

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, MAY 8, 2002

SESSION OF 2002

186TH OF THE GENERAL ASSEMBLY

No. 41

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

REV. A.J. BRILEY, SR., Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

We thank You, God, for this day. We thank You for this glorious opportunity that we have to come into Thy presence with thanksgiving, joy, and peace. We thank You for the various members that are assembled here today. We ask that You would strengthen them where they are weak and build them up where they are torn down. We thank You for the operation at hand. We ask that You would give us the understanding to deal with these matters in a very conducive way.

We ask that You would bless in a special way the Speaker of the House, Speaker Ryan, and all that work so cohesively together.

We ask that You would bind these thoughts and that we might hold all truths and all of the blessedness of Thee into Thy mighty hand, we pray. For this we ask in the matchless name of Thee, and for Thy sake alone, we pray. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Tuesday, May 7, 2002, will be postponed until printed. The Chair hears no objection.

#### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2639** By Representatives STETLER, FRANKEL, MANDERINO, PRESTON, STURLA, CORRIGAN, CREIGHTON, CURRY, DALEY, HORSEY, JOSEPHS, LAUGHLIN, MELIO, ROBINSON, ROEBUCK, RUBLEY, SOLOBAY, STEELMAN, E. Z. TAYLOR, THOMAS and MANN

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, increasing the excise tax rate on cigarettes; further providing for cigarette tax incidence and rate, for cigarette floor tax and for disposition of cigarette tax revenue.

Referred to Committee on FINANCE, May 8, 2002.

**No. 2640** By Representatives GRUCELA, DALEY, SOLOBAY, COLAFELLA, STABACK, BELARDI, BISHOP, BROWNE, CAPPELLI, M. COHEN, COY, CREIGHTON, DeWEESE, D. EVANS, GEORGE, HALUSKA, HARHAI, JAMES, LEDERER, LESCOVITZ, McCALL, McILHATTAN, PALLONE, PETRARCA, PIPPY, ROBERTS, SHANER, STEELMAN, SURRA, TANGRETTI, TIGUE, TRAVAGLIO, TRELLO, TRICH, WANSACZ, WALKO, J. WILLIAMS, G. WRIGHT and YOUNGBLOOD

An Act establishing the Family Farm and Food Protection Commission.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, May 8, 2002.

**No. 2641** By Representatives DALEY, GRUCELA, PALLONE, LEDERER, TRAVAGLIO, TANGRETTI, SOLOBAY, DeWEESE, WALKO, JAMES, SHANER, HALUSKA, CAPPELLI, GEORGE, WANSACZ, BISHOP, D. EVANS, COY, TRELLO, STABACK, TRICH, McCALL, HARHAI, McILHATTAN, CREIGHTON, COLAFELLA, PETRARCA, YOUNGBLOOD, PIPPY, SURRA, J. WILLIAMS, ROBERTS, BROWNE, G. WRIGHT, LESCOVITZ and MYERS

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, establishing the Bureau of New Agricultural Business Development and providing for its duties; and making an appropriation.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, May 8, 2002.

**No. 2642** By Representative DALEY

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, requiring the commission to make payments in lieu of taxes involving certain land transactions.

Referred to Committee on GAME AND FISHERIES, May 8, 2002.

**No. 2643** By Representative DALEY

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for exchange or sale of land.

Referred to Committee on GAME AND FISHERIES, May 8, 2002.

**No. 2644** By Representatives SCHULER, ARMSTRONG, HORSEY, ROBINSON, STURLA, HERSHEY, DALEY, CREIGHTON, GRUCELA and CORRIGAN

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amending and adding provisions relating to the Thaddeus Stevens State College of Technology; making a repeal; and making editorial changes.

Referred to Committee on EDUCATION, May 8, 2002.

**No. 2645** By Representatives TANGRETTI, DeLUCA, BLAUM, CURRY, DALEY, FREEMAN, GEORGE, GRUCELA, HORSEY, JOSEPHS, LEVDANSKY, MELIO, MICHLOVIC, PALLONE, PISTELLA, SHANER, SOLOBAY, STABACK, STEELMAN, THOMAS, TIGUE, TRICH, WANSACZ and J. WILLIAMS

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for definitions, for medical professional liability insurance, for the Medical Care Availability and Reduction of Error Fund, for podiatrist liability, for business combinations and for actuarial data; and authorizing the Medical Care Availability and Reduction of Error Fund to write malpractice insurance.

Referred to Committee on INSURANCE, May 8, 2002.

**No. 2646** By Representatives HARHART, THOMAS, ALLEN, BELFANTI, BENNINGHOFF, BROWNE, BUNT, CAPPELLI, CLARK, CREIGHTON, DALLY, DeLUCA, GODSHALL, HORSEY, KENNEY, KIRKLAND, LUCYK, MANN, MELIO, R. MILLER, S. MILLER, MUNDY, PALLONE, PICKETT, READSHAW, RUBLEY, SAINATO, SCHRODER, SHANER, STABACK, E. Z. TAYLOR, J. TAYLOR, TIGUE, TURZAI, WALKO, WASHINGTON, WATSON, G. WRIGHT and YOUNGBLOOD

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for determination of eligibility.

Referred to Committee on FINANCE, May 8, 2002.

**GUESTS INTRODUCED**

The SPEAKER. The Chair at this time takes special pleasure in introducing the family of Representative Ken Ruffing. He is here today with his wife, Karen, and two sons, Nicholas and Alec. They are to the left of the Speaker. Would they please rise. They wanted to see where dad worked.

Serving as guest pages for Representative Steve Barrar of Delaware County, with us here today are Christine Beauchamp and Miranda Varrasse, seventh grade students at Holy Saviour St. John Fisher School, accompanied by their parents, Diane –

both Dianes – Diane Beauchamp and Diane Varrasse, seated to the left of the Speaker. Would these ladies please rise. Would the guest pages please rise.

**SENATE MESSAGE****HOUSE BILL  
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 402, PN 419**, with information that the Senate has passed the same without amendment.

**BILLS REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that the following House bills be removed from the table:

HB 167;  
HB 614;  
HB 979;  
HB 1104;  
HB 1245; and  
HB 1953.

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 House bills be placed upon the table:

HB 167;  
HB 614;  
HB 979;  
HB 1104;  
HB 1245; and  
HB 1953.

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

**BILL REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND TABLED****HB 2470, PN 3536**

By Rep. MICOZZIE

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for municipal certificate prior to payment of fire loss claims; and making editorial changes.

INSURANCE.

**LEAVES OF ABSENCE**

The SPEAKER. The Chair recognizes the majority whip, who requests a leave of absence for today's session for the lady from Montgomery, Mrs. COHEN.

The minority whip requests a leave of absence for the gentleman from Philadelphia, Mr. MYERS.

Without objection, both leaves will be granted. The Chair hears no objection. The leaves are granted.

