thank you, Mr. Speaker.

May I interrogate the prime sponsor of the bill, please?

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

Mr. SHANER. Well, Mr. Speaker, the first question I had has been answered dealing with the driver education portion of it, and I hope that we do follow through on that. I think it is a necessary part of the program.

But a couple other questions that I might have— And incidentally, this is the first time I have seen this legislation, and therefore, I had a short time to peruse it to see if I had a few questions. But you indicated in the legislation that we needed 50 hours of training for a driver?

Mr. GEIST. That is correct. Behind-the-wheel, supervised by an adult.

Mr. SHANER. By an adult; 21 years of age.

Mr. GEIST. That is correct, sir.

Mr. SHANER. And how are we going to—

Mr. GEIST. There are too many accidents that take place. We do have a 16-year-old who got their driver's license one month, their friend gets their permit the next month, and they go out and they are involved in a serious accident or they are both killed, and we have had quite enough of those experiences in Pennsylvania.

The SPEAKER. For the benefit of the members, interrogation is used to ask questions and get answers without editorials.

Mr. Shaner.

Mr. SHANER. I agree with what you are saying, Mr. Speaker, but my question is, anyone at age 21. Is there any documentation? Is there any documentation needed to be kept to show that they did the 50 hours of driving?

Mr. GEIST. That would be a trust agreement between the parent, guardian, and the person who has the permit, and they will sign that that person has the 50 hours of training.

Mr. SHANER. Okay.

The second question. It said then it comes in another stage. We have to have 6 months more behind the wheel? After that, 50 hours?

Mr. GEIST. No, no. That is included in the first 6 months.

Mr. SHANER. Included? Very good.

Is there a provision in the bill, by any chance, to accommodate our students that work after school? Now, they are only allowed to be on the road from 11 to 5, according to your legislation. Right?

Mr. GEIST. No, no, no, no, no. It stays exactly the same as it comes to the signed document by the employer so that those kids that have night jobs can work.

Mr. SHANER. That is covered in here? Okay.

Just a comment or two, Mr. Speaker. I have no further questions, but I would like to make a comment.

The SPEAKER. On the bill, the Chair recognizes the gentleman, Mr. Shaner.

Mr. SHANER. Thank you.

Well, we mentioned driving responsibility, and I certainly do agree with you, Mr. Speaker, that we need to do more to keep our youth from dying on the highways, but I just leave you with this question: How old does someone have to be to be responsible? That is my question. I know kids at 16 who are quite responsible, but I also know people at 60 who are still not responsible.

So someplace along the line I think we ought to consider both spectrums. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. VITALI. Thank you, Mr. Speaker.

I just wanted to follow up on one of the points raised by the gentleman from Fayette County. May I interrogate the—

The SPEAKER. Mr. Vitali, please yield.

Conferences on the floor, please break up. There are two conference rooms to the rear of the House. Use them, if need be.

Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the bill stand for brief interrogation?

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

Mr. VITALI. Mr. Speaker, I want to direct your attention to section 3, sub (e), on page 7. That is the requirement of 50 hours' training, behind-the-wheel training, accompanied by someone over 21 years of age. Is not the practical effect of this sort of to require parents to be with their children for 50 hours behind the wheel?

Mr. GEIST. Ideally it would be the parent, but it does not have to be. Only the parent has to sign off that the hours of training were there.

Mr. VITALI. And I think it is important that members understand what we are requiring, in effect, parents to do.

Mr. Speaker, there is no way of enforcing this provision. Is that not the case?

Mr. GEIST. It is an official signature or witness by the parent or guardian, and that is all it is.

Mr. VITALI. But you have no way of knowing whether in fact anyone offered the applicant any hours of training or not. The Commonwealth will not know that, will it?

Mr. GEIST. I am sure that that will happen, but I would hope that it would never happen.

Mr. VITALI. As a policy question, if in fact an applicant can pass a test, if in fact they take a test and demonstrate all the necessary driving skills, what does it matter whether they had 50 behind-the-wheel hours or 100 behind-the-wheel hours or 30 behind-the-wheel hours? If they can pass the test, is that not proof they have the skills?

Mr. GEIST. That question is exactly at the heart of why this was done. Every teenager who has been out there and been killed and maimed in one of these accidents has been trained to take a test. Driving a car responsibly is much more than passing a test, and that is what we are doing with this legislation.

Mr. VITALI. Okay. With regard to the time periods between applying for the learner's permit and getting your junior or your senior license, how do those time periods change by this bill?

Mr. GEIST. Only in the 6 months that you have to wait to take your exam.

Mr. VITALI. What exam would that be?

Mr. GEIST. Your driving test.

Mr. VITALI. In other words, you have to wait 6 months from the time you get your learner's permit, whether you are ready to take it or not.

Mr. GEIST. That is correct. You need those hours and that experience.

Mr. VITALI. Again, again I pose the question: If after 3 months you are ready to take the test, you can take the test, what is the point of waiting this additional time period?

Mr. GEIST. Because the experts that have given us this information have said that that is the best. After examining that information in depth, we believe that that is the best way to go to get that kind of experience, to get more than that 50 hours so that it is not just a minimum of 50 hours, to get that experience that you need in all kinds of situations so that we can have responsible drivers. That is what that is about.

Mr. VITALI. Thank you, Mr. Speaker.

That concludes my interrogation. May I speak briefly on the bill?

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

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, I just want to make the members aware of what we are imposing on our constituents, and if this is acceptable, that is fine, but we are requiring and in fact mandating parenting to a degree. We are mandating that a parent in effect spend with their child at least 50 hours in the vehicle with them, whether they feel a lesser amount is enough or not, or, in the alternative, falsifying an application. If the members are comfortable with that and they think that is a good idea, that is fine. I just want members to be aware of the content of this bill when voting on it.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

I want to come at this bill from a little bit of a different angle. In 1997 Pennsylvania motor vehicle crashes involving passenger cars and light trucks contributed to the death of 1,234 individuals. Of that total, 112 were kids under the age of 16, 44 were teenagers age 16, 44 were teenagers age 17. This totals exactly 200 children and teenagers killed under the age of 18 just in 1 year – 1997. That represents a 38.9-percent increase in fatalities in this age group since 1993. In 1997 half of the teenagers killed were passengers. Crash statistics indicate 70 percent of the teenagers killed did not wear their seatbelts. We know that 65 percent of our residents wear seatbelts. We know 35 percent do not.

Last year during our major holidays, which are New Year's, Easter, Memorial Day, Independence Day, Labor Day, and Christmas, Pennsylvania had 59 fatalities on the highways. Forty-nine people that were fatalities on the highways during that period were not wearing their seatbelts; 10 were wearing their seatbelts. Forty-nine were not, from the 35 percent.

Limiting passengers riding with a teenage driver on a learner's permit and junior license to no more than the number of seatbelts in the vehicle is a good start. However, this General Assembly needs to address a real concern to mandate all passengers under the age of 18 to wear their seatbelt. It does no good to restrict passengers to seatbelts and not require their use. In California, with mandatory seatbelt usage, their fatalities have decreased 35 percent.

I certainly hope that PennDOT will issue an educational piece to accompany the 50 hours of supervised practice time and include a stern warning regarding seatbelt use and the need to buckle up.

I applaud Governor Ridge, Secretary Brad Mallory, Chairmen Geist and Battisto, and the bipartisan effort of the House Transportation Committee for recognizing the serious challenge and addressing the number one killer of our youth, which is motor vehicle crashes. Let us continue that bipartisan work in the future

as we consider extending seatbelt and child restraint legislation to all passengers under age 18 and actually to all passengers regardless of age.

Unfortunately, our good-faith effort today will be measured only by the tragedy of tomorrow. Let us hope this legislation works, at least for some. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny County, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I rise in favor of HB 10.

We had a hearing in the Transportation Committee the other day, and really going through my mind was, in some ways I do not think this bill really goes far enough, but it is certainly not a reason to vote against it. In some ways it is just half a loaf, and I would certainly agree that if we really wanted to put a crimp in the statistics about younger driver accidents, we would take some harsher measures such as mandating seatbelts, certainly if we could do more to eliminate drugs and alcohol from getting behind the wheel, more driver training, and certainly the one thing that we cannot give young people that they have to go out and earn is more experience.

Several years ago I was fortunate enough to chair an ad hoc committee on the problems associated with older drivers, and we at that time found out that, like some of the previous speakers have said here today, that the older drivers, just because they are older does not necessarily mean they are poorer drivers. In some ways we can find statistics to show that they are safer drivers, and I only can say that for the youth as well. In spite of the statistics, we could say that they are not all bad drivers. They need experience. Seatbelts would certainly help, and this bill really does not do those things, but in our own way here in the legislature, it is something better than what we currently have on the books. It will save some lives. It will be a positive movement toward some of these other things perhaps. And even though I think that it is really the least that we can do, I think we ought to go ahead and do it.

So with that, I am rising to say that I support the bill and would urge all my colleagues to support it as well. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, this is going to be—

The SPEAKER. Will the gentleman yield.

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

Mr. VITALI. For the purpose of making a motion, Mr. Speaker.

The SPEAKER. I will recognize you shortly, but you cannot interrupt a speaker for that purpose.

Mr. George.

Mr. VITALI. I was just signaling to be put on the list, Mr. Speaker.

The SPEAKER. Thank you.

Mr. GEORGE. Mr. Speaker, I do not in any way disrespect your decision or authority, but I would yield if that would be the best way, because I am sure his amendment or his motion would be something to get rid of the bill. I am not for that or against that, but I would yield, if you would allow me.

The SPEAKER. The gentleman, Mr. George, yields to the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

MOTION TO PLACE BILL ON FINAL PASSAGE POSTPONED CALENDAR

The SPEAKER. This, Mr. Vitali, now is your second trip. This is the second time you have been recognized on the issue and last time.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, I would move to postpone consideration of this bill until Tuesday, March 23, at 11 a.m.

The SPEAKER. The gentleman from Delaware, Mr. Vitali, moves that HB 10, PN 982, be placed on the House postponed calendar until the session of Tuesday, March 23.

Mr. VITALI. That is correct.

On the question,

Will the House agree to the motion?

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

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

Representative Battisto rose and made a motion that we suspend the rules, move this bill. I concur with that. I think we should be about the business of saving lives, not playing political games with teenage lives, and I would urge that we move ahead with this bill, get rid of this vote, and let us get this thing to final passage. Thank you.

The SPEAKER. On the question of postponement, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I applaud the gentlemen, Mr. Geist and Mr. Battisto, and fully support their goal of saving lives and fully support much of the content of this bill.

But, Mr. Speaker, this is a bill that has come up, that has just left committee, that the House deserves a chance to further scrutinize it, and in particular, amend it to delete some of the provisions that perhaps are not in conformance with the House's approval, and perhaps add provisions that might even make it a better bill.

Mr. Speaker, I am also fully supportive of your goal of saving lives, but this is a process, and that process involves consideration and the sifting back and forth, weighing the pros and cons of provisions, of amending. That is the legislative process, the amending process, and we are all a part of that, but we have been excluded today. My only feeling is that we are not going to prejudice anyone by postponing it for three session days, but it will give us a chance to perhaps deal with some of these questions that have been raised today and make the adjustments.

With regard to the suspension motion, I do not think that was really made and voted for by all members knowing that in fact it was a controversial bill and it was one of those bills that really affects the meat and potatoes of many of our constituents — the moms and dads and kids who have to take this test.

So I just think it is the prudent thing to give it a couple of days so we can complete this legislative process, which we do on 99 percent of the other bills that pass through this House. So I would urge a "yes" vote on the motion to postpone.

