

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, MAY 9, 2000

SESSION OF 2000

184TH OF THE GENERAL ASSEMBLY

No. 30

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

PRAYER

REV. JULIANN PUGH, Chaplain of the House of Representatives and pastor of Camp Hill Presbyterian Church, Camp Hill, Pennsylvania, offered the following prayer:

Let us pray:

Great and Holy God, awe and reverence, fear and trembling do not come easily to us, for we are not Old Testament Jews or mystics or sensitive enough.

Forgive us for slouching into Your presence with little expectation and less awe than we would eagerly give a visiting dignitary. We need neither Jehovah nor a buddy, neither "the Great and Powerful Oz" nor the "man upstairs." Help us to want what we need – You, God – and may the altar of our hearts tremble with delight at Your visitation.

This morning many in our country are caught up in lottery fever. Thank You for the distraction that this brings people from their routines. Help them to find the same joy by watching the flight of a butterfly or a colorful sunset. I would ask that whoever wins would use the money in a way that would benefit many who are without and the joy would come not just in the winning but in the opportunity to meet the true needs of many of Your people.

Thank You, God, for the chance to get away from work sometimes, for the distance that allows fresh perspectives, renewed creativity, and a fresh commitment to work and play. Thank You for vacations, too hectic, too expensive, too hot, and too commercial, too short, but in the end, always bringing us back to better places – home where we belong, to the vocations that define us, and to the people who love us and call us their own.

Limitless God, help us to see that nothing is simple. Who of us understands a cat? Who of us totally understands our best friend, our dearest love, our own self, You? How long would it take to solve the puzzle of their personalities, the mystery of Your reality? Forever, at least. We ask shame on our presumption, forgiveness on our arrogance. Help us to rediscover a healthy sense of curiosity and honest humility and openness to surprise and joy in the presence of all mysteries, from the amoeba to You.

Reform and inform our deformed worship. End the tyranny of gods who lie, fail, crash, melt. Beginning with our tiny

inflated egos, liberate us to You, God, worthy of our needs, being up to Your love.

Powerful God, enlighten all of the leaders in this room today and all others who strive to lead with true knowledge and understanding, so that each one may become the person of honor that You have called them out to be and that by their living may declare Your truth. Give us each a heart of love and reverence for You, that we may diligently live according to Your will.

Hear this our common prayer. 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, May 8, 2000, will be postponed until printed. The Chair hears no objection.

JOURNALS APPROVED

The SPEAKER. The Journals are prepared and in print for Tuesday, February 8, and Wednesday, February 9, 2000. Without objection, they stand approved. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2526 By Representatives DeLUCA, COSTA, WALKO, SOLOBAY, HENNESSEY, BEBKO-JONES, J. TAYLOR, CAPPABIANCA, M. COHEN, DERMODY, FRANKEL, FREEMAN, GEORGE, HORSEY, LAUGHLIN, LEDERER, ROEBUCK, STABACK, TRELLO and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the sale of gift certificates with expiration dates.

Referred to Committee on JUDICIARY, May 9, 2000.

No. 2527 By Representatives O'BRIEN, ORIE, ARMSTRONG, BATTISTO, BELARDI, BELFANTI, L. I. COHEN, DeLUCA, GRUCELA, HARHAI, HORSEY, KENNEY, LAUGHLIN, MARSICO, MAYERNIK, PESCI, PETRARCA, SAINATO, SCHULER, SEYFERT, SHANER,

SOLOBAY, STABACK, STURLA, E. Z. TAYLOR, J. TAYLOR, THOMAS, WILT, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of December 14, 1988 (P.L.1192, No.147), known as the Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Act, further providing for definitions, for special ad hoc postretirement adjustments and for the administration of the Commonwealth's reimbursements for these adjustments; and making editorial changes.

Referred to Committee on LOCAL GOVERNMENT, May 9, 2000.

No. 2528 By Representatives DiGIROLAMO, MELIO, BELARDI, HALUSKA, LEDERER, HARHAI, STEIL, WOJNAROSKI, S. MILLER, PISTELLA, WOGAN, VAN HORNE, FEESE, HORSEY, CLYMER, TULLI, RAMOS and HENNESSEY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for service of order in harassment and domestic relations cases.

Referred to Committee on JUDICIARY, May 9, 2000.

No. 2529 By Representatives NAILOR, FARGO, B. SMITH, MASLAND, LYNCH, BARRAR, LEDERER, RUBLEY, SCRIMENTI, WILT, VANCE, GRUCELA, PISTELLA, STABACK, RAYMOND, ARMSTRONG, CAPPABIANCA, HENNESSEY, WOGAN, TULLI, SAYLOR, HUTCHINSON, SEYFERT, HARHAI, MARSICO, PLATTS, BROWNE, YOUNGBLOOD, PETRONE and DeLUCA

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for date of application for absentee ballot, for delivery or mailing of ballots and for voting by absentee electors.

Referred to Committee on STATE GOVERNMENT, May 9, 2000.

No. 2530 By Representatives PESCI, M. COHEN, ROBINSON, BELFANTI, YOUNGBLOOD, JOSEPHS, THOMAS, HORSEY and RAMOS

An Act making an appropriation to the Office of Attorney General for the payment of certain moral claims against the Commonwealth of Pennsylvania.

Referred to Committee on APPROPRIATIONS, May 9, 2000.

No. 2531 By Representatives BISHOP, LEDERER, STABACK, MYERS, M. COHEN, SAYLOR, WOJNAROSKI, BELFANTI, ROSS, BEBKO-JONES, YOUNGBLOOD, PETRONE and THOMAS

An Act authorizing employment of certain persons as drug and alcohol counselors based solely on their previous work or life experience; abrogating a regulation; and making repeals.

Referred to Committee on HEALTH AND HUMAN SERVICES, May 9, 2000.

No. 2532 By Representative BOYES

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for open primary elections by permitting registered independent electors to vote for the party of their choice.

Referred to Committee on STATE GOVERNMENT, May 9, 2000.

No. 2533 By Representatives ALLEN, HASAY, CALTAGIRONE, GORDNER, PERZEL, BARLEY, COY, ARGALL, BAKER, BOYES, L. I. COHEN, M. COHEN, DEMPSEY, DERMODY, FAIRCHILD, FLICK, FRANKEL, GEIST, GODSHALL, HARHAI, HENNESSEY, HERMAN, HORSEY, LaGROTTA, LESCOVITZ, LUCYK, MARKOSEK, MASLAND, MAYERNIK, McCALL, S. MILLER, NAILOR, NICKOL, PETRARCA, PHILLIPS, RAYMOND, SAINATO, SEMMEL, SHANER, TULLI, WILT and ZUG

An Act amending the act of November 30, 1965 (P.L.847, No.356), known as the Banking Code of 1965, further providing for corporations authorized to act as fiduciary, for general corporate powers and duties of incorporated institutions, for additional powers of incorporated institutions related to conduct of business, for additional powers related to conduct of business of incorporated institutions other than trust companies, for real estate loans by banks and bank and trust companies, for transactions with respect to shares of corporate stock and capital securities and for real estate loans by savings banks; further prohibiting promoters' fees; and further providing for audits and reports and for preferential rates of interest.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, May 9, 2000.

No. 2534 By Representatives CAWLEY, TIGUE, GLADECK, BARD, BISHOP, BROWNE, BUTKOVITZ, BUXTON, CALTAGIRONE, CAPPABIANCA, L. I. COHEN, CORNELL, COSTA, CURRY, DALLY, CARN, THOMAS, TRAVAGLIO, RUFFING, RAMOS, M. COHEN, YOUNGBLOOD, FREEMAN, HABAY, JAMES, JOSEPHS, KELLER, LaGROTTA, LAUGHLIN, MAHER, MICHLOVIC, MICOZZIE, RUBLEY, SCRIMENTI, TRELLO, WASHINGTON, WILLIAMS, BOYES, HORSEY and EACHUS

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, prohibiting the hunting or trapping of bobcats.

Referred to Committee on GAME AND FISHERIES, May 9, 2000.

**HOUSE RESOLUTION
INTRODUCED AND REFERRED**

No. 490 By Representatives BAKER, COLAFELLA and STAIRS

A Resolution discharging the Committee on Education from its duties under the resolution directing it to study the effects of Act 36 of 1999 on vocational agriculture programs in school districts.

Referred to Committee on RULES, May 9, 2000.

SENATE MESSAGE

**HOUSE BILLS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 2363, PN 3155; HB 2365, PN 3157; HB 2367, PN 3159; and HB 2368, PN 3160**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

**AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES**

The clerk of the Senate, being introduced, returned **HB 945, PN 3503**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

**AMENDED SENATE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 1077, PN 1932**.

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

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
May 8, 2000

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

May 15, 2000, 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, May 15, 2000, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 2363, PN 3155

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2000, to June 30, 2001, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2000.

HB 2365, PN 3157

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2000, to June 30, 2001, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2000.

HB 2367, PN 3159

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

HB 2368, PN 3160

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL Mr. Speaker, I move the following bills from the table:

HB 13;
HB 931; and
HB 1753.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that the following bills be placed back upon the table:

HB 13;
HB 931; and
HB 1753.

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

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

HB 1812, PN 2221 By Rep. HERMAN

An Act repealing the act of April 30, 1943 (P.L.145, No.73), entitled, as amended, "An act providing for and regulating the accumulation, investment and expenditure by counties, cities, boroughs, incorporated towns, townships and school districts of funds for post war projects."

LOCAL GOVERNMENT.

HB 2160, PN 2820 By Rep. HERMAN

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for filling vacancies in borough offices.

LOCAL GOVERNMENT.

HB 2161, PN 2821 By Rep. HERMAN

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for vacancies in certain offices.

LOCAL GOVERNMENT.

HB 2162, PN 2822 By Rep. HERMAN

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

LOCAL GOVERNMENT.

SB 497, PN 1941 (Amended) By Rep. HERMAN

An Act providing for a hotel room rental tax in certain third class counties.

LOCAL GOVERNMENT.

GUESTS INTRODUCED

The SPEAKER. There are a number of guests with us today. Members, please take your seats. Please, conferences in the center aisle and the side aisles.

The Chair is pleased to welcome to the hall of the House today Bill McLaughlin, a borough councilman from Chambersburg and president-elect of the Pennsylvania League of Cities. His son, Chris, is a guest page today. They are both here today as the guests of Representative Coy. Would these guests please rise.

We are pleased to have with us today, as the guest of Representative Bob Freeman, Diane Lamas, a legislative aide to Representative Freeman in his district office in Easton. Diane is seated in the gallery. Would she please rise.

Seated on the House floor, as the guest of Representative Julie Harhart, is Megan Begley. Megan is the winner of a "There Ought To Be a Law" contest. Her bill would make the general equivalency diploma test available to students before they graduate. She is a fourth grade student at Peters Elementary School in Slatington. Accompanying Megan on the floor are her mother and father, Lori and Stephen Begley. Would the Begleys please rise.

Here today as the guest of Representative Marsico is Brad Cohee, an eighth grade student at Central Dauphin East Junior High School. Would this young man, who is a guest page, please rise.

Here today as the guests of Representative Chris Ross are a number of guest pages from Chester County. They are here with their parents and teachers, seated in the gallery. The guest pages are Troy Senne and Rachel Bertoni, and in the gallery the parents and teachers consist of Douglas Senne, Barbara Bertoni, Mike Kuders, and Jill Buoso. Would they please rise.

And as the guests of Representative Jerry Nailor, guest pages Christian Kunkel and Jill St. Cyr from Cedar Cliff High School. Would these guests please rise. They are in the well of the House.

As the guest of Representative Bob Allen is guest page Kent Eisenhuth, a guest of both Representative Allen and Representative Dave Argall. He is a sophomore at the Blue Mountain High School in Schuylkill County. Would this guest please rise. Kent, where are you seated? Here in front of the Speaker in the well of the House.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence and recognizes the gentleman, Mr. Snyder, who requests a leave of absence for the gentleman from Chester County, Mr. FLICK, for today's session. Without objection, the leave will be granted. The Chair hears none.