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—197**

Adolph	Evans, J.	Manderino	Schuler
Allen	Fairchild	Mann	Scrimenti
Argall	Feese	Markosek	Semmel
Armstrong	Fichter	Marsico	Shaner
Baker, J.	Fleagle	Mayernik	Smith, B.
Baker, M.	Flick	McCall	Smith, S. H.
Bard	Forcier	McGeehan	Solobay
Barrar	Frankel	McGill	Staback
Bastian	Freeman	McIlhattan	Stairs
Bebko-Jones	Gannon	McIlhinney	Steelman
Belardi	Geist	McNaughton	Steil
Benninghoff	George	Melio	Stern
Birmelin	Godshall	Metcalfe	Stetler
Bishop	Gordner	Michlovic	Stevenson, R.
Blaum	Grucela	Micozzie	Stevenson, T.
Boyes	Habay	Miller, R.	Strittmatter
Brooks	Haluska	Miller, S.	Sturla
Browne	Hanna	Mundy	Surra
Bunt	Harhai	Nailor	Tangretti
Butkovitz	Harhart	Nickol	Taylor, E. Z.
Buxton	Harper	O'Brien	Taylor, J.
Caltagirone	Hasay	Oliver	Thomas
Cappelli	Hennessey	Pallone	Tigue
Casorio	Herman	Petzel	Travaglio
Cawley	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	Tulli
Clymer	Hutchinson	Pickett	Turzai
Cohen, M.	Jadlowiec	Pippy	Vance
Colafella	James	Pistella	Veon
Coleman	Josephs	Preston	Vitali
Cornell	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Wansacz
Costa	Kenney	Reinard	Washington
Coy	Kirkland	Rieger	Waters
Creighton	Krebs	Roberts	Watson
Cruz	LaGrotta	Robinson	Williams, J.
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rubley	Yeweic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	
Egolf	Maitland	Scavello	Ryan,
Evans, D.	Major	Schroder	Speaker

**ADDITIONS—0****NOT VOTING—0****EXCUSED—5**

Belfanti	Gabig	Gruitza	Myers
Cohen, L. I.			

**LEAVES ADDED—15**

Corrigan	Grucela	Miller, S.	Stetler
Daley, M.	James	Roberts	Veon
Dally	LaGrotta	Rohrer	Washington
DeWeese	Micozzie	Steil	

**LEAVES CANCELED—1**

Veon

**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 402, PN 419**

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

**SB 1014, PN 1431**

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for situs of inter vivos trust, for rules of succession, for power of decedent, for equitable apportionment of Federal estate tax, for definitions and for termination of custodianship; providing for delay in transfer of custodial property after minor attains age 21 and for individuals presumed dead from the September 11, 2001, terrorist attack; further providing for effect of disclaimer; providing for power of trustee to resign; extensively revising provisions on principal and income; and making conforming amendments.

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

**GUESTS INTRODUCED**

The SPEAKER. There are a group of guests in the balcony that I now recognize the gentleman, Mr. Maher, for the purpose of introducing Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

From time to time, we are fortunate enough to have students from around the Commonwealth who have earned a statewide championship of one sort or another, but it is not often that we have students who have won not just one championship, not just a repeat championship, but today we have a team distinguished for being a threepeat champion of the State of Pennsylvania.

Representative Tom Stevenson and I are delighted to welcome to the hall of the House today a group of distinguished young men who have together accomplished a very remarkable goal of

winning the Pennsylvania State championship at the AAA level in ice hockey this year, succeeding upon the last 2 years.

I hope you will join me in welcoming head coach Jim McVay and the members of the Bethel Park hockey team to the House.

Congratulations, fellows.

## CALENDAR

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2490**, **PN 3569**, entitled:

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

### BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that HB 2490 be placed upon the table.

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

### BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that HB 2490 be removed from the table.

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

\* \* \*

The House proceeded to third consideration of **HB 2491**, **PN 3570**, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

On the question,

Will the House agree to the bill on third consideration?

### BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that HB 2491 be placed upon the table.

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

### BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that HB 2491 be removed from the table.

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

\* \* \*

The House proceeded to third consideration of **HB 2492**, **PN 3571**, entitled:

A Supplement to the act of November 30, 1965 (P.L.843, No.355), known as the Temple University—Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

### BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that HB 2492 be placed upon the table.

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

### BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that HB 2492 be removed from the table.

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

\* \* \*

The House proceeded to third consideration of **HB 2493, PN 3572**, entitled:

A Supplement to the act of July 7, 1972 (P.L.743, No.176), known as the Lincoln University-Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

### BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that HB 2493 be placed upon the table.

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

### BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that HB 2493 be removed from the table.

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

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

**HB 891, PN 3885** (Amended) By Rep. RAYMOND

An Act amending the act of March 7, 1901 (P.L.20, No.14), entitled "An act for the government of cities of the second class," further providing for tax levy authority.

URBAN AFFAIRS.

**HB 893, PN 3884** (Amended) By Rep. RAYMOND

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for tax levies.

URBAN AFFAIRS.

**HB 894, PN 3883** (Amended) By Rep. RAYMOND

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for tax levies.

URBAN AFFAIRS.

**HB 1700, PN 3892** (Amended) By Rep. HERMAN

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for definitions.

LOCAL GOVERNMENT.

**HB 1954, PN 3882** (Amended) By Rep. RAYMOND

An Act amending the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act, further providing for unfair acts.

URBAN AFFAIRS.

**HB 2304, PN 3880** (Amended) By Rep. RAYMOND

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for assessment limits on counties of the second class.

URBAN AFFAIRS.

**HB 2364, PN 3881** (Amended) By Rep. RAYMOND

An Act amending the act of April 16, 1992 (P.L.155, No.28), known as the Assessors Certification Act, further providing for nonapplicability.

URBAN AFFAIRS.

**HB 2591, PN 3878** (Amended) By Rep. HERMAN

An Act amending the act of August 31, 1971 (P.L.398, No.96), known as the County Pension Law, changing vesting rights; and providing additional class options.

LOCAL GOVERNMENT.

**HB 2595, PN 3748** By Rep. RAYMOND

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for employees eligible for retirement allowances.

URBAN AFFAIRS.

**HB 2596, PN 3749** By Rep. RAYMOND

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for employees eligible for retirement allowances.

URBAN AFFAIRS.

### BILL REPORTED AND REREFERRED TO COMMITTEE ON TRANSPORTATION

**HB 2464, PN 3530** By Rep. HERMAN

An Act empowering municipalities, counties and public transportation agencies to work cooperatively to establish Transit Revitalization Investment Districts (TRID), including partnerships with the National Railroad Passenger Corporation requiring planning studies, comprehensive plan and zoning amendments and use of existing statutes and techniques to achieve transit-oriented development, redevelopment, community revitalization and enhanced community character through TRID creation; establishing value capture areas as a means to reserve and use future, designated incremental tax revenues for public transportation

capital improvements, related site development improvements and maintenance; promoting the involvement of and partnerships with the private sector in TRID development and implementation; encouraging public involvement during TRID planning and implementation; providing for duties of the Department of Community and Economic Development; and making an appropriation.

LOCAL GOVERNMENT.

**RULES COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the majority leader, who calls for an immediate meeting of the Rules Committee.

**BILL REREPORTED FROM COMMITTEE**

**HB 487, PN 2190** By Rep. PERZEL

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

RULES.

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that HB 487 be recommitted to the Committee on Appropriations.

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

**GUESTS INTRODUCED**

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guests of Representative Grucela, Debbie Asken, Robert Asken, and Laura Collins. They are seated to the left of the Speaker. Would the guests please rise.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 721, PN 805**, entitled:

An Act establishing the Long-Term Care Partnership Program; and conferring powers and duties on the Insurance Department, the Department of Aging and the Department of Public Welfare.

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

Mr. EACHUS offered the following amendment No. **A2436**:

Amend Bill, page 8, by inserting between lines 12 and 13 Section 6. Notice requirement.