The SPEAKER. The Chair thanks the gentleman.
 The Chair recognizes the gentleman, Mr. Battisto.
 Mr. BATTISTO. Thank you, Mr. Speaker.
 Mr. Speaker, I oppose the motion to postpone.
 We have been debating this bill. We have suspended the rules.
 We are debating. Let us continue to debate. Ask as many questions
 as you want, and let us continue with the bill now. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes
 the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.
 Mr. Speaker, I support the motion to postpone.

I do not believe that the request of Representative Vitali is in
 the extreme. He is simply asking for some additional time for the
 members to have an opportunity to thoroughly review this bill and
 consider the consequences of what they are doing and not just
 hearing from the advocates of the legislation. Now, I noticed this
 all started out with a motion to suspend the rules so that no
 amendments—

The SPEAKER. The question before the House is restricted.
 The gentleman may proceed.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, the point that I was getting to is that members
 would have an opportunity to perhaps develop amendments that
 would make the bill more palatable to them. I believe that this bill
 as it presently stands places a tremendous burden on our young
 drivers only because they are young. We are not dealing with the
 issue of the inexperienced driver, and I believe we would have an
 opportunity to do that if this bill was postponed to the date set out
 by Mr. Vitali.

I urge the members to vote "yes" so that they can have time to
 read the bill. We have been often accused of not reading the bills
 around here and not understanding what is in them. This is an
 opportunity for us to do that, and I would urge a "yes" vote on
 postponement.

The SPEAKER. The gentleman, Mr. DeLuca.
 Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to not postpone HB 10.

I had about three amendments today that I was going to ask for
 suspension of the rules, but because I believe that this bill is such
 an important bill, I did not introduce them, and I did not ask for a
 suspension because of the fact of what it is going to do to save the
 lives out there.

This is a very important piece of legislation. If you want to vote
 against it, vote against it. We do not need to postpone it so that we
 can Christmas-tree this bill up where we will kill it. Now, that is
 the only reason we postpone things in this House, is that we want
 —everybody wants to put an amendment in, and before you know
 it, it goes over to the Senate and it never comes out of the Senate;
 it is dead. Let us be truthful about it. If you do not like what is in
 the bill, vote against it. Let us save people's lives and let us not
 postpone it. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.
 The Chair recognizes the gentleman from Fayette, Mr. Roberts.

Mr. ROBERTS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HB 10, and I oppose the
 motion to postpone.

Unlike many other pieces of legislation that come before this
 House as a surprise, that is not the case with HB 10. The
 Transportation Committee in fact held public hearings. Everyone

had an opportunity to provide input, and in fact, we did get a good
 amount of testimony about the subject and the content of HB 10.

Therefore, I would ask that we vote "no" for the motion to
 postpone.

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

The following roll call was recorded:

YEAS—64

Belbeko-Jones	Cornell	Hanna	Rohrer
Belardi	Corrigan	Harhai	Sainato
Belfanti	Costa	James	Scrimenti
Birmelin	Coy	Lawless	Shaner
Bishop	Curry	Lucyk	Steelman
Blaum	Dermody	Mann	Stetler
Boyes	DeWeese	McIlhinney	Surra
Bunt	Donatucci	Metcalfe	Tigue
Butkovitz	Eachus	Michlovic	Travaglio
Cappabianca	Freeman	Myers	Trello
Carn	Gannon	Pesci	Trich
Casorio	George	Petrarca	Vitali
Cawley	Gordner	Reinard	Washington
Clark	Grucela	Rieger	Wojnaroski
Cohen, M.	Gruitza	Robinson	Yewcic
Colafella	Haluska	Roebuck	Youngblood

NAYS—130

Adolph	Frankel	McCall	Semmel
Allen	Geist	McGeehan	Serafini
Argall	Gigliotti	McGill	Seyfert
Armstrong	Gladeck	McIlhattan	Smith, B.
Baker	Godshall	McNaughton	Smith, S. H.
Bard	Habay	Melio	Snyder
Barley	Harhart	Micozzie	Solobay
Barrar	Hasay	Miller, R.	Staback
Bastian	Hennessey	Miller, S.	Stairs
Battisto	Hershey	Mundy	Steil
Benninghoff	Hess	Nailor	Stern
Browne	Hutchinson	Nickol	Stevenson
Buxton	Jadlowiec	O'Brien	Strittmatter
Caltagirone	Josephs	Oliver	Sturla
Chadwick	Kaiser	Orie	Tangretti
Civera	Keller	Perzel	Taylor, E. Z.
Clymer	Kenney	Petrone	Taylor, J.
Cohen, L. I.	Kirkland	Pippy	Thomas
Daily	Krebs	Platts	True
Daley	LaGrotta	Preston	Tulli
Dally	Laughlin	Raymond	Vance
DeLuca	Leh	Readshaw	Van Horne
Dempsey	Lescovitz	Roberts	Veon
DiGiolamo	Levdansky	Rooney	Walko
Druce	Lynch	Ross	Wilt
Egolf	Maher	Rublely	Wogan
Fairchild	Maitland	Ruffing	Wright
Fargo	Major	Samuelson	Yudichak
Feesse	Manderino	Santoni	Zimmerman
Fichter	Markosek	Sather	Zug
Fleagle	Marsico	Saylor	
Flick	Masland	Schroder	Ryan,
Forcier	Mayernik	Schuler	Speaker

NOT VOTING—3

Herman	Horsey	Williams
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EXCUSED—5

Evans	Phillips	Pistella	Ramos
Lederer			

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

On the question recurring,
Shall the bill pass finally?

The SPEAKER. The Chair recognizes, for the second time on the subject, the gentleman, Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

Just a couple points, Mr. Speaker.

The previous speaker talked about the importance of experience. I think that is precisely what we are trying to do in this bill. We are raising the time from 30 days to 6 months that someone must have a permit before he or she can take the test. Well, those 6 months presumably are for gaining more experience, and obviously, 6 months is a lot longer than 30 days.

The other point that was made by the gentleman on the other side, he talked about the issue of seatbelts. The reason why the matter was put in the bill concerning seatbelts — that is to say that a young driver cannot carry more passengers than there are seatbelts to accommodate passengers — is that students even suggested that. A student who testified before this committee said one of the biggest problems he saw in his school district is that kids ride around with overloaded vehicles and that they goad each other into going faster. He actually suggested this; others did, too, but that is why this is in the bill. It is not a backdoor attempt to require seatbelts, for primary enforcement. That is not the point at all.

The third point came up about driver education. Now, when we talk about education, we all think that it is always helpful, and it certainly usually is. However, the test that we have talked about, that we have read, indicates — this sounds absurd to me, but it is true — it indicates that there is no appreciable difference between those students who took driver's education as to those who did not with respect to the number of crashes. In fact, I am stunned that a report from Ontario says, the group that had driver education had more crashes than the one that did not have driver education. So there seems to be no conclusive evidence, the jury is still out on that issue, and that is why we did not deal with it.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Clearfield, Mr. George.

Will the gentleman yield.

The Chair apologizes to the gentleman. I was going to take you out of turn again.

The Chair recognizes the gentleman, Mr. Surra.

Mr. GEORGE. Thank you, Mr. Speaker.

The SPEAKER. Mr. George. Mr. Surra yields to you, Mr. George.

Mr. GEORGE. Mr. Speaker, this is a very tough moment for me in that all of those proponents of this measure hopefully attempt to qualify that they are the only ones that have a legitimate concern over the lives of our young people who are young motorists. I would want to qualify that regardless of how we vote, there might be some of us that will vote "no" on this proposal and have just as much sincerity and concern over the lives of these young drivers as those who insist that the bill must be passed immediately.

Now, I do not want to get personal, and neither do I believe what I am going to say is going to influence any votes. I just thought maybe if I tell it like I think it is, at least I will not lose the respect of my fellow man and woman in this body, but rather I will come down here, if you will, Mr. Speaker, to do the best I can with what God gave me, and at times that is not very much.

But, Mr. Speaker, I do not know. I do not have all of these figures that the Governor's Office has, and believe me, neither do I want it believed that I insist that the Governor is playing politics on something such as this bill; I do not believe that. Neither do I think, though, chairmen of the committees want to do anything but what is right. But I would like to know, and I do not believe it can be offered, just how many lives did we lose between those who took their driver's examination with the Pennsylvania State Police and the extra time that we insist at this time we should allow before they can take that test? I would like to know really whether they have that number of how many were killed in the ensuing 40 days that could have not been killed had we not allowed them to get on the road without a licensed driver.

I guess maybe if you have never been in the type of business that I was in when I came down here and never had to back a wrecker into an automobile and tried to jar loose a door to pull somebody out that was half living and somebody that you know in your heart that the accident had come about by not just one person being at fault but possibly two, and I also wonder, Mr. Speaker, that we continue to talk about these 16-year-olds, who some of you do not think are as mature as you were when you were 16, but I daresay that these 16-year-olds have just as quick a response time, are just as quickly to be able to adopt a quick response, and just as able mechanically to be able to handle an automobile as some of us that are a little bit older, but that is not what the bill is all about.

The bill simply says that we will save lives if we force these young people to wait an extra 5 months before they get their license. We have nothing in this bill to say, hey, look, we have driver's training programs; we have a testing schedule operated by the State Police. We take these young people out and they drive at 30 miles an hour to impress the State Police officer that they are within law-abiding range. There is no way that they are told to get into an automobile when there is inclement weather or to try to effectuate a stop on a slippery road. There are none of those conditions that the Governor or you and I can put together to be able to give these people this kind of an experience. They have got to adapt and reach that experience on their own, and God forbid they do sooner or later.

I can tell you there is not one of you that has driven back and forth from this Capitol to your home that in one given moment could not have been responsible for an accident because your mind was on something else or something was happening and you were not as attentive, and what would you blame that on?

So I agree that if you do not let a youngster on the road by himself or herself for that extra 4 months, you are going to save lives. Would we not? If you take all of us off the road, look how many lives you are going to leave. So until you have had somebody in your family in one of those predicaments, then you can stop here and you can talk with some authority on just what this is all about to pull somebody off of a road where somebody wants to attribute it to anything, but we should not attribute it to lack of experience, because the truth of the matter is that some of them can drive for 2 years and never be able to, as I explained a moment ago, be able to be put into a situation that could bring

them to the point of where their action or their response would either save their lives or somebody else's life.

So simply to put this kind of language in and simply to say that you can drive up the road and be arrested two times and get six points for speeding and then you get a departmental hearing and they leave you off the hook, and then you go to 11 points and then they give you another departmental hearing, and the second time you go to 11 points they give you 5 days' suspension for every point, so if you are at 11, they give you 55 days, but we are not willing to give these young people that break. We are willing to say that if you get six points, you lose your license.

We could spend real dollars to give the training that is necessary for these kids to be able to adapt to the inclement conditions that will occur overnight or within a moment. We witnessed that just last week. We could do more with our driver training. We could do more with our parentage. We come down here and we attempt to resolve a problem by placing additional problems on an unsuspecting section of our humanity and our society; we attempt to do right. Let us hope you are doing right, but I can tell you right now, if you do not have faith in these young people, no wonder some of them have little faith in what we do.

I am not going to vote for this bill, and I am not going to go home with a conscience that bothers me, because I know what this is all about. This is strictly political, and if it saves a life, I am for it, but if it does not save a life, you will not be able to prove it. Thank you, Mr. Speaker.

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

Will the gentleman yield for a moment.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. There are 20 of you that have the computers before you. By pushing the help button, the gentleman in the rear of the hall of the House, Mike Darrin from Legislative Data Processing, will come to your desk and answer any questions you might have. I encourage you to use this so that you become familiar with it, because we are going to go ahead with the program.

CONSIDERATION OF HB 10 CONTINUED

The SPEAKER. Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I rise this afternoon to speak against HB 10, and it is not because we are not trying to solve a serious problem, but our solution is wrong, Mr. Speaker.