It is the understanding of the Chair that there are no additional leaves of absence on the Democratic side.

**MISS PENNSYLVANIA-USA
PRESENTED**

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

Mr. DALEY. Thank you, Mr. Speaker.

Yesterday Representative Roberts presented to you the Coal Queen from Fayette County in southwestern Pennsylvania, and you know in southwestern Pennsylvania we are noted for our outstanding professional athletes as well as our outstanding legislators, as you can attest from the Representatives we have here today.

But it is my pleasure and privilege to present to you a young woman that is from Carroll Township in Washington County and attended Ringgold High School. Not only did Joe Montana, Ken Griffey, and Stan Musial attend that school, but Jennifer Watkins has also.

Jennifer is Miss Pennsylvania-USA and will be competing for the Miss USA contest in February and hopefully on to, which is no doubt in our mind, on to the Miss Universe contest. She has served as Miss Mon Valley, Miss America's 20s, Miss PA Queen of Charity, Miss Teen All-American. She is an outstanding young woman. She is accompanied by her mother today, Maryalice Watkins. The father is working, Terry Watkins, and could not be here.

It is my privilege and pleasure to present to you at this time and present a citation to Miss Pennsylvania-USA, Jennifer Watkins.

Miss WATKINS. Thank you, Speaker Matthew Ryan and members of the House of Representatives.

I come to you from the small town of Monongahela. There I am a zone manager at Lowe's in Belle Vernon. I am a member of the Salvation Army Advisory Board, and I volunteer for many charity organizations. I am honored to be here, and I am honored to represent the State of Pennsylvania at the Miss USA Pageant.

Thank you for your time, and hope to see you soon. Thank you very much.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today guests of Representative Steil of Bucks County. The guests consist of classes of fourth graders from the Sol Feinstone Elementary School in Bucks County.

Also in the balcony with these students the Chair welcomes Brendan Murphy, a cousin of Tony Melio, a Representative from Bucks County, and she is with the group from the Council Rock School District fourth grade class. Would these guests please rise.

ROD LIGHTNER PRESENTED

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

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

It certainly is a pleasure today for Representative Haluska, Representative Stern, and me to make this presentation.

Representative Haluska has the privilege of having worked as a pit crew for the Lightner racing team, and if you look at his fingernails, the grease is still under there. Representative Stern, the Lightner family lives in his district, and their business is in my district, and we are here today to honor the youngest of the family, Hot Rod Lightner.

First of all, I would like to introduce his parents and the people that really make their team go - Bulldog Lightner; his daughter, Mary Lou; and of course, their son, Hot Rod.

And for those of you who are into racing and I know that a lot of you who use the turnpike understand this, Hot Rod is the prostock world champion drag racer, won that title, and believe me, folks, that is really some feat, and we wanted to bring him in today and honor him here in the State of Pennsylvania, in the House of Representatives, and present him with this citation,

and I would ask that you give him a very warm welcome and a round of applause. Thank you.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT-200

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

ADDITIONS-0

NOT VOTING-0

EXCUSED-2

Flick Gigliotti

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2083, PN 2698**, entitled:

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, further providing for the Family Savings Account Program.

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

Mr. **GORDNER** offered the following amendment No. **A2178**:

Amend Title, page 1, line 12, by removing the period after "Program" and inserting

; and establishing a technology work experience internship program.

Amend Sec. 1, page 1, lines 15 through 17, by striking out all of said lines and inserting

Section 1. The title and sections 2101 and 2102 of the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, amended November 17, 1998 (P.L.788, No.100), are amended to read:

AN ACT

To enhance job creation and economic development by providing for an annual financing strategy, for opportunity grants, for job creation tax credits, for small business assistance, for the Small Business Advocacy Council, for a family savings program, for industrial development assistance, for community development bank grants and loans and for tax-exempt bond allocation; authorizing a technology work experience internship program; conferring powers and duties on various administrative agencies and authorities; further providing for various funds; and making repeals.

Amend Bill, page 7, line 27, by striking out all of said line and inserting

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

CHAPTER 29

TECHNOLOGY WORK EXPERIENCE
INTERNSHIP PROGRAM

Section 2901. Definitions.

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

"Agency." The Pennsylvania Higher Education Assistance Agency.

"Approved course of study." A program or curriculum offered by a postsecondary educational institution that provides instruction in science, technology and related fields and that has been approved by the Department of Education in consultation with the Pennsylvania Workforce Investment Board, as required under section 3 of the act of June 23, 1999 (P.L.159, No.22), known as the New Economy Technology Scholarship Act.

"Approved educational institution." A postsecondary educational institution located in this Commonwealth that is authorized to provide approved courses of study and grant degrees and that has been approved by the Pennsylvania Higher Education Assistance Agency as an institution in which students may enroll to participate in the New Economy Technology Scholarship Program.

"Department." The Department of Education of the Commonwealth.

"Emerging technology company." A company located in this Commonwealth that is involved in scientific research and product development, technology or a related field which is either less than

six years from incorporation or employs fewer than 500 full-time employees.

"Pennsylvania Workforce Investment Board." A public and private partnership that provides strategic planning, program coordination and evaluation of Pennsylvania's work force training efforts.

"Program." The Technology Work Experience Internship Program established under this chapter.

"Student." An individual domiciled in this Commonwealth who attends an approved educational institution and who is enrolled in an approved course of study.

"Work experience internship." A college-approved or university-approved internship or work experience in a science, technology or related field with an emerging technology employer located in this Commonwealth for which the student receives compensation.

Section 2902. Technology Work Experience Internship Program.

(a) Establishment of program.—The Technology Work Experience Internship Program is hereby established within the agency. This program shall be separate from, but may be operated in conjunction with, the Federal and State work study programs.

(b) Matching funds.—The agency shall provide matching funds to approved educational institutions to support internships for students with emerging technology companies, to the extent that an appropriation is enacted specifically for this purpose. The agency shall review and approve applications from colleges and universities for participation in the program and shall require that approved educational institutions provide at least one-half of the moneys necessary for the internships. Not more than 50% of the cost of each internship shall be paid for by the agency.

(c) Approved courses.—The list of approved courses of study for the program shall be the same as is currently required under section 4(c) of the act of June 23, 1999 (P.L.159, No.22), known as the New Economy Technology Scholarship Act.

(d) Emerging technology companies.—The department, in cooperation with the Department of Community and Economic Development and the Pennsylvania Workforce Investment Board, shall establish and maintain a list of emerging technology companies for the program.

(e) Standards.—The agency shall adopt standards for approving technology work experience internship programs, which standards shall include at a minimum that:

(1) The employer must be a Pennsylvania high-tech business.

(2) The internship must provide career-related work experience and use the student's classroom knowledge.

(3) The position must not displace any employee, including any employee who is laid off or on strike.

(4) The student must be compensated at a rate at least equal to the State minimum wage.

Section 2903. Powers and duties of agency.

The agency shall have the power and its duties shall be:

(1) To execute a participation agreement with each approved educational institution participating in the program.

(2) To establish such procedural, accounting and auditing requirements as may be necessary.

(3) To review and audit all relevant records of the participating institution and the participating employer to ensure compliance with the provisions of this chapter.

(4) To adopt such rules, regulations, forms and procedures as may be necessary to implement this chapter.

Section 2904. Responsibility of approved education institution.

Educational institutions participating in this program shall:

(1) Submit an application to the agency for approval to participate in the program. The application shall identify the high-tech employers or potential employers who will sponsor an internship, the wages that interns shall be paid, a description of the general nature of the work to be performed and the screening

process to be employed to identify those students who will participate in the internship program.

(2) Enter into a participation agreement with the agency.

(3) Ensure that each participating high-tech business understands the requirements of the program and provides each hired intern career-related work experience that builds on that student's classroom knowledge.

(4) Either through employer funds or institutional funds, provide the funds required to match the State contribution.

(5) Implement a process to screen and approve students for participation in the program.

(6) Open relevant records and materials to the agency for review.

(7) Have a process to monitor and evaluate each internship experience.

(8) Adhere to any requirements or conditions that the agency or the department, in consultation with the Pennsylvania Workforce Investment Board and the Department of Community and Economic Development, may adopt.

Section 2905. Emerging technology company employer responsibility.

Each emerging technology company employer participating in the program shall:

(1) Agree to provide each intern with career-related work experience that will build on that student's classroom knowledge.

(2) Agree not to use the intern to replace any employee, including employees who may be laid off or on strike.

(3) Have the right to approve the selection of any student placed in an internship with that company.

(4) Add each employee to the business payroll and return all reconciliation materials by the dates required by the agency to receive reimbursement for that State share of the approved earnings.

(5) Adhere to any requirements, including such accounting and auditing standards as the agency or the department, in consultation with the Pennsylvania Workforce Investment Board and the Department of Community and Economic Development, may adopt.

Section 2906. Interns.

(a) Eligibility.—Undergraduate students enrolled in an approved course of instruction at an approved educational institution shall be eligible to participate in the program. Priority for participation shall be based on financial need as determined by the educational institution and the agency, but participation shall not be limited to those students who qualify for financial aid.

(b) Terms and conditions.—Each intern shall comply with any conditions placed upon the internship by the agency, department or approved educational institution. Each intern shall comply with any applicable requirements established by the employer. Interns may work no more than 20 hours a week while they are enrolled on a full-time basis and may work not more than 40 hours a week during any break.

(c) Student aid.—Participation as an intern in the program may qualify as a work-study appointment and may qualify as student aid, subject to Federal and State requirements for such appointments. However, the maximum compensation an intern may receive through this program shall be subject to the limits imposed in this chapter.

(d) Satisfaction of New Economy Technology Scholarship Program requirements.—Participation as an intern in the program may qualify as satisfactory evidence of completion of the internship requirements as provided by section 5(c) of the act of June 23, 1999 (P.L.159, No.22), known as the New Economy Technology Scholarship Act, subject to the requirements of that act.

Section 2907. Compensation.

The compensation shall be determined by the approved educational institution, in cooperation with the emerging technology company. Compensation shall be subject to any terms or conditions established by the agency. Interns shall be paid on an hourly basis and shall receive at least the minimum wage established under

Pennsylvania law. In no event shall the total compensation that any student receives exceed \$7,000 in any 12-month period.

Section 2908. Annual report.

The agency shall include the total number of students participating in this program and any data relevant thereto, within its annual report as currently required by section 9 of the act of June 23, 1999 (P.L.159, No.22), known as the New Economy Technology Scholarship Act.

Section 4. All references to the Pennsylvania Human Resources Investment Council in the act of June 23, 1999 (P.L.159, No.22), known as the New Economy Technology Scholarship Act, shall be deemed to be references to the Pennsylvania Workforce Investment Board.

Section 5. This act shall take effect as follows:

(1) The addition of Chapter 29 of the act and section 4 of this act shall take effect July 1, 2001.

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

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. Gordner, who waives.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—200

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

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

NAYS-0

NOT VOTING-0

EXCUSED-2

Flick Gigliotti

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

On the question,

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

Mr. GEORGE offered the following amendment No. A2062:

Amend Bill, page 7, by inserting between lines 26 and 27

Section 2. Within one year of the effective date of this act and each following year, the Department of Community and Economic Development shall issue a report to the General Assembly on the amount of bank fees that are assessed on or paid for on behalf of participants of the program.

Amend Sec. 2, page 7, line 27, 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 from Clearfield.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, this amendment does not harm this bill; it does not oppose the idea or the concept. Getting people to save more is a good idea, but with this new idea, let us fully understand the benefits and the cost.

So, Mr. Speaker, all this amendment does is require the Department of Community and Economic Development to prepare a report on the amount of bank fees that are assessed or are paid on behalf of the participants of this program.