(a) General rule.—Any long-term care insurance policy issued after the effective date of this act shall contain a notice provision to the consumer detailing in plain language the current law pertaining to asset disregard and asset tests.

(b) Duty of Insurance Commissioner.—The notice to the consumer

under subsection (a) shall be developed by the Insurance Commissioner.

Amend Sec. 6, page 8, line 13, by striking out “6” and inserting  
7

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

The SPEAKER. Mr. Eachus.  
Mr. EACHUS. Thank you, Mr. Speaker.

Amendment 2436 is fairly simple. It is a very consumer-oriented amendment. It allows for consumers to understand the asset value of long-term-care policies out there in the marketplace. Long-term-care policies are very crucial. As Representative Reinard and I on the committee have worked to try and forward a process where long-term-care insurance becomes more normative in our environment, becomes more of an employee benefit, and really helps to cut costs of long-term care to our public assistance programs, this is an important step forward for consumers, and I appreciate the members’ support today. Thank you.

The SPEAKER. On the question of the adoption of the amendment, the gentleman, Mr. Reinard.

Mr. REINARD. Mr. Speaker, this is an agreed-to amendment.

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

The following roll call was recorded:

**YEAS—197**

Adolph	Evans, J.	Manderino	Schuler
Allen	Fairchild	Mann	Scrimenti
Argall	Feese	Markosek	Semmel
Armstrong	Fichter	Marsico	Shaner
Baker, J.	Fleagle	Mayernik	Smith, B.
Baker, M.	Flick	McCall	Smith, S. H.
Bard	Forcier	McGeehan	Solobay
Barrar	Frankel	McGill	Staback
Bastian	Freeman	McIlhattan	Stairs
Bebko-Jones	Gannon	McIlhinney	Steelman
Belardi	Geist	McNaughton	Steil
Benninghoff	George	Melio	Stern
Birmelin	Godshall	Metcalfe	Stetler
Bishop	Gordner	Michlovic	Stevenson, R.
Blaum	Grucela	Micozzie	Stevenson, T.
Boyes	Habay	Miller, R.	Strittmatter
Brooks	Haluska	Miller, S.	Sturla
Browne	Hanna	Mundy	Surra
Bunt	Harhai	Nailor	Tangretti
Butkovitz	Harhart	Nickol	Taylor, E. Z.
Buxton	Harper	O’Brien	Taylor, J.
Caltagirone	Hasay	Oliver	Thomas
Cappelli	Hennessey	Pallone	Tigue
Casorio	Herman	Perzel	Travaglio
Cawley	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	Tulli
Clymer	Hutchinson	Pickett	Turzai
Cohen, M.	Jadlowiec	Pippy	Vance
Colafella	James	Pistella	Veon
Coleman	Josephs	Preston	Vitali
Cornell	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Wansacz
Costa	Kenney	Reinard	Washington
Coy	Kirkland	Rieger	Waters
Creighton	Krebs	Roberts	Watson
Cruz	LaGrotta	Robinson	Williams, J.
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wojnaroski

Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rubley	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	
Egolf	Maitland	Scavello	Ryan,
Evans, D.	Major	Schroder	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Belfanti	Gabig	Gruitza	Myers
Cohen, L. I.			

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

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

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

The following roll call was recorded:

YEAS-197

Adolph	Evans, J.	Manderino	Schuler
Allen	Fairchild	Mann	Scrimenti
Argall	Feese	Markosek	Semmel
Armstrong	Fichter	Marsico	Shaner
Baker, J.	Fleagle	Mayernik	Smith, B.
Baker, M.	Flick	McCall	Smith, S. H.
Bard	Forcier	McGeehan	Solobay
Barrar	Frankel	McGill	Staback
Bastian	Freeman	McIlhattan	Stairs
Bebko-Jones	Gannon	McIlhinney	Steelman
Belardi	Geist	McNaughton	Steil
Benninghoff	George	Melio	Stern
Birmelin	Godshall	Metcalfe	Stetler
Bishop	Gordner	Michlovic	Stevenson, R.
Blaum	Grucela	Micozzie	Stevenson, T.
Boyes	Habay	Miller, R.	Strittmatter
Brooks	Haluska	Miller, S.	Sturla
Browne	Hanna	Mundy	Surra
Bunt	Harhai	Nailor	Tangretti
Butkovitz	Harhart	Nickol	Taylor, E. Z.
Buxton	Harper	O'Brien	Taylor, J.
Caltagirone	Hasay	Oliver	Thomas
Cappelli	Hennessey	Pallone	Tigue
Casorio	Herman	Perzel	Travaglio
Cawley	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	Tulli
Clymer	Hutchinson	Pickett	Turzai
Cohen, M.	Jadlowiec	Pippy	Vance

Colafella	James	Pistella	Veon
Coleman	Josephs	Preston	Vitali
Cornell	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Wansacz
Costa	Kenney	Reinard	Washington
Coy	Kirkland	Rieger	Waters
Creighton	Krebs	Roberts	Watson
Cruz	LaGrotta	Robinson	Williams, J.
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rubley	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	
Egolf	Maitland	Scavello	Ryan,
Evans, D.	Major	Schroder	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Belfanti	Gabig	Gruitza	Myers
Cohen, L. I.			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.  
Ordered, That the clerk present the same to the Senate for concurrence.

\* \* \*

BILL PASSED OVER

The SPEAKER. SB 1325 is over.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that the rules of the House be suspended to permit the immediate consideration of SB 5, PN 1989.

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

The following roll call was recorded:

YEAS-197

Adolph	Evans, J.	Manderino	Schuler
Allen	Fairchild	Mann	Scrimenti
Argall	Feese	Markosek	Semmel
Armstrong	Fichter	Marsico	Shaner
Baker, J.	Fleagle	Mayernik	Smith, B.
Baker, M.	Flick	McCall	Smith, S. H.
Bard	Forcier	McGeehan	Solobay
Barrar	Frankel	McGill	Staback
Bastian	Freeman	McIlhattan	Stairs

Bebko-Jones	Gannon	McIlhinney	Steelman
Belardi	Geist	McNaughton	Steil
Benninghoff	George	Melio	Stern
Birmelin	Godshall	Metcalfe	Stetler
Bishop	Gordner	Michlovic	Stevenson, R.
Blaum	Grucela	Micozzie	Stevenson, T.
Boyes	Habay	Miller, R.	Strittmatter
Brooks	Haluska	Miller, S.	Sturla
Browne	Hanna	Mundy	Surra
Bunt	Harhai	Nailor	Tangretti
Butkovitz	Harhart	Nickol	Taylor, E. Z.
Buxton	Harper	O'Brien	Taylor, J.
Caltagirone	Hasay	Oliver	Thomas
Cappelli	Hennessey	Pallone	Tigue
Casorio	Herman	Perzel	Travaglio
Cawley	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	Tulli
Clymer	Hutchinson	Pickett	Turzai
Cohen, M.	Jadlowiec	Pippy	Vance
Colafella	James	Pistella	Veon
Coleman	Josephs	Preston	Vitali
Cornell	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Wansacz
Costa	Kenney	Reinard	Washington
Coy	Kirkland	Rieger	Waters
Creighton	Krebs	Roberts	Watson
Cruz	LaGrotta	Robinson	Williams, J.
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rubley	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	
Egolf	Maitland	Scavello	Ryan,
Evans, D.	Major	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Belfanti	Gabig	Gruitza	Myers
Cohen, L. I.			