Mr. Speaker, I submit that it is not because of the age of the driver; it is because of their lack of experience that there is a problem. In fact, my colleague, Mr. George, said just a little bit ago to myself that my 16-year-old son is probably a better driver than he is.

Mr. Speaker, this bill might help. The 50-hour provision before the time that they can be tested after having their permit for their junior license might help some, but who is going to verify whether they have that experience or not?

I wish we had the opportunity, Mr. Speaker, to amend this legislation, because I would like to add a provision that would allow junior drivers to take a defensive driving or a high-performance driving course, Mr. Speaker. That is what we

need. Unfortunately, on Sunday in the snowstorm here in south-central Pennsylvania, many young drivers probably for the first time in their lives found out what it feels like to be sideways on a highway, and hopefully, there was not a tractor-trailer coming the other way. That is not the time that they should be experiencing that, Mr. Speaker.

Basically, our driver's education program in Pennsylvania stinks; it is a joke. You go out for a half an hour on a nice sunny day and you drive 40 miles an hour — well, I hope you can drive that way — and you can drive 150 hours at 40 miles an hour on a sunny afternoon and you can drive 550 hours on those conditions and it does not mean anything. The first time that you come up to a slippery intersection and you touch the brakes and the front tires lock up, that is not the time to have that experience out on a highway.

We should be serious about a defensive driving education program. Mr. Speaker, in Pennsylvania our schools do not even have to offer the driver's ed that we do now.

This is a problem that is easy to blame on our young people. I wonder if this legislation would be before the House if 80 percent of 16-year-olds and up were registered to vote. I do not hear anybody speaking about having people that are over 80 years old be retested every 3 or 4 years, because we would be out of our political minds to introduce that bill, because they vote. I do not see anybody pushing legislation through that would outlaw the use of car phones, Mr. Speaker, and there is pretty good data in that field that shows that talking on a car phone is worse than driving while intoxicated, but of course, they have a powerful lobby, and we all use those, Mr. Speaker.

Mr. Speaker, I agree that there is a problem with young drivers, but I do not think this legislation is going to address it. I think we need to do a better job in our driver's education program, so I am voting "no." Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MCGILL. Thank you, Mr. Speaker.

I rise in support of HB 10.

Within 24 hours of receiving my permit, I had my driver's license, and as one of the previous speakers said, just merely passing the test should be enough. Well, it is not enough. I was not able to drive as a good driver then, and it took some time to learn.

Now the Department of Transportation has made some changes. When you go in to get your driver's license, you get your permit and you have to wait until you get the official form in the mail. So they build in an automatic bias of about 4 to 6 weeks before you can go down to take your driver's test. Well, having recently gone through this with my daughter, I went down when she took her driver's test and I spoke to the officer and said, do you think that helped? And he said, you would be surprised how many people come in the day that they receive their driver's permit in the mail and they come down and they flunk the test because they are not ready to drive.

Simply putting in 50 hours of supervised driving over a 6-month period is 2 hours a week. That is 2 hours a week for a parent or a guardian to ride with their child to make sure that they are learning what goes on. Six months is a long period of time. Six months allows you to drive in the various types of weather that we heard about. It allows you to drive when there is a skim of water on the road bringing up the oil that you might not be familiar

with. It allows you to be in a number of different situations that you would not normally be in if you learned within 30 days, because as one of the previous speakers said, a lot of things happen within 30 days, and it can happen instantaneously, but in 6 months a whole lot more things happen. You get to have one-half of the year to experience. So I believe that this is not an undue burden.

I recently spoke to a group of students about this piece of legislation last week in the high school in my district. I asked them what they thought about this piece of legislation. The only concern that came up was not being able to drive after 11 o'clock on Friday and Saturday nights. And I said, if you can come up with a good reason why you should be out driving, then maybe I would support an amendment to that. No one could come up with a good reason other than driving around with their friends, which is not a good reason to be out on a weeknight.

I stand in support of this legislation. I think this legislation is a good move in the right direction to protect younger people who are learning to drive, because they need time behind the wheel. They need to experience what it is to drive, and in that, maybe we will save a few more lives with this piece of legislation, Mr. Speaker. I urge your support. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Berks County, Mr. Rohrer.

Mr. ROHRER. Thank you, Mr. Speaker.

Could I interrogate the maker of the bill, please?

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

Mr. ROHRER. Mr. Speaker, there are things that are in the bill that I like. I am a father of currently two teenage sons who are driving — one is about to drive; one is driving. One just turned 20, so he just went through the process. So I am right into this, and I know what I am speaking of. So there are a couple of things here that I do like, but I have questions about a couple that I would like to direct to you, if I could. One of them has to do with the 50 hours that we have already had discussion about. I see nothing that is in the bill that in any way describes what that training is to consist of or anything about what it is.

Mr. GEIST. No, there is not, Mr. Speaker. There will be a log offered to the parents and the student so that it would be a suggested course of how many hours, in what kind of weather, and what kinds of conditions, but that will all be certified by the parent.

Mr. ROHRER. If the parent has to certify in writing, what actually are they doing when they sign their name?

Mr. GEIST. Well, we believe that they are being honorable and that the trust is there that they will do the job and do the job that is right for their children.

Mr. ROHRER. And what, Mr. Speaker, if they do not? If they sign and they have 49 hours and not 50, what happens? What is the strength of having someone sign when there is no way to know—

Mr. GEIST. Mr. Speaker, right now there is no requirement, none. If you wait the time, you can take the test. This is the first that has had a requirement like this, and I am sure that there are some liberals out there who will not do it, but I am sure a lot of conservatives will, and I am looking forward to making sure that this thing works. It is a trust agreement. It is an agreement that is a trust between those who are about to drive and those who are teaching them, and 50 hours was the amount of time that was suggested to us by just about every expert, and that, Mr. Speaker, is a minimum also — 50 — a minimum of 50, not a maximum.

Mr. ROHRER. Okay.

One following question on that. What if, for instance, the child or the student in question does not have a guardian and/or a parent who is capable of either training, riding with them, or for some reason could not ever even be with that student during that 6-month period? What happens?

Mr. GEIST. It is the same person, Mr. Speaker, who has signed for them to get the permit.

Mr. ROHRER. There are no legal implications for the person who signs?

Mr. GEIST. None.

Mr. ROHRER. At all possible?

Mr. GEIST. It is a trust agreement.

Mr. ROHRER. Okay.

A second set of questions then on this, and then I will comment on it.

Of those deaths that have occurred across the State for which we have numbers — and we heard one of the Representatives giving some of those numbers a little bit ago — of those individuals that have lost their lives as teenagers on the roadways in Pennsylvania, how many of them have also been involved with alcohol and/or drug usage that would be a part of those numbers?

Mr. GEIST. Mr. Speaker, in the past history, both long ago and recent, alcohol and drugs have been involved, but right now, under Pennsylvania law, it is zero tolerance, and that was just enacted not too long ago, so that we do not have an accurate base right now that I would believe, as you do, that if we are teaching responsibility and we have more hours of teaching responsibility, then there would be less of that.

Mr. ROHRER. Okay. Thank you, Mr. Speaker.

I would like to comment, please, now.

The SPEAKER. The gentleman is in order.

Mr. ROHRER. I raised those questions, well, because I have some legitimate concerns about certain parts of the bill. For me as a father, and I think for most parents, when I trained my sons to drive — and they did not go through driver's ed — they had their permit for at least 6 months. I do not find that to be a problem. As a matter of fact, that waiting period is really a good thing. I see no problem with that.

I do have a problem with having to certify the 50 hours. Now, if I as a responsible parent am training my child or am going to have to be enduring, perhaps, my teenage son or daughter driving, then I will want to have done that, and frankly, that is what I did with my children. But I think there is a problem when we have to get involved in requiring parents to now certify and commit to something. In some cases, what are they committing to? I do not know what really they are committing to, and I think this opens a door for possible misuse and the possibility where you have parents or guardians just signing for the sake of signing, and yes, it is a matter of trust, but what if they do not? It seems to me this sounds good; it does not accomplish a whole lot.

And the second thing that I have some concern about is that perhaps we are treating a real-life problem, and that is fatalities on our highways, but we are saying that it is automatically because the child is young. All of us were 16-year-old drivers at one point. We are all sitting here in this building. The fact that someone is 16 years old does not mean that he is going to have an accident. The amount of responsibility that he exhibits has everything to do with it. And we all know that the involvement of alcohol and drug usage in the amount of accidents that occur is very, very, very

high. Are we not, in attempt, trying to correct a problem that is caused by irresponsibility and drug usage, alcohol usage, which, frankly, would distort any experienced driver's ability, whether he is 16 years old or 60 years old, and to lay it right on this issue and say if we do this, we are going to correct the problem? I think we are pursuing an attempt in a very easy fashion here to appear to correct the problem, but in fact we are not addressing the real problem. We are only addressing perhaps a symptom, and I do not believe that this bill as structured with all the parts that are in it is really going to address the problem, and I frankly would like to see some of these parts taken out as well as some of the parts kept in.

So in light of those things, I am going to vote against the bill in its current form and would like to see that we could take and even correct it after this point. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

After Mr. Trello, Colafella, Bunt, Reinard, Lawless, Haluska, Gladeck, Sainato, Dermody, Grucella, Gannon for the second time, and Solobay.

The Chair recognizes the gentleman.

Mr. TRELLO. Thank you, Mr. Speaker.

I, along with every member in this room, I am sure, am concerned about our youthful drivers, and we want to make sure that we can do everything possible to make them safe drivers, but I think this bill is nothing more than a paper tiger. It makes no mandates on the 50 hours of training.

I know when my three children were progressing along and became old enough to drive, my wife and I both spent an awful lot of time teaching our kids the right way to drive. But times are different today. We have both parents that have to work today. They do not have the time to spend with their children. I think this belongs in our school system with driver's training and education, making some mandates on those 50 hours so they can be certified, not saying it is an issue of trust; it is an issue of trust. I trusted my kids. Now, they have been driving for a number of years now, and in all these years, about 20, 25 years now, there has been one accident — one accident; my three children — and I trusted them. But there is no trust here. There is no trust on the 50 hours. I think we have to have legislation that mandates certification of those 50 hours, and the only way we can do that is to do it in school in our driver's training. I would like to see something in the bill that would mandate that.

With the way the world is today with minimum-wage jobs, a loss of manufacturing jobs, both parents have to work and it might be very difficult, and who is to say they will not certify it anyway just to get rid of the issue. I am going to oppose the bill because of those reasons. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Beaver County, Mr. Colafella.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, first of all, this is such a controversial bill, and it is really too bad that a lot of us cannot amend the bill, because you know the Senate will amend the bill. But I would like to interrogate the maker of the legislation, Mr. Geist.

Mr. Speaker, let me ask you a couple questions. Let us assume—

The SPEAKER. The Chair recognizes the gentleman for the purpose of interrogating the gentleman, Mr. Geist. You may continue.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, assume that I am a 16-year-old and I now get a permit.

Mr. GEIST. Wait, Mr. Speaker. I cannot hear a thing right here.

The SPEAKER. Conferences in the vicinity of the majority leader's desk, please break up.

Mr. GEIST. Thank you.

The SPEAKER. The gentleman will yield.

Mr. COLAFELLA. Thank you, Mr. Speaker.

The SPEAKER. The gentleman will yield.

Conferences on the floor. Gentlemen on the side aisles, please take your seats or go to the outer chambers for conversations.

Mr. Geist.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, assume that I have now turned 16 years of age. I now get a permit. I have just a father, and he travels a lot; he is not around very much. When I get this permit, can I have a 22-year-old friend of mine sign the permit as the person who is going to oversee things?

Mr. GEIST. Yes.