This makes a good bill better, Mr. Speaker. I would hope we could support it.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-200

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

NAYS-0

NOT VOTING-0

EXCUSED-2

Flick Gigliotti

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—195

Allen	Fairchild	Markosek	Schroder
Armstrong	Fargo	Marsico	Schulier
Baker	Feese	Masland	Scrimenti
Bard	Fichter	Mayernik	Semmel
Barley	Fleagle	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
Benninghoff	Gladeck	Metcalfe	Stairs
Birmelin	Godshall	Michlovic	Steelman
Bishop	Gordner	Miller, R.	Steil
Blaum	Grucela	Miller, S.	Stern
Boyes	Gruitza	Mundy	Stetler
Browne	Habay	Myers	Stevenson
Bunt	Haluska	Nailor	Stritmatter
Butkovitz	Hanna	Nickol	Sturla
Buxton	Harhai	O'Brien	Surra
Caltagirone	Harhart	Oliver	Tangretti
Cappabianca	Hasay	Orie	Taylor, E. Z.
Cam	Hennessey	Perzel	Taylor, J.
Casorio	Herman	Pesci	Thomas
Cawley	Hershey	Petrarca	Tigue
Chadwick	Hess	Petrone	Travaglio
Civera	Horsey	Phillips	Trello
Clark	Hutchinson	Pippy	Trich
Clymer	Jadlowiec	Pistella	True
Cohen, L. I.	James	Platts	Tulli
Cohen, M.	Josephs	Preston	Vance
Colafella	Kaiser	Ramos	Van Horne
Cornell	Keller	Raymond	Veon
Corrigan	Kenney	Readshaw	Vitali
Costa	Kirkland	Reinard	Walko
Coy	Krebs	Rieger	Washington
Curry	LaGrotta	Roberts	Williams
Dailey	Laughlin	Robinson	Wilt
Daley	Lederer	Roebuck	Wogan
Dally	Leh	Rohrer	Wojnaroski
DeLuca	Lescovitz	Rooney	Wright
Dempsey	Levdansky	Ross	Yewcic
Dernody	Lucy	Rubley	Youngblood
DeWeese	Lynch	Ruffing	Yudichak
DiGirolamo	Maher	Sainato	Zimmerman
Donatucci	Maitland	Samuelson	Zug
Druce	Major	Santoni	
Eachus	Manderino	Sather	Ryan,
Egolf	Mann	Saylor	Speaker
Evans			

NAYS—0

NOT VOTING—5

Adolph	Lawless	Micozzie	Waters
Argall			

EXCUSED—2

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

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

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guests of Representative Ted Harhai, the Italian American Heritage Society of Monessen, of which he happens to be a member. Would those guests please rise. They are in the balcony.

JERRY SANDUSKY PRESENTED

The SPEAKER. Mr. Benninghoff, Mr. Herman, please come to the desk.

The Chair recognizes the gentleman, Mr. Benninghoff. Will the gentleman yield.

Members, please take your seats.

Mr. Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker, and thank you, members of the General Assembly.

I think it is a great opportunity for us to have the outstanding defensive coach for Penn State, now retired, but seems to be busier than ever, Jerry Sandusky. Many of us were graced with his presence this morning at the Prayer Breakfast. Representative Lynn Herman and I thought it would be nice for us to have him here on the House floor for a moment for each of you to be able to say hello.

As you know, Coach Sandusky has been outstanding at Penn State. He got Penn State the title Linebacker University and has been also nominated and selected as American Football Coaches Association Coach of the Year in 1999.

But more importantly, and I think you heard it this morning, was the outstanding work that Coach Sandusky and his family, from his wife and his children, have done with the Second Mile. Many people come to each one of you and me and ask what we are doing to help our young people. Well, Coach Sandusky and his family have really stepped forward and done that, starting the Second Mile, and making sure it continues to make sure our future generations really have the tools for their continued success.

So with that, Representative Lynn Herman and I really want to congratulate Coach Sandusky not for his work only on the football field but also in our community.

Mr. Speaker, we thank you for your time.

The SPEAKER. If I ever let a world champion coach from Penn State leave this House without offering him an opportunity to speak to us, I think I would be dethroned. Coach.

Mr. SANDUSKY. Thank you very much.

I did not plan on any grand exit from Penn State, but the circumstances of the retirement window kind of dictated one, and I am really glad, because I have had the opportunity to share in the appreciation and warmth of so many people, and to have a day like this is really significant to me.

I never felt that, whether it was in coaching or whatever I had done, that I would have any grand ideas or great plans or great strategies, but there was always somebody to come through in the clutch, whether that was on the football field at a

critical time, where a player would rise to the occasion, or whether some person would come through for a young person throughout this State of Pennsylvania, in the Commonwealth, and that is what you people are here today, and you have come through for so many people, and I want to thank you very much. Thank you.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 819, PN 877**, entitled:

An Act amending the act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act, further providing for school tobacco control.

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

Mr. **PHILLIPS** offered the following amendment No. **A2145**:

Amend Sec. 1 (Sec. 3.5), page 1, lines 21 and 22, by striking out "Tobacco use [by pupils]" and inserting [Tobacco use by pupils] (1) Use of tobacco by a person

Amend Sec. 1 (Sec. 3.5), page 1, line 23, by inserting brackets before and after "school"

Amend Sec. 1 (Sec. 3.5), page 1, by inserting after line 24

(2) Possession of tobacco by a pupil is prohibited in school buildings and school buses and on property owned by, leased by or under the control of the school district.

Amend Sec. 1 (Sec. 3.5), page 2, by inserting between lines 7 and 8

(b.1) An offense under this section shall be deemed an offense under 18 Pa.C.S. § 6306.1 (relating to use of tobacco in schools prohibited).

Amend Sec. 1 (Sec. 3.5), page 2, by inserting between lines 13 and 14

"Pupil" means a person who is at least six (6) years of age but not more than twenty-one (21) years of age and who is enrolled in a school.

Amend Sec. 1 (Sec. 3.5), page 2, line 20, by inserting a bracket before ""Smoking"

Amend Sec. 1 (Sec. 3.5), page 2, line 23, by inserting a bracket after "form."

Amend Sec. 1 (Sec. 3.5), page 2, by inserting between lines 23 and 24

"Tobacco" includes a lighted or unlighted cigarette, cigar, pipe or other smoking product and smokeless tobacco in any form.

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

The **SPEAKER**. On the question of the adoption of the Phillips amendment, the gentleman, Mr. Phillips, is recognized. Will the gentleman yield.

There are entirely too many conferences going on on the floor. I am going to ask the Sergeants at Arms if they would be good enough to keep the traffic moving behind the rail, and I would ask that the staff members and pages not consult with one another on the floor.

Mr. Phillips.

Mr. **PHILLIPS**. Thank you, Mr. Speaker.

This is the same amendment that we had done a couple of weeks ago in HB 1072, which was a Title 18 bill, and it refers to smoking in our schools.

What this amendment would do, it would remove "Tobacco use [by pupils]" and add "Use of tobacco by a person," and the reason for that is that the way it is in the bill now, it is only pupils who are not allowed to use tobacco, and this would include everybody on any public school grounds.

It also mentions the possession of tobacco by a pupil is prohibited, because we have to put that back in this bill on this Title 35 bill.

It also defines an offense under this section shall be deemed an offense under Title 18, which is a summary offense. It defines who a pupil would be. It means a person who is at least 6 years of age but not more than 21 years of age and who is enrolled in a school. We removed the definition of "smoking" and added " 'Tobacco' includes a lighted or unlighted cigarette, cigar, pipe or other smoking product and smokeless tobacco in any form," and I would ask for support of this amendment. Thank you, Mr. Speaker.

The **SPEAKER**. On the question of the adoption of the Phillips amendment, Mr. Vitali, on the amendment.

Mr. **VITALI**. Would the maker of the amendment stand for brief interrogation?

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

Mr. **VITALI**. I just want to be clear what this is doing. This would make it a crime for any employee, teacher, administrator of a school to use tobacco on the school premises?

Mr. **PHILLIPS**. This would include any person, anybody who is employed, any teacher, any pupil, or any person that would be on school grounds.

Mr. **VITALI**. And what would be the grading of the offense?

Mr. **PHILLIPS**. The offense would be a summary offense, and in the case of a pupil, they could have ARD (accelerated rehabilitative disposition), or with an adult, it could be a fine up to \$50. Now, a judge does not have to give that amount. He could give a warning, but that would be the penalty for the use of tobacco.

Mr. **VITALI**. Does the act include a parent who is on the school premises?

Mr. **PHILLIPS**. I am sorry, Mr. Speaker. I did not hear the question.

Mr. **VITALI**. Does the act contemplate a parent on the school premises who smokes a cigarette also being subject to a criminal penalty?

The **SPEAKER**. Members, please. The gentleman, Mr. Phillips, is having difficulty hearing Mr. Vitali, and it is because of the undercurrent of conversation. Now, shortly I am going to remove staff people from the floor, and right after that, pages from the floor.

Mr. Phillips.

Mr. **PHILLIPS**. Thank you, Mr. Speaker.

It does not go on the criminal record of the person. It does not go on the criminal record of the student either, and the money that is collected would go to the school.

Mr. **VITALI**. Now, I am familiar with some summary offenses do in fact carry the potential of incarceration of up to 30 or 90 days. Would that apply in this case?

Mr. **PHILLIPS**. No, it would not.

Mr. VITALI. Okay. At sporting events, if a spectator went to the high school football game and lit up a cigarette, would they be subject to the criminal penalty?

Mr. PHILLIPS. Yes, they would, because it would be on any school property and any person involved.

Mr. VITALI. Okay.

Mr. PHILLIPS. It is not criminal; it is not a criminal offense.

Mr. VITALI. It is not a criminal offense, you say?

Mr. PHILLIPS. Not a criminal offense.

Mr. VITALI. I am a little confused, because my understanding of criminal law is that a summary offense is in fact a criminal offense. Could you clarify that?

Mr. PHILLIPS. It may be technically a criminal offense, but it is not a reported criminal offense. It would not go on their record.

Mr. VITALI. Okay. Thank you.

The SPEAKER. Mr. Trello, do you seek recognition on this amendment?

Mr. TRELLO. Mr. Speaker, may I interrogate the prime sponsor of the amendment?

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

Mr. TRELLO. Thank you, Mr. Speaker.

If I am at a basketball game and I walk outside at halftime and maybe go a half a block away from the building but still on school property, am I in violation of this act?

Mr. PHILLIPS. You would be in violation, because it is on any school property.

Mr. TRELLO. So, in other words, even if schoolteachers— I understand that most school districts have what they call a smoking room for teachers. They would not be able to smoke at all during the day.

Mr. PHILLIPS. That is the purpose of this. Mr. Speaker, that is the purpose of this legislation. We are trying to set an example to our students. It does not make a lot of sense to have a smoking room set aside within a school building and have our students prohibited and see what has taken place, and the purpose of this is to try to set an example for these students.

Mr. TRELLO. I could appreciate that. But what happens if a person is a smoker that has cigarettes on his possession and it is somebody on school property. Is that a violation?

Mr. PHILLIPS. That is not a violation. He can carry any tobacco products. He just dare not be using them.

Mr. TRELLO. Okay. All right. Thank you, Mr. Speaker.

That is the end of my interrogation.

The SPEAKER. The gentleman, Mr. Bunt.

Mr. BUNT. Thank you, Mr. Speaker.

Mr. Speaker, I believe the gentleman, Mr. Trello, asked a question. I do not know if I heard the answer, and for further clarification for the record, am I to understand that if you have— The amendment says unlit cigarettes. If a parent has a pack of cigarettes on their possession when they enter the school complex, are they in violation of the law or will they be in violation of the law?

Mr. PHILLIPS. The unlit, that is only for students, but an adult, the only thing they dare not do is to have them lit or have lighted cigarettes, but they can carry them on their possession.

Mr. BUNT. Thank you, Mr. Speaker.

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

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the maker of the amendment?