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

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 5, PN 1989**, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2002, to June 30, 2003, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2002; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the

Banking Department Fund, the Firearm Records Check Fund and the Ben Franklin Technology Development Authority Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2002, to June 30, 2003; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2002, to June 30, 2003, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 2002, to June 30, 2003, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2002.

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

Mr. **GEORGE** offered the following amendment No. **A2451**:

Amend Sec. 218, page 333, line 20, by striking out all of said line and inserting

State appropriation ..... 18,681,000

Amend Sec. 218, page 333, line 30; page 334, lines 1 through 3, by striking out all of said lines on said pages and inserting

For the maintenance and construction of monuments and museum exhibits to honor Pennsylvania servicemen and the servicemen on the USS Pennsylvania who died in the attack on Pearl Harbor and on foreign soil.

State appropriation ..... 56,000

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

The **SPEAKER**. On the question of the adoption of the George amendment, the gentleman is recognized. Mr. George.

Mr. **GEORGE**. Thank you, Mr. Speaker.

Mr. Speaker, I would want all of our colleagues to listen to that, because I think each and every one of us, regardless of our—

The **SPEAKER**. Will the gentleman yield.

The conferences on the floor, please break up. Conferences in the vicinity of the majority leader's area, the staff people who are not engaged in this, please be seated, and if not seated, please be quiet. That is both sides.

Mr. George.

Mr. **GEORGE**. Thank you, sir.

Mr. Speaker, regardless of our party affiliation, we are all Pennsylvanians and we are all Americans, and back, Mr. Speaker, in October 2001, you all joined with me on a resolution so that we could honor the Arizona and the Pennsylvania lives that were lost on the Battleship Arizona.

I had written to the Governor and asked for a figure that we could possibly dedicate Pennsylvania in its true moral backing of this project of dedicating a memorial. I never heard back from that office.

So I say to you and me, this is our obligation, our responsibility. Several months ago the director or the executive director of the memorial for the USS Arizona came and spoke to both caucuses, and I think they left here feeling that Pennsylvania legislators would in fact respond and respond well.

So, Mr. Speaker, this amendment places \$50,000 for the purpose of Pennsylvania to say, we are proud of our Pennsylvanians and we want to memorialize the lives of our



citizens that gave their lives on the Battleship Arizona. I ask that we support this amendment.

The SPEAKER. Mr. Gordner, on the amendment.

Mr. GORDNER. Can I interrogate the maker of the amendment?

The SPEAKER. Mr. George, Mr. Gordner would like to interrogate you. You are available for interrogation. You may begin.

Mr. GEORGE. Yes, Mr. Speaker.

Mr. GORDNER. Mr. Speaker, you spoke about the Pennsylvanians who served on the USS Arizona, and I see the amendment says the Pennsylvanians who served on the USS Pennsylvania. Is that correctly drafted?

Mr. GEORGE. Yes, Mr. Speaker. It is for the memorial on the USS Pennsylvania with the Battleship Arizona.

The SPEAKER. Mr. Gordner.

Mr. GEORGE. Mr. Speaker, if I may.

The SPEAKER. Mr. George.

Mr. GEORGE. We lost the lives of our fellow citizens on the Battleship Arizona. The USS Pennsylvania is where we honor those individuals through that memorial.

Mr. GORDNER. Okay. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Pistella.

Mr. PISTELLA. Mr. Speaker, would the gentleman be willing to stand for a brief interrogation?

The SPEAKER. Mr. George, Mr. Pistella has questions. You may begin.

Mr. PISTELLA. Mr. Speaker, I have been fortunate enough in the past to be able to go to the USS Arizona's memorial in Honolulu, Hawaii, and Pearl Harbor. As I read the language, Mr. Speaker, you are asking for two things. You are asking that \$56,000 be appropriated for the purpose of honoring Pennsylvanians that have lost their lives, I would presume, Mr. Speaker, at the attack on Pearl Harbor. Is that correct?

Mr. GEORGE. That is right.

Mr. PISTELLA. And the second thing I understood you wanting to do with your amendment is to erect a memorial to those individuals who lost their lives on the USS Pennsylvania that was also a victim of the same attack on December 7, 1941. Is that correct, Mr. Speaker?

Mr. GEORGE. That is absolutely accurate.

Mr. PISTELLA. The last question that I have, Mr. Speaker, is, where will such a memorial exist? Is it your intention to have this erected in Hawaii, at Pearl Harbor, or will it be somewhere in Pennsylvania?

Mr. GEORGE. No. Mr. Speaker, it will be at Pearl Harbor.

Mr. PISTELLA. Oh, okay. Great.

Thank you very much, Mr. Speaker.

I want to applaud the gentleman's effort. I did not realize that the Commonwealth had not yet taken those steps to honor those men who had lost their lives on that particular day, whether they were serving on the USS Arizona or on the Pennsylvania, and I certainly look forward to supporting this effort and would encourage all of our colleagues to support it. Thank you.

The SPEAKER. The gentleman, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

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

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

Mr. George.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, and perhaps the question has been answered, but the memorial that will be located in Hawaii, will that also include servicemen from other sea disasters during World War II, other Pennsylvanians who have lost their lives in other areas of combat in World War II, other than just the attack on Pearl Harbor?

Mr. GEORGE. Mr. Speaker, this is going to be at the main museum for those individuals, and we are honoring and being a part of that memorial, the Pennsylvanians are. It will be for those that lost their lives. The USS Pennsylvania is our flagship, and so we are honoring those people that served on those vessels from Pennsylvania that gave their lives. It is not a memorial, unfortunately, for all of those that had lost their lives. But remember, Pennsylvania has given up more lives in the dedication of preserving our democracy in the United States of America than any other State in the Union. There were more people that lost their lives from Pennsylvania on that ship than there were from the other States. I do not think we should be happy about how many. What I am saying is, we have an obligation to come forth and say, look, we want to honor these people at that Pearl Harbor loss.

Mr. MARKOSEK. Thank you, Mr. Speaker. That ends my interrogation.

I would wholeheartedly agree with the previous speaker, certainly would support this effort. I think it is perhaps long overdue, and I congratulate the maker of the amendment and plan to support the amendment.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Zug.

Mr. ZUG. Thank you, Mr. Speaker.

Mr. Speaker, can you tell me where the money is coming from to do the memorial?

The SPEAKER. The Speaker is not subjecting himself to interrogation. If you would like to ask Mr. George that question, that would be fine.

Mr. ZUG. I am sorry. That is what I meant to do.

The SPEAKER. Mr. George.

Mr. GEORGE. Well, Mr. Speaker, we were still applying the rule 19, and we are offsetting that amount from the Department of Military Affairs.

Mr. ZUG. I am sorry. From where?

Mr. GEORGE. The Department of Military Affairs.

Mr. ZUG. Okay. So what we are doing is taking money out of the Soldiers' and Sailors' Home in Erie, the Hollidaysburg Veterans Home in Hollidaysburg, from the Honor Guard detail that we set up a couple years ago to honor veterans in Pennsylvania, the van program which takes veterans in Pennsylvania to hospitals, to fund the memorial?

Mr. GEORGE. Mr. Speaker, there is an individual line item for those hospitals and soldiers' facilities, and we are not taking the money out of that, and I do not think even if it could be done, anyone would dare to take it out of there. This can be from the administration or anywhere else. We did not dedicate to what department it should come from. But we just passed a \$21-million budget that we are now implanting in a Senate budget, and it is going to go to conference, and I do not think that we need worry about the Senate or the House doing anything to hurt our soldiers' homes or any veterans association.