Mr. COLAFELLA. Okay. So now I have a 22-year-old friend who supposedly will provide me with 50 hours of instruction. After about 20 or 25 hours of instruction I say to my friend, "I'm a pretty good driver, don't you think?" and he says yes. So now I go to my dad, who finally comes in from a trip, and I say, "Hey, dad, I've had 50 hours of instruction; do you want to sign this?" And he signs it, okay? A couple of months later I am in a car accident. Lo and behold, I kill somebody in a car accident. People now are going to sue, you know. My father says, "Sure, he told me that he had 50 hours of instruction." Now they call the young man in who was my sponsor, so to speak, and he says, "Actually, I only gave the kid 22 to 25 hours of instruction."

I think what I am trying to say is, I am concerned about young drivers, but I am also concerned about a lot of things that are in this particular legislation, and I am concerned that we are voting for something that can cause us a lot of problems down the road, and for those reasons I just do not know what I am going to do on this particular piece of legislation. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Montgomery County, Mr. Bunt.

Mr. BUNT. Thank you, Mr. Speaker.

Mr. Speaker, in a way I am somewhat delighted to see what the committee has done with the graduated steps that they have implemented in the bill. Clearly, anything that we can do is an effort well spent. There is, Mr. Speaker, a glaring omission, and if we listen to the debate here in this chamber today, by not requiring young-driver instruction is to only get us halfway there. Graduating the steps before a person is granted full privileges does not supply the training a young person needs. Having mom or dad or a guardian verify behind-the-wheel time is an excellent idea providing that the child's family allows such support or that the adult is not passing on bad driving habits. A better approach, Mr. Speaker, is to combine the original proposal with required driver instruction — classroom and on the road.

Now, of course, no one likes an additional State requirement, particularly hard-pressed school districts, even when it is a public safety education issue. I ask you to remember that driver education is a lifesaving skill when coupled with on-the-road experience. As such, our kids deserve the investment. As one possibility, required young-driver instruction could be funded through an increase in

the cost of a beginner's permit now set at an incredibly low \$5, the same as in 1957. That builds a case to fund expanded education through a combination of Motor Vehicle Fund money supplemented by family and user fees so that where income permits, families help to shoulder the costs along with the Commonwealth.

MOTION TO RECOMMIT

Mr. BUNT. Mr. Speaker, based upon the testimony that has been provided to the members through the debate here today, Mr. Speaker, I would like to make a motion that we recommit this bill so that the House Transportation Committee stops listening to the Department of Transportation and starts listening to those who are providing driver instruction in this Commonwealth and starts listening to families today about the life of their children and what these children need today to drive safely on our roads.

Mr. Speaker, I wish to make that motion to recommit the bill.

The SPEAKER. The gentleman, Mr. Bunt, has not indicated the committee to which it would be recommitted.

Mr. BUNT. To the Transportation Committee.

The SPEAKER. The Chair thanks the gentleman.

The question before the House is the motion of the gentleman, Mr. Bunt, to recommit this bill to the Committee on Transportation.

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, I oppose the motion to recommit.

The gentleman talks very convincingly about the importance of education. I could not concur more after having spent 22 years in the classroom. However, with respect to driver education, as I said previously, all the reports we have indicate that driver education has no appreciable effect on reducing accidents or deaths. In fact, stunningly, the Ontario report says the group who took driver ed had more accidents.

So the gentleman talks about education, he wants to recommit it to deal with that issue, but the fact of the matter is, that issue actually has not proven to be at all productive. Therefore, I oppose the motion to recommit.

The SPEAKER. The gentleman, Mr. Geist.

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

I also would like to oppose the motion to recommit. Representative Battisto and I along with Chairman Stairs and others, we hope that we bring to the floor of this House the Bunt bill, which will be a driver education bill that will have those 40 hours, with 30 hours behind the wheel and 10 hours in the classroom, so that we can have a driver's education program that is under the Department of Transportation, not under Education, that we can have the safest and most responsible drivers around.

This is a Title 75 bill, Mr. Speaker, and consequently, a lot of the driver's education, almost all of it, could not be part of this title. We will bring a driver's education bill to this floor, and I would hope that we could do that in the near future. So for that reason I am asking that we oppose this motion. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Mr. Veon. Mr. Veon, do you seek recognition on the question? The gentleman is recognized.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I would like to rise to oppose this motion. I think as it is obvious and evident to all the members here in the House today, a motion to recommit this to the Transportation Committee, with all due respect to the gentleman that made the motion, just does not make very much sense at the moment. We have the two very distinguished members who are chairmen, the Democratic chair and the Republican chair, who have been working hand in hand to get this bill out of the Transportation Committee. And in fact, Mr. Speaker, I think as most members now recognize, this bill was passed unanimously – unahimously – out of the Transportation Committee, and when you look at the list of members on the Democratic side and the Republican side that are on that committee, I would submit to the members in the hall here today that those are very good members, and I think they have done their homework. They brought us a bill that they unanimously supported out of that committee. We have the unique opportunity to have the Democratic and Republican chairmen standing before us saying that they oppose this motion.

Mr. Speaker, I would respectfully ask that we in fact all oppose this motion to recommit and get on and vote with the bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Battisto, desire recognition on this question? The gentleman waives off.

The gentleman, Mr. Bunt.

Mr. BUNT. Thank you, Mr. Speaker.

Mr. Speaker, I have heard the objections of the minority whip and the two respective chairmen of the Transportation Committee. I would concur with them, Mr. Speaker, that we need to have the Education Committee look at a bill to mandate driver education. But, Mr. Speaker, we also need to look at this Transportation Committee bill to provide the funding mechanism and to have that transference then occur over to the Department of Education. So it is actually a two-step process, Mr. Speaker.

If the Transportation Committee and if this General Assembly is serious about the need for improved driver education of any sort, then we must acknowledge that the Department of Transportation has a role to play here, and the role to play would have been played out, if you will, had amendments been permitted to this bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—57

Barley	Curry	Harhai	Robinson
Bebko-Jones	Dailey	Hennessey	Rohrer
Benninghoff	Dermody	James	Sainato
Boyes	Donatucci	Lawless	Scrimenti
Bunt	Eachus	Lucyk	Seyfert
Buxton	Fichter	Lynch	Shaner
Cam	Forcier	McGill	Stairs
Casorio	Freeman	Metcalfe	Steelman
Cawley	Gannon	Michlovic	Surra
Clark	George	Myers	Tigue

Cohen, L. I.	Grucela	Oliver	Trello
Colafella	Gruitza	Petrarca	Vitali
Cornell	Haluska	Reinard	Wojnaroski
Costa	Hanna	Rieger	Yewcic
Coy			

NAYS—140

Adolph	Frankel	McGeehan	Smith, B.
Allen	Geist	McIlhattan	Smith, S. H.
Argall	Gigliotti	McIlhinney	Snyder
Armstrong	Gladeck	McNaughton	Soiboy
Baker	Godshall	Melio	Staback
Bard	Gordner	Micozzie	Steil
Barrar	Habay	Miller, R.	Stern
Bastian	Harhart	Miller, S.	Stetler
Battisto	Hasay	Mundy	Stevenson
Belardi	Herman	Nailor	Strittmatter
Belfanti	Hershey	Nickol	Sturla
Birmelin	Hess	O'Brien	Tangretti
Bishop	Horsey	Orie	Taylor, E. Z.
Blaum	Hutchinson	Perzel	Taylor, J.
Browne	Jadlowiec	Pesci	Thomas
Butkovitz	Josephs	Petrone	Travaglio
Caltagirone	Kaiser	Pippy	Trich
Cappabianca	Keller	Platts	True
Chadwick	Kenney	Preston	Tulli
Civera	Kirkland	Raymond	Vance
Clymer	Krebs	Readshaw	Van Horne
Cohen, M.	LaGrotta	Roberts	Veon
Corrigan	Laughlin	Roebuck	Walko
Daley	Leh	Rooney	Washington
Dally	Lescovitz	Ross	Williams
DeLuca	Levdansky	Rubley	Wilt
Dempsey	Maher	Ruffing	Wogan
DeWeese	Maitland	Samuelson	Wright
DiGirolamo	Major	Santoni	Youngblood
Druce	Manderino	Sather	Yudichak
Egolf	Mann	Saylor	Zimmerman
Fairchild	Markosek	Schroder	Zug
Fargo	Marsico	Schuler	
Feese	Masland	Semmel	Ryan,
Fleagle	Mayemik	Serafini	Speaker
Flick	McCall		

NOT VOTING—0

EXCUSED—5

Evans	Phillips	Pistella	Ramos
Lederer			

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

On the question recurring,
Shall the bill pass finally?

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

Mr. HALUSKA. Thank you, Mr. Speaker.

Mr. Speaker, I think the youth of Pennsylvania today are getting railroaded, and as fast as this thing is moving, I think it is high-speed railroaded, no pun intended. But we are doing an injustice to the youth of Pennsylvania. If this is the way a bill is supposed to come out of committee, then the Speaker should just sign the bills that we push out of committee and just send them to the Senate, because there is no opportunity for anybody to have

any say-so, and of course, all of us in this room represent constituents back home that have different ideas than that small group of people that make up this committee.

And there are some good things in this bill; I understand that, but there are also some things in this bill that are not so good, and I think we should have an opportunity to take and look at these and at least let the people in here vote one way or the other how they feel about some of these things. You mandate in this bill 50 hours of driving time, and you give them 6 months to do something you could almost do in 2 days. And it is kind of ludicrous that you are going to hold a person off from having a driver's license, if their birthday comes up in February or March and this person wants to go to work in the summertime to a job, but yet they are not going to be able to have a license, and mom and dad are going to have to run them back and forth. And I know I am going to hear from my parents that say, what in the world did you guys do; my daughter or son could have had a summer job this year, and they are responsible, and we know they are responsible kids, but you are penalizing them because there are a few bad eggs out there that create some problems, and I agree with that. There are a few bad eggs. I have been around racing all my life. I have seen kids in the junior division from 14 to 16 years old in drag racing and oval-track racing that are very responsible and very good drivers.

I just think this bill is a paper tiger. It does not address what really needs addressed, and I think that we should really have an opportunity to look at this bill and not railroad it through here and do an injustice on the youth of Pennsylvania, because I think that is really what we are doing. We are culminating all those 16-year-old children or young adults and we are putting them all in the same group. In this bill, if an overzealous township policeman stops you and gives you a ticket for running 6 mile or 10 mile an hour over the speed limit in a 25-mile-an-hour zone, you lose your license for 90 days. That is ridiculous, a 90-day suspension for just going over the speed limit by a few miles an hour in a township that probably has a speedtrap set up where they make money; it is a moneymaker more than a safety factor.

So I just have some real problems with this bill. I think it penalizes good people. We are trying to get youths in Pennsylvania to do the right thing, and I think we are just penalizing all the youth in Pennsylvania, and I just do not agree with it. I think it should go through the process, and we should be able to put amendments that are germane to this bill in this bill and discuss it in an open forum. Thank you, Mr. Speaker.

The SPEAKER. On the question of final passage, the Chair recognizes the gentleman, Mr. Gladeck.

Mr. GLADECK. Thanks, Mr. Speaker.

Would Representative Geist stand for brief interrogation?

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

Mr. GLADECK. Thanks.

Mr. Speaker, my concern is over section 4581 on page 10 that deals with passenger restraint systems. I understand why that section is in the bill, to address the cramming issue that apparently goes on with juvenile drivers. But I would like you to please address Representative Gannon's concerns that were brought up earlier with respect to using this section as a thinly guised mechanism to put mandatory seatbelt language for all drivers into this legislation, and specifically I would like to know if you would support a motion to suspend the rules if this bill comes back from the Senate with any such language put in it so that we can reinsert

the language that is in this bill finally when it leaves this chamber, hopefully today.