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

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, I would just like something clarified, and that is, I am in agreement with this piece of legislation, but I am concerned about the technical part of it being, if I am in a car and I drive in to see an athletic event or I take my child to school and I am smoking in my car when I am on school property, am I in violation, because as the bill reads, it states if you are on school property. If my car is on school property, am I on school property?

Mr. PHILLIPS. I guess the answer would be yes. It is just the same as they mentioned as alcohol. If they do not allow that on school property, this would be the same thing, I would imagine, as long as you are on school property.

Mr. LAWLESS. So if you drive onto school property and you happen to be smoking cigarettes, you would violate this law?

Mr. PHILLIPS. Actually, technically, you would violate it, but I do not see anybody that would pursue that part of it, really.

Mr. LAWLESS. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Colafella.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the maker of the amendment?

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

Mr. COLAFELLA. Mr. Speaker, let me make sure we all understand this. If I am a 19- or 20-year-old young person and I am at a basketball game and a policeman happens to spot cigarettes in my shirt pocket — I am 19 or 20 years old — can I be fined for that?

Mr. PHILLIPS. If you are a— Yes, you can be fined if you are a student, but you have to be a student.

Mr. COLAFELLA. No. If I am 19 or 20 years old and I have graduated from high school and I am watching a basketball game and I happen to have a pack of cigarettes in my shirt pocket, can I be cited and fined for that?

Mr. PHILLIPS. No, you cannot be, because you have to be enrolled in school.

Mr. COLAFELLA. You have to be enrolled in school?

Mr. PHILLIPS. You have to be enrolled in school. That is what the amendment says.

Mr. COLAFELLA. Okay.

Now, let me ask you another question. Let me follow up with what Representative Lawless said. I am at a basketball game and there are 3,000 people at the game and at halftime 500 adults go outside, about 30 feet outside the school, and we are smoking a cigarette. A couple of policemen come and they could fine all of us \$50. Is that correct?

Mr. PHILLIPS. Technically, he could fine you. That would be correct, but, you know, I do not know. We are probably making a mountain out of a molehill here.

Mr. COLAFELLA. I am sorry; I did not understand you.

Mr. PHILLIPS. I said, we are making a mountain out of a molehill when we use that illustration.

Mr. COLAFELLA. Mr. Speaker, I am through with my interrogation. I would just like to make a statement, please.

The SPEAKER. On the question of the amendment, the gentleman is recognized.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, I am opposed to this amendment and I am opposed to this bill, as I was in committee.

This is a very, very dangerous situation for a lot of adults who attend basketball games or football games. They are good people in the community, and they just happen to be outside the stadium or outside the basketball gymnasium and they are fined, and you read about it the next day in the newspaper that an upstanding, outstanding person in the community is fined for smoking a cigarette. And let me tell you, there are a lot of part-time policemen who work these basketball games, at least in my area, and they may, for example, on a Tuesday evening go out and warn the people; they may go out and warn 500 people, listen, I am going to let you go this time, but if I catch you smoking again, and lo and behold, a number of people were not at the Tuesday game, but the following Tuesday they are at the game, and at halftime they are standing outside and they get fined and so on.

It just makes no sense. I am opposed to this amendment and the bill. Thank you, Mr. Speaker.

The SPEAKER. Mr. Sainato.

Mr. SAINATO. May I interrogate the maker of the amendment?

The SPEAKER. The gentleman may proceed with his interrogation.

Mr. SAINATO. Mr. Speaker, I just have one question.

Where someone is fined, does this go on their record?

Mr. PHILLIPS. It does not go on their record. The nature of the offense I will read: "A summary offense under this section shall not be a criminal offense of record, shall not be reportable as a criminal act and shall not be placed on the criminal record of the offending school-age person if any such record exists."

Mr. SAINATO. Okay.

Another question. What about at a school function that is not on school property, such as a prom, a dinner, or something that may be held at a restaurant?

Mr. PHILLIPS. That would not be included because it has to be on school property. It defines what school property is.

Mr. SAINATO. Okay. Thank you, Mr. Speaker.

I would like to comment on the amendment.

The SPEAKER. The gentleman is in order.

Mr. SAINATO. Mr. Speaker, I, too, have to rise and oppose this amendment.

I think the maker of the amendment has good intentions and his thoughts are well, but I think we are overstepping our bounds as a General Assembly. First of all, we are taking responsibility away from local school districts. If local school districts want to ban smoking on their property as far as sporting events and those types of things, they have that authority to do so right now. I think we always talk about Harrisburg as a long arm, and it just seems that that is what we are doing here today, is trying to dictate their policies for their school districts.

And second of all, Mr. Speaker, what my colleague, Representative Colafella, said, anyone who has gone to a basketball game or a football game, where I am coming from, we have constables who work part time; they are not full-fledged police officers. And if they are going to start trying to arrest people for smoking a cigarette outside of a basketball game, you could have a riot at some of these basketball games, and I think that message is going to send a lot worse to students when you see adults fighting with police officers and constables

over a cigarette than you are ever going to see because they are lighting up a cigarette.

So I think his intentions are well, but this precedent we are setting here today is very dangerous, very, very dangerous, and I would urge my colleagues to not support this.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Belfanti.

Conferences in the vicinity of the gentleman, Mr. Belfanti, please cease.

Mr. BELFANTI. Thank you, Mr. Speaker.

It is a rare occasion indeed that I differ with my friend and colleague from Northumberland County, Mr. Phillips. However, I do honestly believe that this legislation is really going far afield. It is big government at its worst. It is the intrusion of big government into local school districts. It is fixing something that is not broken.

I do not ever recall in 20 years in office receiving a single letter from a student telling me that it bothers them that the teachers are allowed to smoke in a designated smoking area in the school building. I do not recall anyone ever contacting me about this issue.

What the school boards want to do with students who are underage who are on school property is their business, and they are empowered to do that, but this legislation, coupled with this amendment, really goes too far. It is nonsensical just to be able to say we are setting an example to begin to level fines on people who are 19 or 20 who have already graduated school, on 30- and 40- and 50-year-olds, on parents and grandparents who want to go to the gym and watch their grandson wrestle and then at breaktime or halftime be able to go out in the parking lot and have a cigarette.

Smoking cigarettes is an unfortunate fact of life for many people, myself included, and we contribute greatly to the tobacco settlement, the money that is supposed to hit Pennsylvania this year, and it is unfortunate for those of us that do smoke and do enjoy smoking to be unable to kick the habit. Although I have kicked it many, many times, I keep going back.

But I am not here at the mike because of my weakness on this issue. It really is because here in Harrisburg we should not be telling people that are in their twenties, in their forties, in their sixties, who have worked their entire lives, who are not criminals, who do not deserve to have a summary offense ever on or off their record, ever deserve to have their name in the paper over the fact of having a cigarette. This legislation is just too far and it does not make sense, and I would appreciate my colleagues voting "no" on this amendment and "no" on the entire measure.

And I also believe that the Pennsylvania School Boards Association is also opposed to this measure for many of the same reasons as mentioned by myself and many of the other speakers previous to me. Thank you.

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

Mr. DALEY. Thank you, Mr. Speaker.

Would the gentleman stand for a brief interrogation?

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

Mr. DALEY. Mr. Speaker, it is my understanding that — and correct me if I am wrong now — that Federal law does now prohibit the use of any kind of tobacco product on school property including schoolbuses. Is that correct?

Mr. PHILLIPS. It is my understanding not right now it does not.

Mr. DALEY. I think, Mr. Speaker, that I think your understanding may be not to any degree of certainty. I think that under current law, and I just was looking for clarification, that Federal law precludes anyone from smoking on school property or possessing tobacco now.

MOTION TO TABLE

Mr. DALEY. On the amendment, Mr. Speaker.

The SPEAKER. The gentleman is recognized. Will the gentleman yield.

The conference on the side aisle, please break up.

Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

I think the gentleman has an excellent idea here. However, I think today the amendment may not be drafted in such a way that may warrant its passage. I think it needs to be considered. I think it is something we need to deal with. However, I think there are some constitutional questions, there are some evidentiary possession questions that may be dealt with, and I am concerned that we may end up losing the baby in the bathwater, so to speak.

So, Mr. Speaker, I would ask that we postpone or table this amendment and this bill with this amendment until tomorrow so maybe the speaker can work on the necessary language to correct some of the problems raised today on the floor. I do that as a form of a motion, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Daley, moves that HB 819, together with the amendments, be tabled until May 10, 2000, during the regular session. Is that correct, Mr. Daley?

On the question,

Will the House agree to the motion?

The SPEAKER. On the question of tabling the bill, Mr. Phillips, do you desire recognition on this?

Mr. PHILLIPS. I rise to oppose the motion to table.

We have got to remember this is already in Title 18. This is a reported offense. "Offense defined. — A pupil who possesses or uses tobacco in a school building, a school bus or on school property owned by, leased by or under the control of a school district commits a summary offense." So we already have it in law. It is in law, and therefore, I would oppose the motion to table.

And we have got to remember, this same amendment passed in HB 1072 197 to 0. So I do not know why we are so opposed to it today. Thank you, Mr. Speaker.

The SPEAKER. The House will be momentarily at ease.

GUESTS INTRODUCED

The SPEAKER. The Chair takes this opportunity to interrupt deliberations to welcome to the hall of the House Daroff Middle School of Philadelphia, here today as the guests of Representative Horsey and Representative Bishop. These students are seated in the balcony. Would they please rise and be welcomed to Harrisburg.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND Tabled

HB 2494, PN 3411

By Rep. GANNON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentences for offenses committed with firearms.

JUDICIARY.

CONSIDERATION OF HB 819 CONTINUED

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

Mr. SNYDER. Mr. Speaker, could I interrogate the maker of the motion?

Mr. Speaker—

The SPEAKER. Will the gentleman yield.

Mr. Snyder, technically, the motion as it was cast is not a debatable motion.

MOTION WITHDRAWN

The SPEAKER. Mr. Daley, you desire recognition?

Mr. DALEY. Mr. Speaker, at this time I will withdraw the motion to table. I talked to the gentleman, Mr. Snyder, and there are some things that we are going to try to do here and make a determination. If certain things do not happen in terms of this amendment, then we will then reinstitute the motion to table, Mr. Speaker.

The SPEAKER. In other words, you withdraw your motion?

Mr. DALEY. Yes, Mr. Speaker.

The SPEAKER. Thank you.

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the Phillips amendment, the Chair recognizes the gentleman from Philadelphia County, Mr. Waters.

Mr. WATERS. Good afternoon, Mr. Speaker.

I just have one question to Representative Phillips. I would like to know, since you cannot smoke on school property, inside the school building or outside the school building, who is going to enforce it if something happens? Who is going to enforce it if someone is caught smoking on school property, in the school building or outside the school building?

The SPEAKER. Mr. Phillips.

Mr. PHILLIPS. Mr. Speaker, it would be enforced the same as they enforce alcohol. It would be done probably by school personnel.

Mr. WATERS. Any teacher? You say any teacher or faculty member is allowed to enforce it?

Mr. PHILLIPS. Any law enforcement officer would come up and cite you, and the school personnel would enforce the prosecution.

Mr. WATERS. Okay then. So they have to be a law enforcement officer?

Mr. PHILLIPS. Law enforcement officer.

Mr. WATERS. All right then. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Casorio.

Mr. CASORIO. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment?

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

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, in many of our schools there are athletic fields, and folks that are not part of the district per se rent those fields to play softball and baseball. If a gentleman, for example, was playing baseball one evening and was using smokeless tobacco, would that person be in violation of this amendment, Mr. Speaker?

Mr. PHILLIPS. Yes, if they are using it. If they are possessing it, they are not in violation, but if they are using the tobacco, they are in violation.

Mr. CASORIO. So if a 45-year-old gentleman who has been at work all day and decides to take his family and participate in some community softball for a couple of hours one evening and is using some smokeless tobacco, he would be in violation of this bill. Correct?

Mr. PHILLIPS. He would be in violation.

Mr. CASORIO. All right. And again, just to clear up a point, let us use the example that we are using on the baseball field. If this gentleman is in violation of using smokeless tobacco on school property under this amendment in this bill, who would enforce that at that particular locale?