Mr. ZUG. Well, Mr. Speaker, it looks to me like it is coming out of the general appropriations of the Veterans Affairs Department, which gives them the latitude to take it from

anywhere they want, not specifically from the administration. I mean, it could come from Hollidaysburg or the Soldiers' and Sailors' Home or any other veterans program that we have in Pennsylvania. I think we work hard in Pennsylvania to make sure that we take care of our veterans, and I am just not sure that we should be giving the administration carte blanche to go through and mess with the appropriations that we have line items in the budget for to make sure we are taking care of Pennsylvania veterans.

Thank you, Mr. Speaker.

Mr. GEORGE. Mr. Speaker?

The SPEAKER. On the question, Mr. George.

Mr. GEORGE. Mr. Speaker, I am a little embarrassed with the innuendos. If they want me to withdraw this, I will do it. They should know better. I wish that I had received the commendations, as many of our heroes did. I do not think there is anybody in here, men or women, that do not support our military. There is \$18 million, more than \$18 million, in that budget for Military Affairs. I do not think the administration or the Speaker or the majority leader or the Senate or anyone, because we still have a voice in where it comes out of, and there is no one going to destroy the semblance and the significance of our homes, but neither should we allow argument to come forth that does not honor those soldiers and sailors that we lost on that battleship, and I would hope we could agree with that.

The SPEAKER. The House will be at ease temporarily.

Mr. George, would you and your staff assistant come up here.

(Conference held at Speaker's podium.)

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

Mr. GEORGE. Mr. Speaker, the Speaker asked me to clarify the matter between the Arizona and the USS Pennsylvania. The USS Pennsylvania, thank goodness, was not sunk; we did not lose the lives. It was the Arizona. But this memorial is going to be around the theme of Pennsylvania, with our flagship over there, which is the USS Pennsylvania. We lost the lives of our precious people on the Arizona.

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

The following roll call was recorded:

YEAS—197

Adolph	Evans, J.	Manderino	Schuler
Allen	Fairchild	Mann	Scrimenti
Argall	Feese	Markosek	Semmel
Armstrong	Fichter	Marsico	Shaner
Baker, J.	Fleagle	Mayermik	Smith, B.
Baker, M.	Flick	McCall	Smith, S. H.
Bard	Forcier	McGeehan	Solobay
Barrar	Frankel	McGill	Staback
Bastian	Freeman	McIlhattan	Stairs
Bebko-Jones	Gannon	McIlhinney	Steelman
Belardi	Geist	McNaughton	Steil
Benninghoff	George	Melio	Stern
Birmelin	Godshall	Metcalfe	Stetler
Bishop	Gordner	Michlovic	Stevenson, R.
Blaum	Grucela	Micozzie	Stevenson, T.
Boyes	Habay	Miller, R.	Strittmatter
Brooks	Haluska	Miller, S.	Sturla

Browne	Hanna	Mundy	Surra
Bunt	Harhai	Nailor	Tangretti
Butkovitz	Harhart	Nickol	Taylor, E. Z.
Buxton	Harper	O'Brien	Taylor, J.
Caltagirone	Hasay	Oliver	Thomas
Cappelli	Hennessey	Pallone	Tigue
Casorio	Herman	Perzel	Travaglio
Cawley	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	Tulli
Clymer	Hutchinson	Pickett	Turzai
Cohen, M.	Jadlowiec	Pippy	Vance
Colafella	James	Pistella	Veon
Coleman	Josephs	Preston	Vitali
Cornell	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Wansacz
Costa	Kenney	Reinard	Washington
Coy	Kirkland	Rieger	Waters
Creighton	Krebs	Roberts	Watson
Cruz	LaGrotta	Robinson	Williams, J.
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rubley	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	
Egolf	Maitland	Scavello	Ryan,
Evans, D.	Major	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Belfanti	Gabig	Gruitza	Myers
Cohen, L. I.			

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

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

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

Mr. George, on final passage.  
Mr. GEORGE. I simply want to ask you for permission to thank you and all of the members of this august body for proving to the people in Pennsylvania where we stand as far as our military personnel. Thank you very much, and thank you.  
The SPEAKER. Mr. Evans.  
Mr. D. EVANS. Mr. Speaker, on final passage.  
The SPEAKER. Mr. Evans, do you want to speak last?  
Mr. D. EVANS. Yes, on final passage.  
The SPEAKER. On final passage.  
Mr. Stevenson, are you on final passage? Mr. Vitali?  
Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.  
 Could I interrogate the majority Appropriations chair?  
 The SPEAKER. Mr. Argall.  
 Mr. SAMUELSON. Thank you.

I just wanted to ask you a question for the record about SB 5, PN 1989, which is before us. A week ago this House met for 2 days and adopted scores of amendments. Each of us voted on amendments and offered amendments. I wanted to make sure that the House amendments that were approved are included in this version of SB 5.

Mr. ARGALL. The only change would be the George amendment.

Mr. SAMUELSON. Thank you.

And if I could also ask for your best estimate of the process going forward here. When would this bill be before us again?

Mr. ARGALL. With the assistance of my colleague, Representative Evans, sometime between now and June 30.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I just wanted to make sure that the work that we did last week, the amendments that this House painstakingly voted on line by line are included in the bill that is before us this morning. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. Vitali; waives off.

Mr. Evans.

Mr. D. EVANS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a few observations prior to the final passage on SB 5 relating to our fiscal situation, where we are today, and the reason I want to express those things, Mr. Speaker, is because once we leave today, we will not be back until, I think, the first week in June, and since that time, Mr. Speaker, the Secretary of Budget yesterday put out a release that indicated the estimated revenue shortfall will be in the area of \$1.2 billion. Let me repeat that, Mr. Speaker: The Secretary of Budget yesterday indicated that our revenue estimate shortfall would be \$1.2 billion. Let me repeat that again: The estimate is going to be \$1.2 billion.

And the reason I say that, Mr. Speaker, is because next year's budget and the following year's budget, Mr. Speaker, are going to be some difficult choices and decisions, and I would hope, Mr. Speaker, that every member, on both sides of the aisle, is prepared to make some tough choices, because when you talk about a shortfall of \$1.2 billion, there are going to be some tough decisions. There are going to be some tough decisions on the expense side, and there are going to be some even tougher decisions on the revenue side.

So I would hope, Mr. Speaker, as we move ahead in this particular process relating to this budget, that every member, every member on this floor, is prepared to understand the choices that we have before us, that they will not be easy. We have said constantly from this side that we are prepared to participate fully in this process, that we recognize that this is not just a Republican problem but that this is a Pennsylvania problem and that we want to work together.

So we are saying, Mr. Speaker, with a \$1.2-billion problem, I am hoping that all members understand that it is not going to be easy. So I am hoping they paid attention to the release that was put out by the Secretary of the Budget yesterday of this revenue shortfall, because it is not going to be something that we are going to be able to sweep under the carpet. It is something that we are going to have to deal with, and we are going to have to deal with it up front.

So I am saying that from this side, Mr. Speaker, we are prepared to make the kinds of decisions and choices that are necessary. We need to work together, and I hope members recognize that it is not going to be easy.