Mr. GEIST. Thank you, Mr. Speaker.

That is correct. The Senate has already spoken on that issue when they voted 48 to 1 on it last term, and I believe that that would be true today. If the bill comes back in any way, shape, or form that way, we will address it when it comes to the House.

Mr. GLADECK. So, Mr. Speaker, you are saying that you do oppose then the mandatory seatbelt restrictions to be included in this legislation.

Mr. GEIST. That is correct.

Mr. GLADECK. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Mr. Sainato, on the question.

Mr. SAINATO. Mr. Speaker, I rise to comment on this bill. This has been a long debate with some good points made on both sides. I do not have a problem with many provisions in this bill — the 50-hour requirement that each driver should have — but there is no enforcement. We are using the trust system — the trust system.

This bill is lacking one thing that is very important, as far as I am concerned. It is the driver education provision that is not in this bill. I believe that driver education is very important for every youth in this Commonwealth to have. There are some school districts that do not have driver education at this point. We need to do a bill that addresses these concerns. To bring this bill up today on a suspension of the rules, when none of us have seen this bill until a few hours ago, that is going to have an impact on most families in this State who have young drivers or future drivers, is wrong.

We should have been allowed to amend this bill, as many previous speakers have said. We have some good provisions that can make things safe for our young drivers. That opportunity was not afforded today; that opportunity was not afforded today.

Mr. Speaker, I think, as my previous colleague from Cambria County mentioned, that this is an injustice. This is an injustice to the youth of Pennsylvania. Most 16-year-olds are responsible young adults or close to being young adults. We need to be fair. We cannot lump a few bad apples and put a brush on every 16-year-old in this State. The provision to make them wait 6 months, 6 months to take their driving test, is wrong.

I would support this bill, I would support this bill if we had some enforcement on the 50 hours that they are supposed to have as far as instruction, which a parent will just sign that they had the instruction. I would support this bill if we had driver's training required with an incentive: If you take driver's training, you could get your permit sooner than the 6 months. There is no incentive for driver's training in this bill, none at all. Fifty hours is not a lot. You can get 50 hours' training in 2 weeks. As a previous speaker said, that is 2 hours a week for 6 months. You do not learn how to drive by driving 2 hours a week for 6 months.

I think it is wrong what is happening here today. This bill may pass, but I cannot support this bill in its present form.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northampton, Mr. Grucela.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 10 as a father of two children, one age 17 with a senior driver's license, and he would probably be in favor of this, because his sister, age 14, who is anxious to drive, would come under these provisions. However,

I fully appreciate the well-intentioned meaning of the legislation, and I respect the proponents and many of the provisions in the bill. However— And I also agree about the driving test. In many cases, in my association with students in the past, their fear of the driving test is parallel parking. Most fail the driver's test of parallel parking, but how many times do you get into an accident parallel parking? So the driver's test is not necessarily really what we need as a measure for a good driver.

My opposition, as stated by previous speakers, especially Representative Sainato, is with the enforcement provision of the 50 hours of training. I am afraid, Mr. Speaker, that this would create a double standard. While many parents are probably well in the majority and well intentioned and would take this seriously, I fear too many would not take it seriously and would cave in to the whims of their children and therefore create a double standard to those students who have to put in the 50 hours of training. And finally and maybe most importantly, my opposition is also to the fact that the bill lacks mandatory driver education, which I believe is really the most important aspect in terms of learning how to drive on the road.

So I thank you, Mr. Speaker, for the opportunity to address this issue, and I oppose HB 10. Thank you.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair momentarily returns to leaves of absence and notes the presence on the floor of the House of the gentleman, Mr. Ramos, and instructs the clerk to remove him from the leave list.

CONSIDERATION OF HB 10 CONTINUED

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I have listened to the opponents and proponents of this legislation, and what I think the opponents are attempting to do, in fact what I believe they are attempting to do, is peel back what is on the surface and look under the rug to see what is really in this bill, and I believe many have done that very effectively, and I hope the members have paid attention.

There are a couple provisions in here, though, that I would like to talk a little bit about. There is a provision that makes bad public policy even worse. What that says is that where a minor or a person with a junior driver's license, somebody 16 or 17, is involved in an accident, it does not matter whether it is a reportable accident or a nonreportable accident, and a reportable accident requires that there be some bodily injury, and most of those accidents, by the way, are not reported, because, quite frankly, most people do not know how badly they are hurt at the time of an accident, or where property damage exceeds a sum certain. And then it says that if they are partially or fully responsible in the opinion of the department, then they are going to have their driver's license suspended for a period not exceeding 90 days. Now, the implication of that is that a youngster can be involved in a very minor accident; perhaps he was 1 percent at fault, 2 percent at fault, maybe even 3 percent at fault. That has to be reported to the department. The department is going to make a decision as to whether or not that junior driver was partially or

fully responsible, and then they are going to suspend their driver's license for 90 days.

Well, it has been argued that that does not change existing law, but it does, because this refers to actions that are nonreportable under present law. So it does not even have to be a required reportable accident under existing law, and that is not an insignificant change. That is a significant change. We are talking about a very, very minor fender bender where it may occur at an intersection, it may occur at the Kmart parking lot, and that kid is going to lose his license for 90 days because some bureaucrat in the Department of Transportation may have felt the way many do in this chamber today, and that is because you are young, you are wrong, and that is wrong, Mr. Speaker, and you are going to lose your driver's license for 90 days.

Another member earlier in the debate talked about the number of deaths that occurred on our highways, I believe it was 1997, and he said out of 1,234, 200 of those deaths were drivers under 18. What about the other 1,034? What are we doing about them? What are we doing about those inexperienced drivers that were involved in automobile accidents and suffered the ultimate consequence? We are doing nothing; we are doing nothing, and as a prior member said, maybe we are doing that because if you are under 18, it has no political consequence. They are the easy targets. Why not go after the good kids? They are the easy targets, and that is what we are doing; we are penalizing the good kids. We are not going after the inexperienced driver; we are going after the driver simply because they are young.

And back to the seatbelt provision. Do you really believe the Senate is going to send over a mandatory seatbelt law to the debate we had here today or even had any plans to do that when this bill was introduced? Absolutely not. This is a first step. This gets us to where the automobile manufacturers want us to be; this gets us to where the insurance lobby wants us to be. So now they have done it incrementally. They cannot bring it before this chamber and pass it. They know that; they have tried many times. But we are going to be ultimately faced with just a very, very minor change, and they are going to say, jeez, 90 percent of it, 99 percent of it, is already in place; all we need is a couple subtle changes and we have got a mandatory seatbelt law in Pennsylvania. And by the way, Mr. Speaker, we already have a seatbelt law in Pennsylvania. Why do we need another one? Why do we need this additional language?

What about the 50 hours of minimum training? Now, we have heard speakers say, jeez, this is based on trust; we are just going to have to believe the person that signed that. Mr. Speaker, that is an unsworn falsification to authorities, it is a misdemeanor of the second degree, and it means 2 years in jail. That is what that means. That is not trust, believe me; that is a crime. So we are now going out there and taking people and saying, jeez, if you certify that your kid drove more than 50 hours with somebody who was over 21 and I sign that, I can go to jail. Who is going to be crazy enough to sign that unless they were sitting in that passenger seat for that full 50 hours? No one, not with the penalties you would be faced with. And for anybody's view, I have the criminal code here. We can take a look at it, and I will show you that it is a criminal penalty to make an unsworn falsification to authorities.

And why do we do it only for 16- and 17-year-olds? Why do we not require every new driver to travel around with somebody over 21 for 50 hours and then have to sign an affidavit? As I said before, the statistics prove, the statistics show, that the major cause

of driving accidents is the inexperienced driver. It is not only age. It is not age; it is inexperience, whether you are 18, 20, 30, 40, or 50.

And earlier today we had a motion to postpone this bill, and the proponents got up here and said, we cannot wait, we cannot wait, we cannot wait 3 days. The bill does not take effect for 6 months. Six months is when it takes effect, yet the proponents said we cannot wait 3 days for the member to read this and understand it and maybe improve it and make it a better bill.

Mr. Speaker, if we really wanted to address this issue seriously and not attack our young kids, attack our young drivers, we should raise the driving age, we should make it universal that a learner's permit is for 6 months, and we should not penalize our good kids that are doing the right thing. I urge a "no" vote on this bill.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. SOLOBAY. Mr. Speaker, I rise in support of HB 10. Even though today's discussion has had certain areas of maybe improvement on this bill, in southwestern Pennsylvania alone in the past year, we have had several wonderful young people who, if this bill would have been in place at the time, would still be with us now today.

As many of you know, I spent quite a few years in the emergency services, and I have to tell you, there is a good part of this bill that gets these children off the road at a time where nothing but trouble happens with kids when they are out after midnight, and if nobody believes that or realizes that, they are more than welcome to ride along with us someday and maybe watch us as we have to scrape a child off a tree or out of an automobile because of this.

I ask for support, bipartisan support, from both sides of the aisle on this bill, Mr. Speaker, and thank you again.

The SPEAKER. The Chair thanks the gentleman.

On the question, the gentleman, Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

I will be brief.

It seems that those who are opposed to this legislation either think it is too much government or not enough, and I guess I would be counted in the former category. It seems to me we are missing the whole mark with this legislation. Do you know what we are trying to do? We are trying to ensure that young drivers in particular but all new drivers can drive better, and sending them to more hours of classroom time or spending more hours behind the wheel does not necessarily assure that.

I would suggest that the makers of this legislation would be better serving the Commonwealth if they would do something different, and that is have a better driver's test in order to get your license. More is not necessarily better—more hours in a classroom, more hours— You know, if you sat in a car with a 21-year-old lousy driver, that is not going to make any sense to make you a better driver. So I think we are missing the mark here, and I think all of these machinations that we are doing here to try to penalize and to increase this, that, and the other thing, they are all missing the mark. What we really want is an experienced driver, and the only way you are going to get an experienced driver is have a better test to find out if they can really drive.

I remember when I was 16 and taking my daughters when they were 16 for their driver's test. I do not think they spent 4 minutes in that car. They did a little S-curve, they did a left turn, a right

turn, and they parallel parked, and the State trooper said, yep, you passed. Well, I will tell you what, that was a pretty poor test, and I think maybe that is where we ought to be looking. If we are really going to have experienced drivers on the road that know what they are doing, let us test them better, and everything else will fall into line because they will know they have to do better in order to pass that test.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—131

Adolph	Frankel	McCall	Semmel
Allen	Freeman	McGill	Serafini
Argall	Geist	McIlhattan	Smith, B.
Armstrong	Gigliotti	McNaughton	Smith, S. H.
Bard	Gladeck	Melio	Snyder
Barrar	Godshall	Micozzie	Solobay
Battisto	Habay	Miller, S.	Stairs
Belardi	Hanna	Myers	Steil
Belfanti	Harhart	Nailor	Steiler
Benninghoff	Hasay	Nickol	Stevenson
Bishop	Hennessey	O'Brien	Strittmatter
Browne	Herman	Oliver	Sturla
Buxton	Hershey	Orie	Tangretti
Caltagirone	Hess	Perzel	Taylor, E. Z.
Cam	Horsey	Petrone	Taylor, J.
Chadwick	Hutchinson	Pippy	Trich
Civera	James	Platts	True
Cornell	Kaiser	Preston	Tulli
Corrigan	Keller	Ramos	Vance
Dailey	Kenney	Raymond	Van Horne
Daley	Kirkland	Readshaw	Veon
Dally	Krebs	Rieger	Walko
DeLuca	LaGrotta	Roberts	Washington
Dempsey	Laughlin	Rooney	Williams
DiGirolamo	Leh	Ross	Wilt
Donatucci	Lescovitz	Rublely	Wogan
Druce	Levdansky	Ruffing	Wright
Egolf	Maitland	Samuelson	Youngblood
Fairchild	Major	Santoni	Zimmerman
Fargo	Markosek	Sather	Zug
Feese	Marsico	Saylor	
Fichter	Masland	Schroder	Ryan,
Fleagle	Mayernik	Schuler	Speaker
Flick			

NAYS—66

Baker	Costa	Lucyk	Rohrer
Barley	Coy	Lynch	Sainato
Bastian	Curry	Maher	Scrimenti
Bebko-Jones	Dermody	Manderino	Seyfert
Birmelin	DeWeese	Mann	Shaner
Blaum	Eachus	McGeehan	Staback
Boyes	Forcier	McIlhinney	Steelman
Bunt	Gannon	Metcalfe	Stern
Butkovitz	George	Michlovic	Surra
Cappabianca	Gordner	Miller, R.	Tigue
Casorio	Grucela	Mundy	Travaglio
Cawley	Gruitza	Pesci	Trello
Clark	Haluska	Petrarca	Vitali
Clymer	Harhai	Reinard	Wojnaroski
Cohen, L. I.	Jadlowiec	Robinson	Yewcic
Cohen, M.	Josephs	Roebuck	Yudichak
Colafella	Lawless		

NOT VOTING—1

Thomas

EXCUSED—4

Evans

Lederer

Phillips

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.