Mr. PHILLIPS. Any law enforcement officer would enforce it.

Mr. CASORIO. And, Mr. Speaker, how per se would that law enforcement officer know directly that that gentleman is using smokeless tobacco? Would the police department receive a call from someone in the stands saying, I have a gentleman out here using smokeless tobacco; please send me a police officer?

Mr. PHILLIPS. Well, no, he would not. It is just if somebody would happen to be there. I mean, we are just taking it a little far afield now, but if that, you know, was the case, that somebody would report it, and if somebody was there, I guess he would enforce the law.

Mr. CASORIO. Let me ask you that. I think my question stands in contrast to what really should be done, because I do not think, as a member of the F.O.P. (Fraternal Order of Police), I do not think the police have the ability, the personnel, or the time to enforce—

The SPEAKER. Will the gentleman yield.

The gentleman is engaging in the argument, the pro and cons, on the amendment rather than asking questions.

Mr. CASORIO. Thank you, Mr. Speaker.

I will reserve that for comments.

The SPEAKER. If you have a question, ask it.

Mr. CASORIO. Thank you.

The SPEAKER. I suggest everybody could, really, read this amendment. It seems to be very simple.

Mr. Casorio.

Mr. CASORIO. Thank you.

Mr. Speaker, the enforcement. Let us say that a gentleman is ticketed or fined a summary offense for using smokeless tobacco in a ball field in the evening and he does not pay that ticket. What would happen to that gentleman and what would the process be?

Mr. PHILLIPS. Well, I imagine the process is the same as any other citation. Regardless of what that citation is, if it is not paid, he will be prosecuted. It is the only way it can be done. It is like any other citation. It is not a different citation.

Mr. CASORIO. So your statement is telling me then — correct me if I am wrong, yes or no — that would go to the local magistrate?

Mr. PHILLIPS. I would presume; yes.

Mr. CASORIO. So now that that person has not paid that fine, that the police came to investigate and it went to the magistrate, now we are adding another layer to the magisterial level. Correct?

Mr. PHILLIPS. I would imagine; yes.

Mr. CASORIO. Okay. I am done with my questioning. I would like to make comment, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. CASORIO. Thank you, Mr. Speaker.

I think by the exchange that we have just witnessed, there are a lot of questions that need to be answered on this amendment and this bill, and I am concerned about the enforcement. I am concerned about— As I have told you before, I am a member of the Fraternal Order of Police. We had our law enforcement officers here yesterday. I know my police officers in my seven municipalities do not have time to enforce a smokeless tobacco or a smoking tobacco ordinance on school property for some gentleman using the field after a long day of work. That is not in their scope of duties, and I would certainly not want to burden them with that activity. My four magistrates do not have the time or the inclination or the facilities and the energy to have this processed upon them, summary offenses for using smokeless tobacco.

I would hope that those folks on the other side of the aisle towards the back of the rows that we always hear screaming about unfunded mandates, unfunded mandates, they would stand up and say, boy, this is another unfunded mandate that we are inflicting on our local school districts. Talk about taking away local control. I would hope that they would join with us in opposing this unnecessary amendment, Mr. Speaker. I urge a “no” vote.

Thank you for your time.

The SPEAKER. The Chair thanks the gentleman.

Mr. Trello, on the amendment.

Mr. TRELLO. Mr. Speaker, I have one more question to ask the prime sponsor.

The SPEAKER. The gentleman is recognized.

Mr. TRELLO. Mr. Speaker, if somebody is issued a citation for violating this act that is in the amendment with a \$50 fine, would the CAT Fund (Catastrophic Loss Trust Fund) fine and all those other fines be added just like a traffic violation?

Mr. PHILLIPS. They would be sentenced to pay a fine of not more than \$50 for the benefit of the school district in which such offending pupil resides and to pay court costs. That is it.

Mr. TRELLO. Oh. Okay.

Can I make a statement, Mr. Speaker?

The SPEAKER. The gentleman is in order.

Mr. TRELLO. Mr. Speaker, believe me, I am sure the intentions of the prime sponsor were honorable and I know what he is trying to do, but we have got to remember that cigarettes are still a legal product in this country. It is not classified as a drug, but it should be classified as a drug because nicotine is

probably more addicting than any other drug that is on the market.

But you have to take into consideration the people that do smoke. I go to basketball games all the time, and they cannot wait for halftime to go outside and have a cigarette. I know some guys that are trying to quit smoking and they have smokeless tobacco in their mouth, a little bit of snuff, and if a cop walks up to some of the friends that I know and they say, hey, bud, what do you have in your mouth, that cop is in trouble, I will tell you, because he is going to say, it is none of your business what I have in my mouth, you know.

But the sad thing is that cigarettes— And even schoolteachers; I mean, every segment of our society has smokers. What are they supposed to do working 8 hours a day in school? They cannot go outside and have a cigarette. They are going to have to walk two blocks away and have a cigarette.

I mean, I know that we all look down and frown on smoking. I know sometimes I go to a restaurant and I say, smoking, please, and I walk for about what seems like three blocks and I am almost outside in a corner where nobody can see me. That is where they put smokers today.

And, you know, I mean, I think that as long as cigarettes are a legal product, the people that do use them and provide this State with about \$250 million in tobacco taxes, that they should at least be allowed to go outside the school or outside the football stadium or outside the gymnasium and satisfy their habit, and I am going to vote “no” on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Armstrong.

Do you seek recognition, Mr. Snyder?

Mr. Armstrong.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

Mr. Speaker, I rise with a lot of concern and trepidation over this amendment, and if I can express what is happening in my own school districts, and I am sure it is happening in a lot of your own, our school boards are making decisions to ban tobacco use off the properties, any school property, and I have been at occasions where they regulate that and they make sure that that rule is upheld. The announcements are made up front, and if somebody pulls out a cigarette, they ask them to do away with it, get rid of it, and what I am getting to here is, a lot of our school districts are already dealing with this. We have a lot of local control. We have gotten up on this House floor and we advocated for local control, allowing those decisions to be made back home, and then here we are, trying to pass something that is going to go across the State and taking some of that authority away from local elected officials who are already making those decisions.

So I am really torn by this. I am definitely opposed to having tobacco on school property and teachers and other adults smoking on school property and students having the tobacco. I am against all of that, but I am for local control, which appears to me that back home they are utilizing that. So because of that I feel this amendment is just going a little bit too far, and I am going to vote “no,” Mr. Speaker.

The SPEAKER. The gentleman from Fayette, Mr. Shaner.

Mr. SHANER. Thank you, Mr. Speaker.

Mr. Speaker, I would like to comment on the amendment, please.

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

Mr. SHANER. I rise in opposition of this amendment, 2145. I think this amendment leads to micromanagement of our school districts. Our school districts have rules and regulations about tobacco and tobacco usage in the district. I think we should let the school administrators and the local fire chief conduct the rules and regulations, and for that reason I again rise in opposition to the amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Preston.

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

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

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

Mr. PRESTON. Thank you.

Mr. Speaker, my question deals with the liabilities to the school district. As you know, we have heard an awful lot of people talk about whether a school system decides to enforce it or not enforce it. If we put this unfunded mandate on it, who assumes the liability, if a school district decides not to enforce the law that we are putting down, if a citizen decides to have a class-action suit against that school district for not enforcing this smoking law that you are trying to pass?

The SPEAKER. Mr. Preston, to whom did you direct your question?

Mr. PRESTON. To the maker of the amendment. I asked for interrogation, Mr. Speaker. You granted me.

The SPEAKER. Yes.

Mr. PHILLIPS. Mr. Speaker, would you repeat that question again? I did not really get all of it.

Mr. PRESTON. Relative to the liability responsibility to the respective school district, going with all the conversations that we had about school property, sports activities, other different things that you said fall in the bailiwick of someone being able to be cited, if a school district decides not to make an effort or someone decides to place a class-action suit about lack of effort on that respective school district that has no ordinance of its own, who will assume that liability? One of the reasons why I am asking this, for an example, is my school district in Pittsburgh is self-insured; they do not buy these types of insurances, and my concern is about the potential cost for the many different school functions that go on. If a parent or a group of parents decides to be able to sue the school district, who is liable for handling that? You do not just sue the person who is not in violation. Is it the police force, is it the municipality, or is it the school district who is liable for this?

Mr. PHILLIPS. Are you speaking about liability on health concerns?

Mr. PRESTON. I am speaking about the lack of enforcement of the piece of legislation should it pass.

Mr. PHILLIPS. We can write the law, but we cannot force the school district to enforce it. So I do not think there would be any liability there.

Mr. PRESTON. Mr. Speaker, may I just speak on the gentleman's amendment?

The SPEAKER. The gentleman is in order.

Mr. PRESTON. Obviously there is not a clear answer, but I think that the members need to be aware, because we forgot how we got to the tobacco settlement. Please do not forget about all of the different statements and lawsuits that have been

formed on restaurants for not being able to have no-smoking zones but at the same time the lawsuits that are proliferating across the country for secondhand smoke, and it concerns me that if a school district, such as one of the ones that I represent, does not have their own ordinance, we pass this law, and a citizen who does not like the idea of smoking — I am a nonsmoker — happens to say that the school district is not enforcing the law of Pennsylvania and decides to have a class-action suit, my school district would probably be liable for that, and we could raise millions and millions of dollars on that. And if a staff person could tell the gentleman — I see her nodding her head no — I would appreciate a clarification, because I asked a question and it was not answered.

I do not think that this amendment is in time. I think that there are certain liabilities within the school district, Mr. Speaker, that we need to be able to raise, and I do not think that this amendment should pass.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Snyder.

Mr. SNYDER. Mr. Speaker, there has been a lot of discussion on this proposal, and some of the responses we are getting from members is that there is some confusion about what this amendment does, and perhaps I could just address the issue.

HB 819 is an amendment to current law which prohibits any pupil from possessing or using tobacco products on school property. HB 819 would expand that to all persons would be prohibited from using and possessing tobacco on school property. The amendment would backtrack slightly from HB 819, which would prohibit students from possessing and using tobacco products on school property but will allow nonpupils, such as adults, to possess tobacco products on school property. So what it would mean is that an adult could have a pack of cigarettes in their pocket on school property but not be in violation of this law if it were enacted, whereas a pupil at that school would be prohibited from possessing tobacco as well as using tobacco.

The policy of enforcement is still in the hands of the school board — that is under current law — would retain under this proposal, whether amended or not. I would ask the members to look at the amendment. The amendment only changes from use and possession by adults to allow possession by adults in HB 819. I think a lot of the issue that we have been debating on this amendment really falls with the bill itself, which is why we asked for the opportunity to have the amendment considered, because it restricts some of the proposals under 819 that are of some concern to some members.

So I would like to see us vote this amendment, and if this amendment passes, then you can decide how you wish to vote on 819 itself as it is amended. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. Lynch.

Mr. LYNCH. Thank you, Mr. Speaker.

Recently I had the opportunity as a member of the Appropriations Committee to be involved with the tobacco settlement hearings, in particular the one in Pittsburgh. I had an opportunity to address the head of the Pittsburgh Cancer Institute with a question: Could he tell me, based on the usage of cigarettes or secondhand smoke as well, what percent of all cancers are tobacco related, and he answered 50 percent. Now, that is a very alarming number.

I have a problem with this 50 percent and your amendment, Mr. Speaker. I could probably support your amendment if it excluded the part about being outside. If it were in a contained area where it is a building, a bus, and so forth, I think I could probably support that. Despite the fact that I like local control, I could probably support that, but when you add in the outside arena, I have difficulty with that, and I just wanted to let you know that.

Thank you, Mr. Speaker.

The SPEAKER. Mr. Sainato, for the second time.

Mr. SAINATO. Mr. Speaker, I just have a few more points to make.