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—151

Adolph	Fairchild	McCall	Schuler
Allen	Feese	McGeehan	Scrimenti
Argall	Fichter	McGill	Semmel
Baker, M.	Fleagle	McIlhattan	Smith, B.
Bard	Flick	McIlhinney	Smith, S. H.
Barrar	Freeman	McNaughton	Solobay
Bastian	Gannon	Melio	Staback
Bebko-Jones	Geist	Michlovic	Stairs
Belardi	George	Micozzie	Steil
Birmelin	Godshall	Miller, R.	Stern
Blaum	Gordner	Miller, S.	Stevenson, R.
Boyes	Grucela	Nailor	Stevenson, T.
Brooks	Habay	Nickol	Strittmatter
Browne	Harhart	O'Brien	Sturla
Bunt	Harper	Oliver	Sutra
Butkovitz	Hasay	Pallone	Tangretti
Buxton	Hennessey	Perzel	Taylor, E. Z.
Cappelli	Herman	Petrarca	Taylor, J.
Cawley	Hershey	Petrone	Thomas
Civera	Hess	Phillips	Tigue
Clark	Hutchinson	Pickett	Trello
Clymer	Jadlowiec	Pippy	Trich
Cohen, M.	Kaiser	Pistella	Tulli
Colafella	Keller	Preston	Turzai
Coleman	Kenney	Raymond	Vance
Cornell	Krebs	Readshaw	Veon
Corrigan	LaGrotta	Reinard	Walko
Cruz	Laughlin	Rieger	Wansacz
Curry	Lawless	Roberts	Watson
Dailey	Lederer	Roebuck	Wojnaroski
Daley	Lynch	Ross	Wright, G.
Dally	Mackereth	Rublely	Wright, M.
DeLuca	Maher	Ruffing	Yudichak
Dermody	Maitland	Samuelson	Zimmerman
DiGirolamo	Major	Sather	Zug
Diven	Markosek	Saylor	
Donatucci	Marsico	Scavello	Ryan,
Eachus	Mayernik	Schroder	Speaker
Evans, J.			

#### NAYS—45

Armstrong	Forcier	Lewis	Shaner
Baker, J.	Haluska	Lucyk	Steelman
Benninghoff	Hanna	Manderino	Stetler
Bishop	Harhai	Mann	Travaglio
Caltagirone	Horsey	Metcalfe	Vitali
Casorio	James	Mundy	Washington
Costa	Josephs	Robinson	Waters
Coy	Kirkland	Rohrer	Williams, J.
Creighton	Leh	Rooney	Wilt
DeWeese	Lescovitz	Sainato	Yewcic
Egolf	Levdanskyy	Santoni	Youngblood
Evans, D.			

NOT VOTING—1

Frankel

EXCUSED—5

Belfanti Gabig Gruitza Myers  
Cohen, L. I.

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.

\* \* \*

BILLS PASSED OVER

The SPEAKER. SB 212 is over.  
Page 4. The first three bills on page 4 are over.

\* \* \*

The House proceeded to third consideration of **SB 504, PN 1027**, entitled:

An Act providing for medical assistance benefits for workers with disabilities; and imposing powers and duties on the Department of Public Welfare.

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

**BILL RECOMMITTED**

The SPEAKER. The majority leader is recognized.  
Mr. PERZEL. Mr. Speaker, I move that SB 504 be recommitted to the Committee on Rules.

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

\* \* \*

The House proceeded to third consideration of **HB 1560, PN 1956**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, mandating health insurance coverage for colorectal cancer screening.

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—197

Adolph	Evans, J.	Manderino	Schuler
Allen	Fairchild	Mann	Scrimenti
Argall	Feese	Markosek	Semmel
Armstrong	Fichter	Marsico	Shaner
Baker, J.	Fleagle	Mayernik	Smith, B.
Baker, M.	Flick	McCall	Smith, S. H.
Bard	Forcier	McGeehan	Solobay
Barrar	Frankel	McGill	Staback
Bastian	Freeman	McIlhattan	Stairs
Bebko-Jones	Gannon	McIlhinney	Steelman
Belardi	Geist	McNaughton	Steil
Benninghoff	George	Melio	Stern
Birmelin	Godshall	Metcalfe	Stetler
Bishop	Gordner	Michlovic	Stevenson, R.
Blaum	Grucela	Micozzie	Stevenson, T.
Boyes	Habay	Miller, R.	Strittmatter
Brooks	Haluska	Miller, S.	Sturla
Browne	Hanna	Mundy	Surra
Bunt	Harhai	Nailor	Tangretti
Butkovitz	Harhart	Nickol	Taylor, E. Z.
Buxton	Harper	O'Brien	Taylor, J.
Caltagirone	Hasay	Oliver	Thomas
Cappelli	Hennessey	Pallone	Tigue
Casorio	Herman	Perzel	Travaglio
Cawley	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	Tulli
Clymer	Hutchinson	Pickett	Turzai
Cohen, M.	Jadlowiec	Pippy	Vance
Colafella	James	Pistella	Veon
Coleman	Josephs	Preston	Vitali
Cornell	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Wansacz
Costa	Kenney	Reinard	Washington
Coy	Kirkland	Rieger	Waters
Creighton	Krebs	Roberts	Watson
Cruz	LaGrotta	Robinson	Williams, J.
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rublely	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	
Egolf	Maitland	Scavello	Ryan,
Evans, D.	Major	Schroder	Speaker

NAYS—0

NOT VOTING—0  
EXCUSED—5

Belfanti Gabig Gruitza Myers  
Cohen, L. I.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the

bill passed finally.

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

\* \* \*

The House proceeded to third consideration of **HB 1286, PN 1503**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for constable fees.

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

### BILL RECOMMITTED

The SPEAKER. The majority leader is recognized.  
Mr. PERZEL. Mr. Speaker, I move that HB 1286 be recommitted to the Judiciary Committee.

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

\* \* \*

### BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 1501 is over temporarily.

\* \* \*

The House proceeded to third consideration of **HB 1521, PN 1845**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for preemption of the regulation of tobacco.

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

### BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that HB 1521 be recommitted to the Committee on Rules.

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

\* \* \*

The House proceeded to third consideration of **HB 2237, PN 3077**, entitled:

An Act amending Titles 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offenses of rape, involuntary deviate sexual intercourse and aggravated indecent assault.

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

Mr. GANNON offered the following amendment No. **A1917**:

Amend Title, page 1, line 1, by striking out "Title" and inserting  
Titles

Amend Title, page 1, line 1, by inserting after "Offenses)"  
and 42 (Judiciary and Judicial Procedure)

Amend Title, page 1, line 4, by removing the period after "assault"  
and inserting

and for sentences for offenses against elderly  
persons and infant persons.

Amend Bill, page 1, lines 7 through 11; page 2, lines 1 through 30;  
page 3, lines 1 through 10, by striking out all of said lines on said pages  
and inserting

Section 1. Section 3101 of Title 18 of the Pennsylvania  
Consolidated Statutes is amended by adding a definition to read:  
§ 3101. Definitions.

Subject to additional definitions contained in subsequent provisions  
of this chapter which are applicable to specific provisions of this chapter,  
the following words and phrases when used in this chapter shall have,  
unless the context clearly indicates otherwise, the meanings given to them  
in this section:

\* \* \*

"Serious bodily injury." As defined in section 2301 (relating to  
definitions).

\* \* \*

Section 2. Sections 3121, 3123 and 3125 of Title 18 are amended  
to read:

§ 3121. Rape.

(a) Offense defined.—A person commits a felony of the first degree  
when [he or she] the person engages in sexual intercourse with a  
complainant:

(1) By forcible compulsion.