* * *

The House proceeded to third consideration of **HB 132, PN 116**, entitled:

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

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.

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. Does the gentleman, Mr. Casorio, desire recognition on this bill?

Mr. CASORIO. I have an amendment filed to this bill, Mr. Speaker.

The SPEAKER. It was our understanding that that was withdrawn. The Chair apologizes to the gentleman.

BILL PASSED OVER

The SPEAKER. Without objection, the bill will go over. The Chair hears none.

* * *

The House proceeded to third consideration of **HB 284, PN 933**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for penalties for trafficking drugs to minors.

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?

LEAVE OF ABSENCE

The SPEAKER. At this time, the Chair recognizes the gentleman, Mr. DeWeese, who asks that the gentleman, Mr. STETLER, be placed on leave of absence for the balance of today's session.

CONSIDERATION OF HB 284 CONTINUED

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

NAYS-0

NOT VOTING-0

EXCUSED-5

- Evans Lederer Phillips Pistella Stetler

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

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

RESOLUTION PURSUANT TO RULE 35

Ms. WILLIAMS called up HR 47, PN 672, entitled:

A Resolution designating April 22, 1999, as "Take Our Daughters to Work Day" in Pennsylvania.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS-197

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

DeLuca	Leh	Ross	Youngblood
Dempsey	Lescovitz	Rubley	Yudichak
Dermody	Levdansky	Ruffing	Zimmerman
DeWeese	Lucyk	Sainato	Zug
DiGirolamo	Lynch	Samuelson	
Donatucci	Maher	Santoni	Ryan,
Druce	Maitland	Sather	Speaker
Eachus	Major	Saylor	

NAYS-0

NOT VOTING-0

EXCUSED-5

Evans	Phillips	Pistella	Stetler
Lederer			

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

DECISION OF CHAIR RESCINDED ON HB 132

The SPEAKER. The Chair returns to page 3 of today's calendar and reverses its statement that HB 132 was passed over and calls up HB 132.

Without objection, the Chair rescinds its statement that the bill was agreed to on third consideration.

The House resumed third consideration of **HB 132, PN 116**, entitled:

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

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

Mr. **CASORIO** offered the following amendment No. **A0880**:

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

; and providing for the regulations of methadone maintenance facilities.

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

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

§ 7330. Unlawful methadone maintenance facility.

(a) General rule.—Methadone maintenance facilities prohibited in certain circumstances.

(1) It is unlawful for a methadone maintenance facility to operate under the following conditions:

(i) The facility is within 2,500 feet of a church, charitable institution, school, public park or public playground.

(ii) In the opinion of the Department of Health the facility is or would be detrimental to the health, welfare, peace or morals of the inhabitants of the neighborhood within a radius of 2,500 feet of the facility.

(2) The department shall refuse any application for a license for a methadone maintenance facility that falls under the criteria in paragraph (1).

(b) Employees.—

(1) Owners and operators of methadone maintenance facilities licensed by the department shall require a prospective employee to submit with the prospective employee's employment application, pursuant to Chapter 91 (relating to criminal history record information), a report of criminal history record information from the Pennsylvania State Police or a statement from the Pennsylvania State Police that the central repository contains no such information relating to the prospective employee. The criminal history record information shall be limited to that which is disseminated under section 9121(b)(2) (relating to general regulations) and shall be no more than one year old.

(2) An applicant may submit a copy of the required information with the application for employment.

(3) Administrators shall maintain a copy of the required information and shall require each applicant to produce the original document prior to employment.

(4) All current employees must obtain this report within six months from the effective date of this section in order to remain an employee of the facility.

(5) This subsection shall apply to all current and prospective employees of methadone maintenance facilities licensed by the department.

(c) Regulations.—The department shall promulgate regulations to implement this section.

(d) Methadone maintenance facility defined.—For the purposes of this section, the term "methadone maintenance facility" shall refer to any site the primary purpose of which is to conduct projects approved by the department which use the drug methadone in the treatment, maintenance or detoxification of persons. The facilities shall comply with all applicable Federal and State regulations concerning the administration, dispensing and storage of methadone. The provisions of this section shall be in addition to all other Federal and State requirements governing the operation of methadone projects.

(e) Penalties.—

(1) A person who operates a methadone maintenance facility without a license or in violation of subsection (a) commits a misdemeanor of the second degree and, upon conviction, shall be sentenced to imprisonment not exceeding one year and shall pay a fine of not more than \$5,000, or both.

(2) The Attorney General shall close down any methadone maintenance facility found to operate in violation of this section.

(3) Any property, equipment or vehicle or other conveyance used for the unlawful operation of a methadone maintenance facility may be forfeited in the manner provided in 42 Pa.C.S. Ch. 68 (relating to controlled substances forfeitures).
Amend Sec. 2, page 2, line 3, by striking out "2" and inserting

3

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. Casorio.

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, this bill would give the Department of Health the ability to license methadone maintenance facilities and disallow a license if these facilities are within 2,500 feet of a church, school, playground, or charitable institution and would require a background check on all prospective employees.

Mr. Speaker, in short, I have a problem in my legislative district, and I know there are some problems throughout the Commonwealth. We have said all along that those folks that are addicted to heroin need treatment, but they need treatment at a medically approved setting and not at a for-profit venture like this

one in my district was proposed to be, Mr. Speaker, and I would ask for an affirmative vote on this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Mr. Serafini, on the question.

Mr. SERAFINI. Mr. Speaker, I have sponsored legislation that increased that limit to half a mile, but this legislation is an excellent piece of legislation, and any of us who have a potential threat of a methadone treatment facility being placed in a community that really does not warrant such a facility would appreciate the passage of this amendment. Thank you.

The SPEAKER. The gentleman will yield.

Mr. Casorio, the amendment that I have on the board is numbered 0880. The number of the amendment that I believe should have been considered is 881.

Mr. CASORIO. That is correct, Mr. Speaker.

AMENDMENT WITHDRAWN

The SPEAKER. Without objection, amendment 0880 is withdrawn, and the clerk will read amendment 0881.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. CASORIO offered the following amendment No. A0881:

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

; and providing for the regulation of methadone maintenance facilities.

Amend Bill, page 2, by inserting between lines 22 and 23

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

§ 7330. Unlawful methadone maintenance facility.

(a) General rule.—Methadone maintenance facilities prohibited in certain circumstances.

(1) It is unlawful for a methadone maintenance facility to operate under the following conditions:

(i) The facility is within 2,500 feet of a church, charitable institution, school, public park or public playground.

(ii) In the opinion of the Department of Health the facility is or would be detrimental to the health, welfare, peace or morals of the inhabitants of the neighborhood within a radius of 2,500 feet of the facility.

(2) The department shall refuse any application for a license for a methadone maintenance facility that falls under the criteria in paragraph (1).

(b) Employees.—

(1) Owners and operators of methadone maintenance facilities licensed by the department shall require a prospective employee to submit with the prospective employee's employment application, pursuant to Chapter 91 (relating to criminal history record information), a report of criminal history record information from the Pennsylvania State Police or a statement from the Pennsylvania State Police that the central repository contains no such information relating to the prospective employee. The criminal history record information shall be limited to that which is disseminated under section 9121(b)(2) (relating to general regulations) and shall be no more than one year old.

(2) An applicant may submit a copy of the required information with the application for employment.

(3) Administrators shall maintain a copy of the required information and shall require each applicant to produce the original document prior to employment.

(4) All current employees must obtain this report within six months from the effective date of this section in order to remain an employee of the facility.

(5) This subsection shall apply to all current and prospective employees of methadone maintenance facilities licensed by the department.

(c) Regulations.—The department shall promulgate regulations to implement this section.

(d) Methadone maintenance facility defined.—For the purposes of this section, the term "methadone maintenance facility" shall refer to any site the primary purpose of which is to conduct projects approved by the department which use the drug methadone in the treatment, maintenance or detoxification of persons. The facilities shall comply with all applicable Federal and State regulations concerning the administration, dispensing and storage of methadone. The provisions of this section shall be in addition to all other Federal and State requirements governing the operation of methadone projects.

(e) Penalties.—

(1) A person who operates a methadone maintenance facility without a license or in violation of subsection (a) commits a misdemeanor of the second degree and, upon conviction, shall be sentenced to imprisonment not exceeding one year and shall pay a fine of not more than \$5,000, or both.

(2) The Attorney General shall close down any methadone maintenance facility found to operate in violation of this section.

(3) Any property, equipment or vehicle or other conveyance used for the unlawful operation of a methadone maintenance facility may be forfeited in the manner provided in 42 Pa.C.S. Ch. 68 (relating to controlled substances forfeitures).

Amend Sec. 2, page 2, line 23, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

The SPEAKER. Mr. Casorio.

Mr. CASORIO. Mr. Speaker, this amendment does exactly what I had said prior. It gives the Department of Health the ability to refuse to license facilities within 2,500 feet of a church, school, or playground. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the amendment, those in favor will vote— Mr. Thomas.

Mr. THOMAS. Mr. Speaker, might I interrogate the maker of the amendment?

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

Mr. THOMAS. Thank you, Mr. Speaker.

To the maker of the amendment, since the amendment is fairly new to my attention, I would like to know, how does this amendment sit with local zoning ordinances or regulations of local municipalities who, to the best of my knowledge, have some control over where these facilities are located?

Mr. CASORIO. Mr. Speaker, local municipalities, of course, do have the primary issuance of jurisdiction. My concern has been, at least with my municipalities that I represent, that these facilities fall within the category of medical facilities, and the municipalities were not able to differentiate the two, Mr. Speaker, whether they were a physician's office or a methadone treatment facility.

Mr. THOMAS. So you are saying that to the best of your knowledge, there is no conflict or there is a conflict?

Mr. CASORIO. There is a conflict, Mr. Speaker, and primarily, again, the case arises from for-profit ventures as opposed to

medical establishments, as in the case of a physician's office or a doctor's office or hospitals.

Mr. THOMAS. Well, Mr. Speaker, do you think that it is inconsistent for us to act now in the absence of hearing from local municipalities so that there could at least be some continuity between what we do and what our constituents are doing back home, and I say that from the context of all politics being local, that there should be some deference that we give to local municipalities in what they are doing.