As this debate is going on and on and on, more points keep coming out, and my colleague from Westmoreland made a good point about police officers. In my district, especially my rural parts of my district, I may have one chief of police and two deputies. They work part time, and we have to have enforcement. We have Little League fields, we have ball fields, that are located on school property, okay? They are not directly next to the school some, but they are on school property. What happens according to this, the way it is written up, there is an adult smoking a cigarette at the Little League field. All of a sudden we have got to call the chief of police in one of my townships. We have got to send an officer down to the Little League field to give a summary offense to the man smoking a cigarette at the Little League field. I mean, this is how ridiculous this whole debate is getting. I mean, this is ridiculous.

Our police officers, at least the police officers in Lawrence County, have crimes to fight. They have a lot better things to do than worry about a legal adult smoking a cigarette at a Little League field. I mean, this is what it has come to. And, I mean, if we as a General Assembly pass something this ridiculous, we have great consequences to follow, because — and I am very honest — I think the people of our districts have a lot more intelligence than to fall for something like this.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Montgomery, Mr. McGill. Waives off.

The gentleman from Clearfield, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I will not be long.

I want to say and qualify that there is not anybody on this floor that thinks as much of Merle Phillips as I do — and I am using his name — and I just had a talk with the gentleman, and we talked about this. He knows that we come from a time when we were in the service and we were not allowed to smoke anywhere we wanted, and then we would hear somebody say, if you got them, guys, light them up, and we were very happy.

And the only problem I have is Representative Phillips says anyone who cannot quit smoking for 2 hours has a problem. Sadly, Mr. Speaker, there are a lot of people with a lot of problems. I smoked for 35 years, and right in this Capitol I had a couple of staff members that showed me how they could quit, and they would quit, and 2 weeks later they would start again. Now, I was fortunate enough that when I finally quit, I quit. But still today when I go to a function and it is inside and there is smoking, it terrorizes me. And we passed — you Representatives listen to this — we passed legislation that said that a restaurateur could make that decision and put aside smoking areas, and we

still go in and they let them smoke wherever they want to smoke.

But there is one difference that I am a little bit concerned about, and that is being outside at an athletic function. I do not know why the bill did not say, let us have a bullpen; let us have a place where those people who cannot go 2 hours without a cigarette can go to a bullpen, have their smoke, place their stubs or their butts in a proper container, and go back. I am just worried that a lot of people are going to be harmed because they cannot break that habit.

It hurts me to do this, but I am going to vote "no" on this amendment, simply because I know how tough it is. There is no smoker will tell you it is good for them, and most smokers will agree that it could be bad for them, and coming from the area of bituminous coal, my people were turned down for black lung if they smoked. It was never the coal dust; it was always the smoke from the cigarettes. The man has a good bill, but we have got to change a little bit so these people that do not have the willpower that Representative Phillips or myself had can sneak off to an area that is allowed when there is an outside function and then be able to smoke.

I think it is wrong for us to be so daring. We have a right to tell someone, do not involve somebody else with your smoke, but if they can be in a place where no one else is involved other than smokers, then we ought to think about that. So I have to vote "no" on this amendment, Mr. Speaker.

BILL TABLED

The SPEAKER. The gentleman, Mr. Casorio.

Mr. CASORIO. Thank you, Mr. Speaker.

I would like to make a motion to table this bill and the amendment until this coming Monday, please.

The SPEAKER. The gentleman, Mr. Casorio, from Westmoreland County moves that the bill, together with amendments, be placed upon the table until Monday, the 15th of May in the year 2000.

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

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

Mr. PHILLIPS. Thank you, Mr. Speaker.

After listening to the debate, I am going to agree to table the bill, and the reason for that is I believe that it has a lot of merit when it comes to within a building, within a schoolbus, with situations like that, and like the previous speaker, Mr. George, spoke about — and I would agree with him — we probably should designate areas outside when it is taking place outside such as at a stadium. I do not want to see smoking as people are seated within the stadium, because a lot of times they are packed in; smoke goes up over them. But possibly what we should do is address some of the concerns for those who want to step outside of a building and take care of the problem like that, and we will redraw the amendment to that effect.

Thank you, Mr. Speaker.

The SPEAKER. On the question of postponing the bill, together with the amendment, until the session of May 15, on that question, those in favor vote "aye"; opposed, "no."

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

The following roll call was recorded:

YEAS—199

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

NAYS—1

Battisto

NOT VOTING—0

EXCUSED—2

Flick

Gigliotti

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

STATEMENT BY DEMOCRATIC LEADER

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Mr. DeWeese, do you seek recognition?

Mr. DeWEESE. Yes, just for a moment.

I would just like to thank the gentleman, Mr. Phillips. I think that his acceptance of the fact that this proposal may be enhanced in 24 hours or in a very short amount of time reflects favorably upon our process, on our debate, and hopefully it will augur positively for things to come. We will produce better legislation if our membership follows the example that the gentleman has just set.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1537, PN 1854**, entitled:

An Act providing for disclosure of HIV-related information to coroners and medical examiners.

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?

Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I am getting up, I am standing, to try and explain to folks why I am voting against this bill and hope that those of you who can hear and are listening will agree with me.

I understand what the maker of this bill is trying to do. The maker of this bill wants coroners, deputy coroners, medical examiners and deputy medical examiners and the people who work for them to know whether a body that they are working on is one which has tested positive for HIV (human immunodeficiency virus), and the maker of this bill wants to protect those people in the course of their business from HIV by informing them that this person had HIV. The problem is, I fear, I know from experience in other States and in our history, that this will make those people less safe, not more safe, and this is the reason why.

If you are a coroner or a medical examiner or indeed a first responder or a doctor or a private citizen and you are in a situation where there is a lot of blood, a lot of exposure to tissue, you must assume that that person's blood and tissue are going to present a grave danger to you, and you must automatically use all of the equipment, employ all of the protocols, that would protect you from HIV and other blood-borne diseases. If you are told that some situation, some body, some flow of blood, some tissue is safe and a mistake is made, your life is in danger. You may have a false sense of security. You may not employ all of the precautions, the protocols, the equipment, because you assume, because you have been told, that this blood, this body, this tissue, is safe.

There are a lot of false negatives on HIV testing. There are people who have HIV who die from something else, who have

tested negative because that is how the test works. I do not know why; I am not a doctor, but I know that is the case. The information could be messed up in a system someplace. The test might be positive, but somehow you or somebody whom you work with or who works for you might be told the wrong information. You approach this body and you say, hey, I am safe. You do not worry about cuts on your hands; you do not worry about exposure to blood, but you really have put yourself in a situation that is life threatening. If this bill passes and we hear of a deputy coroner or a coroner, a medical examiner or a deputy medical examiner, or any of those people who work along those lines who contracts HIV in the course of his or her work, then we only have ourselves to blame.

Please do not put our people at risk. Please send them a signal that the only way they can protect themselves from blood-borne diseases including HIV is to take universal precautions all the time, every day, every body, every hour, and vote "no" on this bill. Thank you, Mr. Speaker.

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

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I think it is important to look at this issue more than on one perspective. As you know, I was a past county coroner, and our concern is not just for the protection of our fellow coroners and their deputies and their families, which is obviously a very big issue. It is very easy for us to come to these jobs and not think about that, but these people are oftentimes exposed and first line of exposure.

But there are two other issues that I think are important to keep in mind. Number one, and this one concerned me greatly as coroner of Centre County with the Rockview State Institution there, is I do not think we have proper information being translated to our CDC (Centers for Disease Control) and Vital Records, because people are afraid to say the word "AIDS" (acquired immune deficiency syndrome), are afraid of using these diagnoses. Within our penal institutions we use a term called "wasting syndrome," because people are afraid of saying the word "AIDS" or "HIV." Well, Mr. Speaker, I hate to tell you, but we are not protecting enough people if we have inadequate information. How are we to fund research, how are we to fund and someday conquer this terrible disease, if we do not have the proper statistics of just how vast it is growing throughout our communities?

Second of all, I think we need to understand that a coroner is charged by law to determine cause and manner of death. Why would you not want them to have the access to the information that will help them to make that determination? If they only have half the information, they cannot make a thorough decision.

We are asking for this consideration for those three reasons: one, obviously protection of ourselves as health-care providers; two, to provide proper information to our statistical data at New Castle and Vital Records; and three, that we may have the tools we need to make the best determination of cause and manner.

Finally, Mr. Speaker, if I may share with the members, it is important to know that I am not reinventing the wheel here. There are many different organizations that are already privileged to this information, and it is also handled very discreetly. This is not just handed out carte blanche; it is done through a physician. A physician can try to get the consent of

family and/or the patient. Unfortunately, in circumstances of a coroner, we cannot get patient consent for this, so we are trying to do it professionally through the families. But ironically, employees of county mental health/mental retardation, children and youth agencies, as well as funeral directors are already privileged to this information. Why would you not want the people that are first line, the people that are having to withdraw the body fluids in order to run their different tests, to have first access to this?

I would close in asking each and every one of you before you cast your vote, there is no one in the coroners' association that does not want to protect people's confidentialities. There are none of us who know when one of us may contact this disease. When you make your vote, think about where you want to be if you happen to someday be in that same position.

I thank you for your time and your time as well, Mr. Speaker.

The SPEAKER. The gentleman, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

I rise in support of this legislation, but I guess I was a little lax in realizing this was coming up, because I believe that we should extend this type of legislation to people in our health-care industry, especially our hospitals and that there, our nurses and our doctors who are in the hospitals. We certainly need this type of legislation, but it does not go far enough. We need to protect our health-care professionals who are working in the atmosphere in our health-care industry. So I think that we should look to the future to expand this type of protection, not only to our coroners but also to the people who are out there protecting our lives and working in that atmosphere. They should know whether they are working with this type of horrendous disease that we still have not conquered.

But I ask my fellow members to vote for this legislation and also look forward to working with some of you on expanding this to our health-care industry out there, and I hope that the prime sponsor of this legislation would look into that situation, too. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman submit to interrogation?

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this bill says that various social service agencies that are aware of the AIDS situation of a given deceased person "may" or "may be" required to disclose the information about AIDS. It does not say they "shall" be required. Why does it not require them to disclose?

Mr. BENNINGHOFF. That is what I am trying to do.

Mr. COHEN. Your legislation does not require it. It says they may be required, but it is unclear as to who may require them—

Mr. BENNINGHOFF. As a protection for the confidentialities, we cannot just carte blanche give this information out to anyone. All we are asking is that in addition to the other nine enumerated people or agencies that are privileged to this information, that coroners and deputies also be included. But it is done through a very discreet procedure. The patient's physician would have to order the tests. If they are

alive, they can consent to it; otherwise, other family can if they are not available.

The one thing that we need to consider is there is a time issue. In coroners' cases, depending on what type of trauma and things, the tissue for testing is not always available, and after disposition of the body to the family and to the funeral director, these tests cannot be done. So there is a very timely manner that needs to be done with this.

Mr. COHEN. Thank you, Mr. Speaker.

On the bill.

The SPEAKER. The gentleman is in order.

Mr. COHEN. Mr. Speaker, this bill provides for some disclosure, but it is limited disclosure. Mr. DeLuca talked about this bill being a precedent for the future. Ms. Josephs says this bill is inadequate at the current time. Now, I tend to agree with Representative Josephs. This bill provides for disclosure but it is limited disclosure, and therefore, it is underdisclosure. X percentage of the people with AIDS will be reported as having AIDS, but there is another group of people, people who have AIDS who will not be reported as having AIDS, and these people who have AIDS who will not be reported as having AIDS will create a danger to the workers in the coroner's office, because there will be no information that these people have AIDS, but they do have AIDS, and that is the real problem.

Now, if we had a system of definitively ascertaining whether people had AIDS or not, then we would have a warning that would have some value. But we have a chaotic system in which the AIDS testing procedure itself is inadequate, so even if every single person who is tested for AIDS, that that information was given to the coroner that these people have AIDS, the tests themselves contain an undercount, and then the reporting system contains an undercount, because some people are not going to be required to give this information. So there will be an undercount both because some people who have this information will not give it and not be required to give it, and the testing itself will not have the accuracy to count everybody with AIDS.