(2) By threat of forcible compulsion that would prevent  
resistance by a person of reasonable resolution.

(3) Who is unconscious or where the person knows that the  
complainant is unaware that the sexual intercourse is occurring.

[(4) Where the person has substantially impaired the  
complainant's power to appraise or control his or her conduct by  
administering or employing, without the knowledge of the  
complainant, drugs, intoxicants or other means for the purpose of  
preventing resistance.]

(5) Who suffers from a mental disability which renders the  
complainant incapable of consent.

(6) Who is less than 13 years of age.

[(b) Additional penalties.—In addition to the penalty provided for  
by subsection (a), a person may be sentenced to an additional term not to  
exceed ten years' confinement and an additional amount not to exceed  
\$100,000 where the person engages in sexual intercourse with a  
complainant and has substantially impaired the complainant's power to  
appraise or control his or her conduct by administering or employing,  
without the knowledge of the complainant, any substance for the purpose  
of preventing resistance through the inducement of euphoria, memory  
loss and any other effect of this substance.]

(c) Rape involving substantial impairment of victim.—A person  
commits the offense of rape involving substantial impairment of the  
victim when the person engages in sexual intercourse with a complainant  
and has substantially impaired the complainant's power to appraise or  
control the complainant's conduct by administering or employing,  
without the knowledge of the complainant, drugs, intoxicants or other  
means for the purpose of preventing resistance through the inducement of  
euphoria, memory loss and any other effect of the drugs, intoxicants or  
other means.

(d) Rape resulting in serious bodily injury.—A person commits the offense of rape resulting in serious bodily injury when the person violates subsection (a) and the complainant suffers serious bodily injury in the course of the offense.

(e) Rape of a child.—A person commits the offense of rape of a child when the person violates subsection (a)(1), (2), (3) or (5) or subsection (c) and the complainant is less than 13 years of age.

(f) Rape of a child resulting in serious bodily injury.—A person commits the offense of rape of a child resulting in serious bodily injury when the person violates subsection (a)(1), (2) or (5), the complainant is under 13 years of age and suffers serious bodily injury in the course of the offense.

(g) Sentences.—Notwithstanding the provisions of sections 1101 (relating to fines) and 1103 (relating to sentence of imprisonment for felony), a person convicted of an offense under:

(1) Subsection (c) shall be sentenced to a fine not to exceed \$25,000 and a term of imprisonment which shall be fixed by the court at not more than 30 years.

(2) Subsection (d) or (e) shall be sentenced to a fine not to exceed \$25,000 and a term of imprisonment which shall be fixed by the court at not more than 40 years.

(3) Subsection (f) shall be sentenced to a fine not to exceed \$25,000 and a maximum term of life imprisonment.

(h) Merger.—A sentence imposed for an offense under subsection (d) or (f) shall not be construed to merge with a sentence under section 2702 (relating to aggravated assault) arising from the conduct giving rise to the conviction under subsection (d) or (f).

§ 3123. Involuntary deviate sexual intercourse.

(a) Offense defined.—A person commits a felony of the first degree when [he or she] the person engages in deviate sexual intercourse with a complainant:

- (1) by forcible compulsion;
- (2) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- (3) who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring;
- [4] where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;]
- (5) who suffers from a mental disability which renders him or her incapable of consent;
- (6) who is less than 13 years of age; or
- (7) who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and person are not married to each other.

[(b) Definition.—As used in this section, the term “forcible compulsion” includes, but is not limited to, compulsion resulting in another person's death, whether the death occurred before, during or after the sexual intercourse.]

(c) Involuntary deviate sexual intercourse involving substantial impairment of victim.—A person commits the offense of involuntary deviate sexual intercourse involving substantial impairment of the victim when the person engages in deviate sexual intercourse with a complainant and has substantially impaired the complainant's power to appraise or control the complainant's conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance through the inducement of euphoria, memory loss and any other effect of the drugs, intoxicants or other means.

(d) Involuntary deviate sexual intercourse resulting in serious bodily injury.—A person commits involuntary deviate sexual intercourse resulting in serious bodily injury when the person violates subsection (a) and the complainant suffers serious bodily injury in the course of the offense.

(e) Involuntary deviate sexual intercourse with a child.—A person

commits involuntary deviate sexual intercourse with a child when the person violates subsection (a)(1), (2), (3), (5) or (7) and the complainant is less than 13 years of age.

(f) Involuntary deviate sexual intercourse with a child resulting in serious bodily injury.—A person commits involuntary deviate sexual intercourse with a child resulting in serious bodily injury when the person violates subsection (a)(1), (2), (3), (5) or (7) the complainant is less than 13 years of age and the complainant suffers serious bodily injury in the course of the offense.

(g) Sentences.—Notwithstanding the provisions of sections 1101 (relating to fines) and 1103 (relating to sentence of imprisonment for felony), a person convicted of an offense under:

(1) Subsection (c) shall be sentenced to a fine not to exceed \$25,000 and a term of imprisonment which shall be fixed by the court at not more than 30 years.

(2) Subsection (d) or (e) shall be sentenced to a fine not to exceed \$25,000 and a term of imprisonment which shall be fixed by the court at not more than 40 years.

(3) Subsection (f) shall be sentenced to a fine not to exceed \$25,000 and a maximum term of life imprisonment.

(h) Merger.—A sentence imposed for an offense under subsection (c) or (e) shall not be construed to merge with a sentence under section 2702 (relating to aggravated assault) arising from the conduct giving rise to the conviction under this section.

(i) Definition.—As used in this section, the term “forcible compulsion” includes, but is not limited to, compulsion resulting in another person's death, whether the death occurred before, during or after the sexual intercourse.

Amend Bill, page 4, lines 11 through 24, by striking out all of said lines and inserting

(b) Aggravated indecent assault resulting in serious bodily injury.—A person commits aggravated indecent assault resulting in serious bodily injury when the person violates subsection (a) and the complainant suffers serious bodily injury in the course of the offense.

(c) Aggravated indecent assault of a child.—A person commits aggravated indecent assault of a child when the person violates subsection (a)(1), (2), (3), (4), (5), (6) or (8) and the complainant is less than 13 years of age.

(d) Aggravated indecent assault of a child resulting in serious bodily injury.—A person commits aggravated indecent assault of a child resulting in serious bodily injury of a child when the person violates subsection (a)(1), (2), (3), (5), (6) or (8), the complainant is less than 13 years of age and the complainant suffers serious bodily injury during the course of the offense

(e) Grading and sentences.—

(1) An offense under subsection (a) is a felony of the second degree.

(2) An offense under subsection (b), (c) or (d) is a felony of the first degree.

(3) Notwithstanding the provisions of section 1103 (relating to sentence of imprisonment for felony), a person who has been convicted of an offense under subsection (d) may be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years.

(f) Merger.—A sentence imposed for an offense under subsection (b) or (d) shall not be construed to merge with a sentence under section 2702 (relating to aggravated assault) arising from the conduct giving rise to the conviction under this section.

Section 3. Section 9717 of Title 42 is amended by adding subsections to read:

§ 9717. Sentences for offenses against elderly persons.

\*\*\*

(c) Proof at sentencing.—Provisions of this section shall not be an element of the crime and notice thereof to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this

section shall be determined at sentencing. The court shall consider any evidence presented at trial and shall afford the Commonwealth and the defendant an opportunity to present any necessary additional evidence and shall determine, by a preponderance of the evidence, if this section is applicable.