Mr. CASORIO. That is a very good point, Mr. Speaker, and I will tell you this, that two days from now I am having a public hearing in my district with the board of commissioners' president, the local mayors of two municipalities, the school board president and superintendent, all at their request and urging, wanting this State action, and I know, as my colleague from the other side of the aisle mentioned earlier, he has had some of the same concerns, and I am doing this, quite frankly, at the urging of my local municipalities and local residents.

Mr. THOMAS. Well, Mr. Speaker, and I imagine that those municipalities and/or, well, those municipalities in your district represent some percentage of the thousands of municipalities in the Commonwealth of Pennsylvania. I happen to represent a county where there are a number of methadone facilities like this, and I would like to have an opportunity to talk with the director of the Office of Drug and Alcohol programs and policy in Philadelphia County. I would like to have an opportunity to talk with the Commissioner of Health, and I would like to have an opportunity to talk to my mayor about whether or not this is something that is consistent with what is being done in Philadelphia County, and I am sure that the people from Allegheny County might have this same concern.

So, Mr. Speaker, I guess what I am asking, and that is if you would be willing to postpone this and give us a chance to go back home and see just what is going on at home before we send this over to the Senate for consideration.

Mr. CASORIO. Mr. Speaker, with all due respect, this is the fourth attempt in the last 3 years in my local municipality, in one of my seven municipalities that I represent, fourth attempt in the last 3 years to place a methadone maintenance facility near schools. I have heard loud and clear from my mayors and my municipal leaders and I have spent the last 3 years, quite frankly, talking to my leaders, and the message is loud and clear. So I would like to proceed with the vote on this amendment, Mr. Speaker.

Mr. THOMAS. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The question recurs, will the House agree to the amendment? The gentleman, Mr. Rooney, is recognized.

Mr. ROONEY. Thank you, Mr. Speaker.

I would like to ask the gentleman to stand for interrogation.

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

Mr. ROONEY. Thank you, Mr. Speaker.

Mr. Speaker, I thoroughly respect your motives and your need to address a concern in your community. I just have two very brief questions. First of all, how does this relate to existing methadone maintenance facilities in Pennsylvania?

Mr. CASORIO. Mr. Speaker, those methadone maintenance facilities can still stand as they are.

The SPEAKER. The Chair thanks the gentleman.

Mr. ROONEY. And again, I respect that being the intent of the gentleman's amendment, but the amendment itself is somewhat unclear, and perhaps I am just not seeing it. Could you point to the language in the amendment that suggests that existing facilities would not be adversely affected?

Mr. CASORIO. Mr. Speaker, to the best of my knowledge, past court rulings that we have looked at indicate that this legislation would not affect those facilities that are in existence now.

Mr. ROONEY. Again, with all due respect, Mr. Speaker, my concern is not necessarily past court rulings, but if we are to send this bill to the Senate and have it approved and signed by the Governor, it would set a new legal precedent in Pennsylvania. My concern going forward would be that as much as local residents that we all represent may object to having a facility such as this located in their neighborhood, the reality is that many, many people who have addictions with heroin need these types of facilities in order to even have the prospect of living any kind of viable existence going forward, and what I am most concerned about is in the amendment itself, under section 7330, it says very clearly on line 10, "It is unlawful for a methadone maintenance facility to operate under the following conditions:..." which are then spelled out. Again, absent any further explanation beyond previous court rulings, I think we run the risk of really jeopardizing these facilities and the people who are trying to make a comeback and are enrolled in them.

I will conclude my interrogation, Mr. Speaker, and just point out to the members another concern that I have, and again, I applaud the gentleman's desire to address a real concern in his legislative district, but for those of us who represent more urban districts, I would just like to mention the fact that the amendment reads that the facility may not operate under certain circumstances. One of them is if "The facility is within 2,500 feet of a church, charitable institution, school, public park or public playground." The reality is, for those of us who represent more urban areas, 2,500 feet is approximately a half mile, and it is certainly not inconceivable to suggest that facilities having to meet that definition, it could be in some cases impractical or impossible to meet the definition or the criteria outlined in the gentleman's amendment.

So, Mr. Speaker, again, I do not have a philosophical objection to what the maker of the amendment is attempting to do, but again, absent an explanation about how this will impact on existing facilities beyond the argument that legal precedent, past legal precedent, would remain in place, I think this is a very well intended attempt on the part of the gentleman, but I think it may have some very serious ramifications and unintended consequences if we were to affirm this vote.

I would ask, until we have such time as to get sufficient answers to these questions, that we vote "no" on the gentleman's amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman, Mr. Dally. Mr. DALLY. Thank you, Mr. Speaker.

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

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

Mr. DALLY. Mr. Speaker, did the maker of the amendment state that this is a matter that cannot be dealt with by a local municipality in their zoning ordinance?

Mr. CASORIO. Mr. Speaker, no, I did not say that they could not deal with it. What I said was, my municipalities have found some confusion in differentiating between this type of facility, a for-profit facility, and that of a true hospital or physician's office.

Mr. DALLY. Mr. Speaker, is it not possible to provide a definition in the local zoning ordinance that would address this situation at the local level?

Mr. CASORIO. I guess it is possible, Mr. Speaker, yes.

Mr. DALLY. Mr. Speaker, may I speak on the amendment, please?

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

Mr. DALLY. Mr. Speaker, I echo the comments of my colleague from Lehigh County on this issue. I think we are setting a dangerous precedent by getting involved in zoning at the State level. We have provided enabling legislation to municipalities throughout the Commonwealth of Pennsylvania to enact local land-use regulations to regulate uses in their own municipalities. I think this bill or this amendment sets a dangerous precedent that we are now going to regulate those municipalities and decide what uses are best here in Harrisburg rather than back home in the municipalities, and I think that is a bad precedent.

Thank you.

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

Mr. HARHAI. Thank you, Mr. Speaker.

I would like to rise in support of this amendment. I am in the neighboring district of Representative Casorio, and I do believe amendment A0881 adds a little bit of juice to this message that we are trying to send about methadone centers. The problem that we have—

The SPEAKER. The gentleman will yield.

Conferences on the floor, please. Members will please take their seats.

The gentleman is recognized.

Mr. HARHAI. Thank you, Mr. Speaker.

As I said before, I rise to support this amendment. I think there are places for methadone centers. I am fully behind rehabilitation of people that have that need. I just do not think that we need them close to schools and churches and playgrounds, and I think this is an attempt to avoid that problem which we are experiencing.

I know in the neighboring district, Mr. Casorio has experienced three such occasions where they have tried to provide ordinances that have not worked, and this is something that we must get involved in to stop these methadone centers from just being placed anywhere they want for profit only and not really in the aspect of having them at a medical treatment center where they do belong.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia County, Mr. Thomas.

Mr. THOMAS. Mr. Speaker, I think it is extremely important that the record, that the record be clear. I do not think that there is anybody from either side of the aisle that is opposed to the basic presumption that whether these facilities are for profit or nonprofit, they should not be put anywhere the managers or operators want to put them, that there should be some consideration given to communities where they are situated. So there is a consensus around the prohibition against these facilities opening up anywhere they want to open up and opening up any time they want to open up. There is a basic consensus that there should be some limitations on that. That is not the problem.

The problem that we are confronted with, or at least that I am confronted with, with respect to this amendment, and that is stripping local municipalities, local zoning, frustrating local zoning schemes, that might already provide an environment or provide circumstances under which these facilities can be situated. I know in Philadelphia County, any time, whether you are for profit or not for profit, any time you want to open up something, there are certain local rules and regulations that we all must comply with, and any time you want to do something in a facility that is not zoned for that, then you must seek an appeal of the local zoning adjustment board.

And the thing that I do not want to see any member do— Now, I understand that in the architect of the amendment's district, this is something that municipalities want. That is okay. But should a thousand other municipalities who might have local zoning regulations, who might have local rules that already deal with this, should they then be put in a situation where we adopt and approve something that is fundamentally contrary and in conflict with a local zoning ordinance or local rules? That is the question that I think we are confronted with this afternoon, and that is whether or not we should be preempting, preempting constituents, preempting council people, township managers, preempting local mayors, preempting local legislative bodies from doing what needs to be done with respect to what happens in a local municipality, and I think that a vote for the Casorio amendment is a vote for preemption of local control, a vote for preemption, a vote for frustrating local zoning ordinances. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia County, Mr. Horsey.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, we need to think about this particular amendment, because relative to density in urban areas like Philadelphia, if we have to shut down 25 methadone treatment centers in the city of Philadelphia, Mr. Speaker, they are going to have to go somewhere, and they are going to have to open somewhere, Mr. Speaker.

Now, the gentleman's amendment puts stipulations on the distance that methadone treatment centers can be from other facilities. If we have hypothetically 50 in Philadelphia and as a result of passing this amendment in the House and Senate and the Governor signs it, then those other 25 methadone treatment centers have got to open somewhere, which means, Mr. Speaker, Delaware County, Montgomery County, Springfield, which in effect means that the outlying areas of the city of Philadelphia are going to receive or get Philadelphia problems.

This is a bad amendment, Mr. Speaker, because it takes away local control of an issue, and I do not understand— I have received nothing, no communication, from the mayor of Philadelphia on any problems related to methadone treatment centers in Philadelphia, and I do not understand why the gentleman's amendment includes Philadelphia in this process, Mr. Speaker, and especially if there have been no hearings or if he himself has not been to Philadelphia to visit or view any methadone treatment centers.

Mr. Speaker, this is bad legislation, and Philadelphia is the largest municipality in the State, and while he might have good intentions, Mr. Speaker, this is not the way to go. We have a zoning board that decides zoning issues comparable to where methadone treatment centers will be, and for this gentleman to say, well, you know, I have been in touch with the municipalities and

this is what I think their problem is, he has not been to Philadelphia; he has not spoken to the methadone treatment governing boards that regulate methadone treatment centers in Philadelphia; he has not spoken to anyone in the city of Philadelphia. And once again, I do not know that the mayor or the city of Philadelphia has said they have a problem with methadone treatment facilities, Mr. Speaker. Why is the gentleman, why is the gentleman making an effort to take local control away from local municipalities, Mr. Speaker? I just do not understand this, Mr. Speaker, especially when he has not come to Philadelphia and interviewed anybody on this issue, Mr. Speaker.

Mr. Speaker, I am opposed to this amendment, and I would like my colleagues on both sides of the aisle to vote against this amendment. It is bad legislation. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Platts.

Mr. PLATTS. Thank you, Mr. Speaker.

I rise to support this amendment.

I think there are some concerns possibly with some of the language. I understand the maker of the amendment believing it is not retroactive. I think as it moves forward and if it gets into the Senate, we can address that further, but I think it is important to keep the bill moving. His communities cannot wait. We will see a similar amendment with some differences later today or tomorrow, more likely, dealing with this issue. I am facing it in my district. Mine makes it clear that it is prospective. The maker of this amendment believes it is, but maybe we should make it more clear. But I do not think we should wait.

There is a real debate in the medical community as to the effectiveness and appropriateness of methadone as a treatment for heroin addicts, but even if you accept that this is a good treatment, under the Liquor Code today, we have very similar legislation on the books where we have distance restrictions for the location of liquor establishments from schools, from parks, from neighborhoods. This is not precedent-setting. We do it with liquor establishments. It seems logical that we would do it with methadone treatment facilities where we are treating heroin addicts with another drug. So the analogy, I think, with liquor and drug is an appropriate one. We may need to clean this amendment up some if it moves forward to the Senate, but we need to keep the process moving for his communities that are faced with this threat and the families and children that are going to be put at risk if these facilities are located immediately adjacent to homes, to parks, to schools.

So I support the amendment and would encourage a "yes" vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Serafini, desires recognition, for the second time on the issue.

Mr. SERAFINI. Yes. Mr. Speaker, I am sorry to prolong this issue. However, a number of statements were made relative to zoning that I would like to clarify in the case that occurred in my area.