For these reasons, because of this large class of undercounted AIDS people, I think this bill is inadequate, and because it is inadequate, I think it ought to be defeated or tabled. Mr. DeLuca looks ahead to the future. I think in the future we may be able to find a solution to this, but as of now this bill is inadequate, and I would urge we not pass it today.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, will the prime sponsor of the bill rise for a brief interrogation?

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

Mr. STURLA. Thank you, Mr. Speaker.

There are several questions I have. This bill is called the HIV-Related Information for Coroners and Medical Examiners bill, I believe is the title of it. It is my understanding, in Pennsylvania currently, we do not require any health-care provider to report the incidence of HIV. Is that correct?

Mr. BENNINGHOFF. Well, I would think it should be under the infectious disease control, not to mention it is to be done on a death certificate. It is a cause of death, and it should be on there.

Mr. STURLA. Mr. Speaker, I am sorry. I cannot hear.

Mr. Speaker, could you repeat that answer?

Mr. BENNINGHOFF. The law requires that all infectious disease cases, if they are a deceased individual, should be reported to a coroner. Unfortunately, that does not always occur. The law also requires a cause and manner of death to be put on a death certificate. So if the information is provided and we know an individual has death due to HIV, then it would be adequately reported by law.

Mr. STURLA. Well, Mr. Speaker, it is my understanding that we currently report AIDS in Pennsylvania, but AIDS is different than HIV, and we do not require that anyone, in fact we prohibit the reporting of HIV in some cases. I mean, and so I guess my concern is, in understanding what this bill purports to do, if in fact we do not report HIV to the Department of Health and we have no statistics in the State of Pennsylvania, which is my understanding is the case, of incidence of HIV — we only report full-blown AIDS to the Department of Health — where do I draw the line in reporting to the medical examiner? Do I have to report HIV and AIDS, or just AIDS because that is what I am required to the Department of Health? I mean, what is it that you are trying to accomplish with this, I guess?

Mr. BENNINGHOFF. Well, first of all, I think there are two points, one that is being missed. Health-care workers are already provided under this. What we are asking, this is not strictly reporting; this is saying that if a coroner, as I would, investigates a death, part of my investigation is to interview the family, interview the attending physician, and have access to a patient's medical records, whether they had cardiovascular disease, diabetes, et cetera, et cetera. Why should one particular disease factor be excluded from being provided as information to make, as charged by law, the ultimate cause and manner of death?

So all we are asking for is the access to be privileged to that information to make a good cause and manner of death; two, obviously to protect ourselves from health-related injuries or incidents from that; and three, so that we can make good, accurate documentation, as many of you previous speakers have required, for the information of HIV.

Mr. STURLA. So then it would be your intent that this would apply to HIV as well as AIDS.

Mr. BENNINGHOFF. Yes.

Mr. STURLA. Mr. Speaker, a couple other questions.

On lines 1 and 2 of page 2 of this legislation, it says that these providers "...may disclose or may be compelled to disclose...." If a prominent person is in the newspaper that dies and it is widely known that that person died, and the health-care provider who has treated that person knows that they had HIV and they do not disclose this information to the coroner or medical examiner, is there any potential liability for them for not reporting it to the coroner or the medical examiner? And, like, let us say the coroner contracts, because he uses shoddy procedure, contracts HIV as a result of this. Could he then go back and sue the medical provider for not disclosing what was a widely known event, that this person died, having had the knowledge that that person had HIV?

Mr. BENNINGHOFF. You are asking me a civil question. What I will tell you is that they are responsible, if they know that an individual has AIDS and probably died subsequently, to report it as 1 of the 11 enumerated cases that should be reported to the coroner's office, no different than a stillbirth, alleged

suicide, and oftentimes we do not know what the death is. Or the law also provides any questionable, unexpected death, period. If it ultimately turns out that they died subsequent of pneumonia of the lungs which was secondary to AIDS, well, that is what would be put on the death certificate. But how are we to determine that if we do not have that information?

Mr. STURLA. Are there — I guess, so you are saying that there would be some civil liabilities that that person would be subjected to if they did not report to the coroner. Is that —

Mr. BENNINGHOFF. You are saying that. I am just saying that the law requires that they are to report any unexpected, undiagnosed, and/or suspected infectious disease-related death to the coroner's office. And again, the disclosure of that is not disclosing to the whole public; it is disclosing to the medical examiner/coroner as one of his tools of the trade.

Mr. STURLA. I guess I am confused by the language in the bill which says "may," and what you are saying is "shall." Are there any penalties listed in the bill if they do not do this reporting?

Mr. BENNINGHOFF. Again, I think you are mixing apples and oranges. All we are asking for is if the coroner upon request says, "Dr. Smith, does this person have diabetes?" "Yes." "Does this person have hypertension?" "No." "Do you know if he has any communicable diseases, hepatitis, HIV?" He can say yes. And if I were to stick myself in a procedure or cut myself while doing something, I would be able to have that individual tested, the information goes to the physician, and he discreetly disseminates it to my physician. He does not hand me that person's test results; he hands it to my attending physician. So it is all done through a professional manner, no different than what we do for the nurses, physicians, funeral directors, children and youth workers, and all the other ones that are currently protected under law. All we are asking is for you to expand that to the coroners in your counties just like we do to all the other agencies.

Mr. STURLA. Thank you.

Mr. Speaker, if I could be recognized for a brief comment.

The SPEAKER. The gentleman is in order.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I understand the intent of this legislation, and I think it has good cause and is worthwhile. I do have some concerns, though, with the way the language is drafted in the bill in that it is a "may" provision instead of a "shall" provision, and so I think that it does make for some rather spotty reporting on top of what is already some rather inconsistent reporting guidelines in the State of Pennsylvania.

Currently in the State of Pennsylvania, if someone has been diagnosed with full-blown AIDS, that is a reportable disease to the Department of Health. If on the other hand the person has HIV, which may occur up to 6 years before they contract AIDS or even longer, that is not a reportable disease to the Department of Health. So I think there would be great confusion caused by this to medical providers, who are not required in some cases to report this as a disease and in other cases would be, and in this particular case, as the bill is drafted, may do it but do not necessarily have to.

So I would hope that perhaps the gentleman would take the lead of Representative Phillips and perhaps table this legislation for a short period of time so that some of these kinks could get worked out, because I think the intent, it is well intentioned,

although I believe that there are some serious concerns with the actual language the way it is drafted. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I just want to take this occasion to respond to some of the remarks of the maker of this bill, who, again, I congratulate for his concern. I just, really, having worked with HIV groups and having worked on this issue very intensely and extensively for a number of years some years ago, it is true; there is a problem gathering statistics because of confidentiality, but that has nothing to do with this bill. We need statistics, but this bill does not speak to statistics. This bill has nothing to do with gathering statistics about HIV.

There is a problem about, should people be allowed to hide their condition? This bill does not speak to that. If it is a problem, it is in some other bill; it is not in this bill. In this bill is only — only — the possibility that coroners, medical examiners, and those people who work for them will have, because of our public policy, a sense of false security in that they will withdraw fluids, handle a body, prepare for autopsy a body which is dangerous because it can expose them to HIV and any number of known blood-borne diseases, because they have gotten the wrong information.

All of us, all of us have to understand that only we can protect ourselves, and that includes medical examiners and coroners, from HIV. The government cannot. We need to be taking universal precautions, especially if we are a coroner or a medical examiner. This bill discourages that, and I think it is very dangerous. Thank you, Mr. Speaker.

The SPEAKER. Mr. Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I am going to be very brief here.

I want to clarify one thing. On the first page of this act, some of the previous speakers had mentioned the words “may disclose or may be compelled to.” Again, this is not about coroners disclosing this to other people. It is saying that the law, no different than it is for children and youth, no different than it is for mental health workers, may have this information disclosed to them so that they can make a diagnosis; they can use all the information they have to determine manner and cause of death; and yes, they, too, can be protected.

The previous speaker said it has nothing to do with statistics. It has everything to do with statistics — everything to do with statistics. In the State of Pennsylvania, physicians cannot fill out any death certificate that is due to a nonnatural death. Every accident, suicide, homicide, or questionable or undiagnosed death has to go through a coroner’s office. Who do you think provides that information on the death certificate, which is subsequently sent in to Vital Records? The information is taken off there for all the statistical data in Pennsylvania, and furthermore, for funding information to decide what diseases we put what funding into. It has everything to do with statistical data.

Finally, Mr. Speaker, I have asked you, if you have not heard from your county coroners, this is unanimously sponsored and supported by the coroners of Pennsylvania, your friends and neighbors. They understand it. Why would we not want to provide this information when we provide it for so many other organizations who have practiced good confidentiality laws,

just like the coroner’s office does about suicides and any death to do with anybody.

Please think about your vote. I ask for your support in a positive manner, and thank you very much for listening to the debate. 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—192

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

NAYS—8

Bishop	Curry	Josephs	Michlovic
Cohen, M.	DeWeese	Levdansky	Waters

NOT VOTING—0

EXCUSED-2

Flick Gigliotti

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

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

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guests of Representative Snyder from Lehigh County, Tanya and Ryan Chaply. They are serving as guest pages. Their mother, Suzanne, is in the gallery. Would the two guest pages please rise.

HB 1686 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman, Mr. Wogan, who moves that the vote by which HB 1686, PN 3445, passed on the 3d day of May be reconsidered.

We are taking only a reconsideration motion. We are not going to vote the bill at this time.

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

The following roll call was recorded:

YEAS-199

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

Coy	LaGrotta	Rieger	Williams
Curry	Laughlin	Roberts	Wilt
Dailey	Lawless	Robinson	Wogan
Daley	Lederer	Roebuck	Wojnaroski
Dally	Leh	Rohrer	Wright
DeLuca	Lescovitz	Rooney	Yewcic
Dempsey	Levdansky	Ross	Youngblood
Dermody	Lucyk	Rubley	Yudichak
DeWeese	Lynch	Ruffing	Zimmerman
DiGirolamo	Maher	Sainato	Zug
Donatucci	Maitland	Samuelson	
Druce	Major	Santoni	Ryan,
Eachus	Manderino	Sather	Speaker
Egolf			

NAYS-0

NOT VOTING-1

Waters

EXCUSED-2

Flick Gigliotti

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

On the question recurring,
Shall the bill pass finally?

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its announcement that the bill was agreed to for the third time as amended.

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

AMENDMENT A1992 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman, Mr. Wogan, who moves that the vote by which amendment No. 1992 was passed to HB 1686, PN 3445, on the 3d day of May be reconsidered.

On the question of reconsideration of that amendment, which will not be voted on today, those in favor will vote "aye"; opposed, "no." This is on the reconsideration motion.

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

The following roll call was recorded:

YEAS-200

Adolph	Evans	Markosek	Schroder
Allen	Fairchild	Marsico	Schuler
Argall	Fargo	Masland	Scrimenti
Armstrong	Feese	Mayernik	Semmel
Baker	Fichter	McCall	Seyfert
Bard	Fleagle	McGeehan	Shaner
Barley	Forcier	McGill	Smith, B.
Barrar	Frankel	McIlhattan	Smith, S. H.
Bastian	Freeman	McIlhinney	Snyder

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

NAYS-0

NOT VOTING-0

EXCUSED-2

Flick Gigliotti

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

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

**BILL PLACED ON THIRD CONSIDERATION
POSTPONED CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 1686, PN 3445, together with amendment, be placed on the third consideration postponed calendar.

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2463, PN 3343**, entitled:

An Act authorizing and directing the Department of Conservation and Natural Resources, with the approval of the Governor, to convey to William Peter R. Cross and/or his assigns a certain tract of land situated in Whitemarsh Township, Montgomery County, in exchange for a certain tract of land.