Zoning was the problem. There was no way to zone these facilities out of that area, and as a result, this small community could have expected people from New York and New Jersey coming in for their methadone treatment. And just recently we had a situation where an individual was arrested for selling methadone, which is a drug and, in my opinion, not the best treatment for heroin anyway.

The fact is, this legislation would not stop methadone treatment centers from locating in communities; it would only restrict them in the sense that I think preserves the basic health, welfare, and safety of people living in a community, to keep them away from the churches, the schools, and those areas where that kind of an environment would be most affected.

I support this legislation. I think it is a good piece of legislation that would benefit communities and benefit their ability to zone out these kinds of facilities. Thank you.

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

The following roll call was recorded:

YEAS—126

Allen	Eachus	Levdansky	Schuler
Argall	Egolf	Lucyk	Scrimenti
Armstrong	Fairchild	Maher	Semmel
Barley	Fichter	Mann	Serafini
Barrar	Fleagle	Markosek	Shaner
Battisto	Frankel	Marsico	Snyder
Bebko-Jones	Gannon	Masland	Solobay
Belardi	Geist	Mayernik	Staback
Belfanti	George	McCall	Stairs
Blaum	Gigliotti	McGeehan	Steelman
Butkovitz	Gladeck	McIlhinney	Strittmatter
Buxton	Godshall	Melio	Sturla
Caltagirone	Gordner	Michlovic	Tangretti
Cappabianca	Grucela	Miller, S.	Taylor, J.
Casorio	Gruitza	Mundy	Tigue
Cawley	Habay	Myers	Travaglio
Chadwick	Haluska	O'Brien	Trello
Clark	Hanna	Perzel	Trich
Cohen, L. I.	Harhai	Pesci	True
Colafella	Hasay	Petrarca	Tulli
Cornell	Herman	Petrone	Van Horne
Corrigan	Hershey	Pippy	Veon
Costa	Hess	Platts	Vitali
Coy	Jadlowiec	Preston	Walko
Curry	Kaiser	Raymond	Williams
Dailey	Keller	Readshaw	Wogan
Daley	Kenney	Roberts	Wojnaroski
DeLuca	LaGrotta	Ruffing	Yewcic
Dempsey	Laughlin	Sainato	Yudichak
Dermody	Lawless	Samuelson	Zimmerman
DeWeese	Leh	Santoni	Zug
Druce	Lescovitz		

NAYS—71

Adolph	Flick	Metcalfe	Schroder
Baker	Forcier	Micozzie	Seyfert
Bard	Freeman	Miller, R.	Smith, B.
Bastian	Harhart	Nailor	Smith, S. H.
Benninghoff	Hennessey	Nickol	Steil
Birmelin	Horsey	Oliver	Stern
Bishop	Hutchinson	Orie	Stevenson
Boyes	James	Ramos	Surra
Browne	Josephs	Reinard	Taylor, E. Z.
Bunt	Kirkland	Rieger	Thomas
Carn	Krebs	Robinson	Vance
Civera	Lynch	Roebuck	Washington
Clymer	Maitland	Rohrer	Wilt
Cohen, M.	Major	Rooney	Wright
Dally	Manderino	Ross	Youngblood
DiGirolamo	McGill	Rubleby	
Donatucci	McIlhattan	Sather	Ryan,
Fargo	McNaughton	Saylor	Speaker
Feese			

NOT VOTING—0

EXCUSED—5

Evans Phillips Pistella Stetler
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?
Bill as amended was agreed to.

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

The gentleman, Mr. Vitali.
Mr. VITALI. Thank you, Mr. Speaker.
The SPEAKER. On final passage.
Mr. VITALI. Thank you, Mr. Speaker.
Will the maker of the bill stand for brief interrogation?
The SPEAKER. The lady, Ms. Bishop, indicates she will stand for interrogation. You may begin.
Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, I just have a couple of concerns with this very well intentioned bill designed to deal with a very important problem.

In the last few lines of the bill, it requires mandatory mental health evaluation and a mandatory drug and alcohol evaluation if there is a conviction or a guilty plea or a plea of no contest to stalking, and I guess my concern is this: Would it not be better to perhaps make this discretionary with the judge as to whether a drug and alcohol evaluation would be required, perhaps under circumstances where there is some indication that there is a drug and alcohol problem? I guess, why is it mandatory as opposed to discretionary with the judge?

Ms. BISHOP. Most of the time, whenever there have been stalking cases, it has been found that something is drastically wrong with the person who stalks or harasses a person. I wanted to make sure in this bill that if there were some mental problems — because in many cases, there have been — that they have an opportunity to have a mental evaluation so that the judge could possibly at that point decide whether or not they could go for treatment.

Mr. VITALI. But just to be clear, your bill provides that if there is a conviction or a guilty plea or no-contest plea, there shall be two things: one, there shall be a mental health evaluation, and then there shall be a drug and alcohol evaluation. Is that true?

Ms. BISHOP. Usually anyone who is doing stalking has been found that they have emotional problems. Again, they are intending to terrorize a place, their victim, in some kind of fear and sometimes injury, so it is necessary, again, for them to be evaluated to see if they are drug-addicted, if they are alcoholics, or if they are mentally ill.

Mr. VITALI. Okay. With regard to section (b.1), which is on page 1, lines 13 through 15, with regard to the requirement that the defendant who is arrested has to be taken before an issuing authority before he is released, are we not treating stalking differently than other crimes such as, let us say, assault?

Ms. BISHOP. We are treating him the same as you would treat a person who was involved in domestic violence.

Mr. VITALI. Thank you, Mr. Speaker.

I would like to speak on the bill, if I could.

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

Mr. VITALI. I just have a couple of concerns.

Having done criminal defense work and having represented people in these situations, every case is in fact different, and I think the judge is in the best position to determine whether a drug and alcohol evaluation is appropriate. Sometimes it is, and sometimes there is absolutely no evidence that the person accused of stalking has any sort of alcohol problem. Sometimes it is just a case of unrequited love gone afar, with absolutely no evidence of alcohol. But what we are doing here is taking discretion away from the judge and requiring drug treatment or drug evaluation. That may not be necessary. The same with regard to a mental health evaluation; again, circumstances may indicate that it is possible, but every circumstance is different, and it is, in my view, best determined by the judge who has all the facts of each case.

Now, the other concern is the requirement that the arresting officer take the defendant before an issuing authority before he is released, and there are a couple of problems with that in the real world, and one is, let us say the offense occurs during a nonbusiness hour when in fact the issuing authorities are not around. Sometimes this may require that a person accused of a crime who very well may not be guilty of that crime may have to spend a night in jail only because the issuing authority, because it is a weekend or an evening, is not around. I think we are treating this differently from, let us say, assault, where you have a situation where someone injured someone but does not have to be taken before an issuing authority.

I think many of these provisions are good, but making them mandatory could cause situations where our constituents are treated more harshly than the circumstances require. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Manderino	Saylor
Allen	Fairchild	Mann	Schroder
Argall	Fargo	Markosek	Schuler
Armstrong	Feese	Marsico	Scrimenti
Baker	Fichter	Masland	Semmel
Bard	Fleagle	Mayernik	Serafini
Barley	Flick	McCall	Seyfert
Barrar	Forcier	McGeehan	Shaner
Bastian	Frankel	McGill	Smith, B.
Battisto	Freeman	McIlhattan	Smith, S. H.
Bebko-Jones	Gannon	McIlhinney	Snyder
Belardi	Geist	McNaughton	Solobay
Belfanti	George	Melio	Staback
Benningshoff	Gigliotti	Metcalfe	Stairs
Birmelin	Gladeck	Michlovic	Steelman
Bishop	Godshall	Micozzie	Steil
Blaum	Gordner	Miller, R.	Stern
Boyes	Grucela	Miller, S.	Stevenson
Browne	Gruitza	Mundy	Strittmatter
Bunt	Habay	Myers	Sturla
Butkovitz	Haluska	Nailor	Surra

Buxton	Hanna	Nickol	Tangretti
Caltagirone	Harhai	O'Brien	Taylor, E. Z.
Cappabianca	Harhart	Oliver	Taylor, J.
Cam	Hasay	Orie	Thomas
Casorio	Hennessey	Perzel	Tigue
Cawley	Herman	Pesci	Travaglio
Chadwick	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Pippy	True
Clymer	Hutchinson	Platts	Tulli
Cohen, L. I.	Jadlowiec	Preston	Vance
Cohen, M.	James	Ramos	Van Horne
Colafella	Josephs	Raymond	Veon
Cornell	Kaiser	Readshaw	Walko
Corrigan	Keller	Reinard	Washington
Costa	Kenney	Rieger	Williams
Coy	Kirkland	Roberts	Wilt
Curry	Krebs	Robinson	Wogan
Dailey	LaGrotta	Roebuck	Wojnaroski
Daley	Laughlin	Rohrer	Wright
Daily	Lawless	Rooney	Yewcic
DeLuca	Leh	Ross	Youngblood
Dempsey	Lescovitz	Rubley	Yudichak
Dermody	Levdanský	Ruffing	Zimmerman
DeWeese	Lucyk	Sainato	Zug
DiGirolamo	Lynch	Samuelson	
Donatucci	Maher	Santoni	Ryan,
Druce	Maitland	Sather	Speaker
Eachus	Major		

NAYS—1

Vitali

NOT VOTING—0

EXCUSED—5

Evans	Phillips	Pistella	Stetler
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.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 321, PN 328

By Rep. B. SMITH

An Act repealing the act of February 4, 1808 (P.L.34, No.18), entitled, "An act declaring part of Wallenpaupack Creek, in Wayne County, a Public Highway."

GAME AND FISHERIES.

The SPEAKER. There will be no further votes today. Tomorrow is a voting session.

Does the majority leader or minority leader have any further business?

GUESTS INTRODUCED

The SPEAKER. The Chair at this time belatedly acknowledges the guest of Representative Mark McNaughton, serving today as a guest page, Mr. Dan Fessenden. Would he please rise.

The Chair notes the earlier presence in the hall of the House, as the guests of the Veterans Affairs and Emergency Preparedness Committee, of the national delegation of the American Legion, here on their annual visit to the Commonwealth.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that HB 393 and HB 773 be taken from the table.

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

REPUBLICAN CAUCUS

The SPEAKER. Mr. Fargo, do you desire recognition?
Mr. FARGO. Yes. Thank you, Mr. Speaker.
I would like to make the announcement that there will be a Republican caucus tomorrow morning at 10 o'clock, so I would appreciate it if you would be there at 10 o'clock.
The SPEAKER. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the gentleman, Mr. Cohen.
Mr. COHEN. Thank you, Mr. Speaker.
Mr. Speaker, the Democrats have caucused on the vast majority of the legislation that we are going to be voting on tomorrow. There are, however, a couple of late-filed amendments, and perhaps there will be other material that we will be informed of by tomorrow, so we are having a caucus at 10:30 tomorrow morning; caucus, 10:30 tomorrow morning.
The SPEAKER. The Chair thanks the gentleman.

Are there any further announcements?

VOTE CORRECTION

The SPEAKER. Ms. Williams, do you desire recognition?
Ms. WILLIAMS. Yes, Mr. Speaker.
On the motion to postpone on HB 10, I would like to be recorded as voting in the negative.
The SPEAKER. The remarks of the lady will be spread upon the record.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Any further announcements?

Hearing none, the Chair recognizes the gentleman from Somerset, Mr. Bastian.

Mr. BASTIAN. Mr. Speaker, I move that this House do now adjourn until Wednesday, March 17, 1999, at 11 a.m., e.s.t., unless sooner recalled by the Chair.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:50 p.m., e.s.t., the House adjourned.