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-200

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

Eachus	Manderino	Saylor	Ryan,
Egolf	Mann		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-2

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

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

* * *

The House proceeded to third consideration of SB 1134, PN 1500, entitled:

An Act authorizing the release of Project 70 restrictions on certain lands owned by the Ridgway Township Municipal Authority, Elk County, in return for imposition of Project 70 restrictions on certain lands being conveyed to the Ridgway Township Municipal Authority, Elk County, and other consideration.

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-200

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

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

NAYS-0

NOT VOTING-0

EXCUSED-2

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

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

* * *

The House proceeded to third consideration of HB 1523, PN 3460, entitled:

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, further providing for resumption of surname for a party in a divorce action.

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?

On the question of final passage, the gentleman, Mr. Mayernik.

Mr. MAYERNIK. Thank you, Mr. Speaker.

HB 1523 would permit individuals that are seeking divorce to resume their prior surname at any time after the entry of a divorce decree. Present law permits resuming one's prior surname only after the divorce is finalized or official. As many of us may know, the process of changing one's name after a divorce is very time consuming, especially for purposes of Social Security, deeds of homes, driver's licenses, owner's

cards, those types of things. HB 1523 would help expedite this procedure.

I would ask for an affirmative vote. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Flick Gigliotti

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 **SB 1109, PN 1650**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for discrimination on account of guide or support animal.

On the question,

Will the House agree to the bill on third consideration?

Mr. **O'BRIEN** offered the following amendment No. **A2169**:

Amend Title, page 1, line 2, by inserting after "for"
cruelty to animals and for

Amend Sec. 1, page 1, line 6, by striking out "Section 7325" and inserting

Sections 5511(a)(2.1) and 7325

Amend Sec. 1, page 1, line 7, by striking out "is" and inserting
are

Amend Sec. 1, page 1, by inserting between lines 7 and 8
§ 5511. Cruelty to animals.

(a) Killing, maiming or poisoning domestic animals or zoo animals, etc.—

(2.1) (i) A person commits a misdemeanor of the [second] first degree if he willfully and maliciously:

(A) Kills, maims, mutilates, tortures or disfigures any dog or cat, whether belonging to himself or otherwise.

(B) Administers poison to or exposes any poisonous substance with the intent to administer such poison to any dog or cat, whether belonging to himself or otherwise.

(ii) Any person convicted of violating the provisions of this paragraph shall be sentenced to pay a fine of not less than \$1,000 or to imprisonment for not more than [two] five years, or both. The court shall also order a presentence mental evaluation. A subsequent conviction under this paragraph shall be a felony of the third degree. This paragraph shall apply to dogs and cats only.

(iii) The killing of a dog or cat by the owner of that animal is not malicious if it is accomplished in accordance with the act of December 22, 1983 (P.L.303, No.83), referred to as the Animal Destruction Method Authorization Law.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the amendment, the Chair recognizes Mr. O'Brien. Mr. O'Brien, you are recognized on amendment 2169.

Mr. O'BRIEN. Thank you, Mr. Speaker.
 Mr. Speaker, this is the same amendment on animal cruelty that passed a couple weeks ago, and it passed unanimously in the House.

The SPEAKER. On the question of the adoption of the amendment, those in favor will vote— Mrs. Miller.

Mrs. MILLER. Thank you, Mr. Speaker.

May I interrogate the maker of this amendment?

The SPEAKER. The gentleman agrees to stand for interrogation.

Mrs. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, several weeks ago when your original legislation passed the House, I had raised with you the question about how this amendment impacts some existing statute. Under the Game Law and under the Dog Law of Pennsylvania, there are provisions which protect people who must kill a dog in the act of attacking livestock and also in attacking game. Under the Game Code, this current statute also includes other animals beyond dogs. Mr. Speaker, with your amendment here today, will this have any impact on those existing statutes or is your intent to have any impact on those existing statutes?

Mr. O'BRIEN. No.

Mrs. MILLER. Mr. Speaker, one further question.

Also, under Crimes and Offenses there is language that says that this shall not apply to animals destroyed under an act that was passed in 1983 known as the Animal Destruction Method Authorization Law, and in that circumstance it provides protections for universities' veterinary schools that in doing their research must destroy these animals. Is it your intent to also continue to have that protection for these institutions?

Mr. O'BRIEN. Yes.

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

Mr. Speaker, on the amendment.

The SPEAKER. The lady is in order.

Mrs. MILLER. Mr. Speaker, with those clarifications, that it is not the intent of the maker of this amendment to in any way impact the protections that currently exist under law which would allow farmers to have the ability, if necessary, to destroy a dog that is in the act of attacking livestock, it also protects sportsmen who witness dogs, cats, attacking game, that they would also have that protection; and also, that this in no way impacts universities or research institutions' veterinary schools that would be, in their necessity of doing the research, having to destroy these types of animals, that his amendment does not impact the existing laws that provide protection. So therefore, Mr. Speaker, I will support this amendment.

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

The following roll call was recorded:

YEAS—200

Adolph	Evans	Markosek	Schroder
Allen	Fairchild	Marsico	Schuler
Argall	Fargo	Masland	Scrimenti
Armstrong	Feese	Mayernik	Semmel
Baker	Fichter	McCall	Seyfert
Bard	Fleagle	McGeehan	Shaner
Barley	Forcier	McGill	Smith, B.
Barrar	Frankel	McIlhattan	Smith, S. H.
Bastian	Freeman	McIlhinney	Snyder
Battisto	Gannon	McNaughton	Solobay

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Flick Gigliotti

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

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

The SPEAKER. The gentleman, Mr. O'Brien, I have you marked down for amendment 2221. Is that correct?

Mr. O'BRIEN. That is correct, Mr. Speaker.

The SPEAKER. The clerk will read the amendment.

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

Mr. O'BRIEN offered the following amendment No. A2221:

Amend Title, page 1, line 3, by striking out "OR SUPPORT" and inserting

, signal or service dog or other aid

Amend Sec. 1 (Sec. 7325), page 1, line 8, by striking out "OR SUPPORT" and inserting

, signal or service dog or other aid

Amend Sec. 1 (Sec. 7325), page 1, line 14, by striking out all of said line and inserting

a guide, signal or service dog[,] or other aid animal that has been certified by a recognized authority to assist a person, because of

Amend Sec. 1 (Sec. 7325), page 1, line 16, by striking out "or support animal" and inserting

, signal or support dog or other aid animal for or from a recognized authority

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

The SPEAKER. On the question of the adoption of the amendment, Mr. O'Brien.

Mr. O'BRIEN. Mr. Speaker, this is an amendment requested by the prime sponsor of the bill, Senator Wagner. It further provides for clarification for the training of animals dealing with people with disabilities.

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

The following roll call was recorded:

YEAS-200

Table listing names of members who voted YEAS-200, including Adolph, Allen, Argall, Armstrong, Baker, Bard, Barley, Barrar, Bastian, Battisto, Bebko-Jones, Belardi, Belfanti, Benninghoff, Birmelin, Bishop, Blaum, Boyes, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappabianca, Cam, Casorio, Cawley, Chadwick, Civera, Clark, Clymer, Cohen, L. I., Cohen, M., Colafella, Cornell, Corrigan, Costa, Evans, Fairchild, Fargo, Feese, Fichter, Fleagle, Forcier, Frankel, Freeman, Gannon, Geist, George, Gladeck, Godshall, Gordner, Grucela, Gruitza, Mundy, Habay, Haluska, Hanna, Harhai, Harhart, Hasay, Hennessey, Herman, Hershey, Hess, Horsey, Hutchinson, Jadlowiec, James, Josephs, Kaiser, Keller, Kenney, Kirkland, Krebs, Markosek, Marsico, Masland, Mayernik, McCall, McGeehan, McGill, McIlhatten, McIlhinney, McNaughton, Melio, Metcalfe, Michlovic, Micozzie, Miller, R., Miller, S., Mundy, Myers, Nailor, Nickol, O'Brien, Oliver, Orlic, Perzel, Pesci, Petrarca, Petrone, Phillips, Pippy, Pistella, Platts, Preston, Ramos, Raymond, Readshaw, Reinard, Rieger, Schroder, Schuler, Scrimenti, Semmel, Seyfert, Shaner, Smith, B., Smith, S. H., Snyder, Solobay, Staback, Stairs, Steelman, Steil, Stern, Stetler, Stevenson, Strittmatter, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Travaglio, Trello, Trich, True, Tulli, Vance, Van Horne, Veon, Vitali, Walko, Washington, Waters.

Table listing names of members who did not vote, including Coy, Curry, Dailey, Daley, Dally, DeLuca, Dempsey, Dermody, DeWeese, DiGirolamo, Donatucci, Druce, Eachus, Egolf, LaGrotta, Laughlin, Lawless, Lederer, Leh, Lescovitz, Levdansky, Lucyk, Lynch, Maher, Maitland, Major, Manderino, Mann, Roberts, Robinson, Roebuck, Rohrer, Rooney, Ross, Rubley, Ruffing, Sainato, Samuelson, Santoni, Sather, Saylor, Williams, Wilt, Wogan, Wojnaroski, Wright, Yewcic, Youngblood, Yudichak, Zimmerman, Zug, Ryan, Speaker.

NAYS-0

NOT VOTING-0

EXCUSED-2

Table listing names of members who were excused: Flick, Gigliotti.

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

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

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

The following roll call was recorded:

YEAS-200

Table listing names of members who voted YEAS-200, including Adolph, Allen, Argall, Armstrong, Baker, Bard, Barley, Barrar, Bastian, Battisto, Bebko-Jones, Belardi, Belfanti, Benninghoff, Birmelin, Bishop, Blaum, Boyes, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappabianca, Cam, Casorio, Cawley, Chadwick, Civera, Clark, Evans, Fairchild, Fargo, Feese, Fichter, Fleagle, Forcier, Frankel, Freeman, Gannon, Geist, George, Gladeck, Godshall, Gordner, Grucela, Gruitza, Mundy, Habay, Haluska, Hanna, Harhai, Harhart, Hasay, Hennessey, Herman, Hershey, Hess, Horsey, Hutchinson, Jadlowiec, James, Josephs, Kaiser, Keller, Kenney, Kirkland, Krebs, Markosek, Marsico, Masland, Mayernik, McCall, McGeehan, McGill, McIlhatten, McIlhinney, McNaughton, Melio, Metcalfe, Michlovic, Micozzie, Miller, R., Miller, S., Mundy, Myers, Nailor, Nickol, O'Brien, Oliver, Orlic, Perzel, Pesci, Petrarca, Petrone, Phillips, Pippy, Pistella, Schroder, Schuler, Scrimenti, Semmel, Seyfert, Shaner, Smith, B., Smith, S. H., Snyder, Solobay, Staback, Stairs, Steelman, Steil, Stern, Stetler, Stevenson, Strittmatter, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Travaglio, Trello, Trich, True, Tulli.

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Flick Gigliotti

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

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

The SPEAKER. It is the understanding of the Chair there will be no more votes today. Is that correct, Mr. Snyder? Thank you.

There will be announcements. Please wait.

REPUBLICAN CAUCUS

The SPEAKER. Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, I urge all of the members of our caucus to attend a caucus meeting at 10:30 tomorrow morning. That is a Republican caucus, 10:30 tomorrow morning.

DEMOCRATIC CAUCUS

The SPEAKER. Mr. Cohen, caucus announcements?

Mr. COHEN. Mr. Speaker, there will be an immediate Democratic caucus.

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. Mr. Clymer, a committee meeting announcement?

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, there will be a meeting tomorrow morning or tomorrow at the call of recess by the Speaker. I do not have a

meeting today, but there will be one tomorrow here in the hall. Thank you.

The SPEAKER. Very good.

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. Are there any further announcements? Corrections to the record? Either leader? Either of the leaders?

Hearing none, the Chair recognizes the lady from Montgomery County, Mrs. Dailey.

Mrs. DAILEY. Mr. Speaker, I move that this House do now adjourn until Wednesday, May 10, 2000, at 11 a.m., e.d.t., unless sooner recalled by the Chair.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 1:27 p.m., e.d.t., the House adjourned.