(d) Authority of court in sentencing.—There shall be no authority in any court to impose on an offender to which this section is applicable any lesser sentence than provided for in subsection (a) or to place such offender on probation or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than that provided in this section. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

(e) Appeal by Commonwealth.—If a sentencing court refuses to apply this section where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this section.

Section 4. Section 9718(a)(2) of Title 42 is amended and the section is amended by adding subsections to read:

§ 9718. Sentences for offenses against infant persons.

(a) Mandatory sentence.—

\* \* \*

(2) A person convicted of the following offenses when the victim is less than 13 years of age shall be sentenced to a mandatory term of imprisonment as follows:

18 Pa.C.S. § 2702(a)(1) (relating to aggravated assault) - not less than five years.

18 Pa.C.S. § 3121(f) (relating to rape) - not less than ten years.

18 Pa.C.S. § 3123(f) (relating to involuntary deviate sexual intercourse) - not less than ten years.

18 Pa.C.S. § 3125(1) through (6) (relating to aggravated indecent assault) - not less than two and one-half years.

\* \* \*

(c) Proof at sentencing.—Provisions of this section shall not be an element of the crime and notice thereof to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth’s intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing. The court shall consider any evidence presented at trial and shall afford the Commonwealth and the defendant an opportunity to present any necessary additional evidence and shall determine, by a preponderance of the evidence, if this section is applicable.

(d) Authority of court in sentencing.—There shall be no authority in any court to impose on an offender to which this section is applicable any lesser sentence than provided for in subsection (a) or to place such offender on probation or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than that provided in this section. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

(e) Appeal by Commonwealth.—If a sentencing court refuses to apply this section where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this section.

Amend Sec. 4, page 4, line 25, by striking out “4” and inserting

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

The following roll call was recorded:

YEAS—197

Adolph	Evans, J.	Manderino	Schuler
Allen	Fairchild	Mann	Scrimenti
Argall	Feese	Markosek	Semmel
Armstrong	Fichter	Marsico	Shaner
Baker, J.	Fleagle	Mayernik	Smith, B.
Baker, M.	Flick	McCall	Smith, S. H.
Bard	Forcier	McGeehan	Solobay
Barrar	Frankel	McGill	Staback
Bastian	Freeman	McIlhattan	Stairs
Bebko-Jones	Gannon	McIlhinney	Steelman
Belardi	Geist	McNaughton	Steil
Benninghoff	George	Melio	Stern
Birmelin	Godshall	Metcalfe	Stetler
Bishop	Gordner	Michlovic	Stevenson, R.
Blaum	Grucela	Micozzie	Stevenson, T.
Boyes	Habay	Miller, R.	Strittmatter
Brooks	Haluska	Miller, S.	Sturla
Browne	Hanna	Mundy	Surra
Bunt	Harhai	Nailor	Tangretti
Butkovitz	Harhart	Nickol	Taylor, E. Z.
Buxton	Harper	O’Brien	Taylor, J.
Caltagirone	Hasay	Oliver	Thomas
Cappelli	Hennessey	Pallone	Tigue
Casorio	Herman	Perzel	Travaglio
Cawley	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	Tulli
Clymer	Hutchinson	Pickett	Turzai
Cohen, M.	Jadlowiec	Pippy	Vance
Colafella	James	Pistella	Veon
Coleman	Josephs	Preston	Vitali
Cornell	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Wansacz
Costa	Kenney	Reinard	Washington
Coy	Kirkland	Rieger	Waters
Creighton	Krebs	Roberts	Watson
Cruz	LaGrotta	Robinson	Williams, J.
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rublely	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	
Egolf	Maitland	Scavello	Ryan,
Evans, D.	Major	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Belfanti	Gabig	Gruitza	Myers
Cohen, L. I.			

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?

Ms. STEELMAN offered the following amendment No. A2427:

Amend Title, page 1, line 3, by striking out “and” and inserting a comma

Amend Title, page 1, line 4, by removing the period after “assault” and inserting  
and indecent assault.

Amend Sec. 3, page 3, line 10, by striking out all of said line and inserting

Section 3. Sections 3125 and 3126(b) of Title 18 are amended to read:

Amend Sec. 3, page 4, by inserting between lines 24 and 25 § 3126. Indecent assault.

\* \* \*

(b) Grading.—

(1) Indecent assault under subsection (a)(7) is a misdemeanor of the first degree. Otherwise, indecent assault is a misdemeanor of the second degree.

(2) A person convicted under subsection (a) when the complainant is a resident of a nursing home shall be sentenced to:

(i) a mandatory term of imprisonment of two years; and

(ii) a mandatory term of therapeutic intervention for behavioral disorders for a period of two years.

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

The following roll call was recorded:

YEAS—197

Adolph	Evans, J.	Manderino	Schuler
Allen	Fairchild	Mann	Scrimenti
Argall	Feese	Markosek	Semmel
Armstrong	Fichter	Marsico	Shaner
Baker, J.	Fleagle	Mayernik	Smith, B.
Baker, M.	Flick	McCall	Smith, S. H.
Bard	Forcier	McGeehan	Solobay
Barrar	Frankel	McGill	Staback
Bastian	Freeman	McIlhattan	Stairs
Bebko-Jones	Gannon	McIlhinney	Steelman
Belardi	Geist	McNaughton	Steil
Benninghoff	George	Melio	Stern
Birmelin	Godshall	Metcalfe	Stetler
Bishop	Gordner	Michlovic	Stevenson, R.
Blaum	Grucela	Micozzie	Stevenson, T.
Boyes	Habay	Miller, R.	Strittmatter
Brooks	Haluska	Miller, S.	Sturla
Browne	Hanna	Mundy	Surra
Bunt	Harhai	Nailor	Tangretti
Butkovitz	Harhart	Nickol	Taylor, E. Z.
Buxton	Harper	O’Brien	Taylor, J.
Caltagirone	Hasay	Oliver	Thomas
Cappelli	Hennessey	Pallone	Tigue
Casorio	Herman	Perzel	Travaglio
Cawley	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	Tulli
Clymer	Hutchinson	Pickett	Turzai
Cohen, M.	Jadlowiec	Pippy	Vance
Colafella	James	Pistella	Veon
Coleman	Josephs	Preston	Vitali
Cornell	Kaiser	Raymond	Walko

Corrigan	Keller	Readshaw	Wansacz
Costa	Kenney	Reinard	Washington
Coy	Kirkland	Rieger	Waters
Creighton	Krebs	Roberts	Watson
Cruz	LaGrotta	Robinson	Williams, J.
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rublely	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	
Egolf	Maitland	Scavello	Ryan,
Evans, D.	Major	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Belfanti	Gabig	Gruitza	Myers
Cohen, L. I.			

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—197

Adolph	Evans, J.	Manderino	Schuler
Allen	Fairchild	Mann	Scrimenti
Argall	Feese	Markosek	Semmel
Armstrong	Fichter	Marsico	Shaner
Baker, J.	Fleagle	Mayernik	Smith, B.
Baker, M.	Flick	McCall	Smith, S. H.
Bard	Forcier	McGeehan	Solobay
Barrar	Frankel	McGill	Staback
Bastian	Freeman	McIlhattan	Stairs
Bebko-Jones	Gannon	McIlhinney	Steelman
Belardi	Geist	McNaughton	Steil
Benninghoff	George	Melio	Stern
Birmelin	Godshall	Metcalfe	Stetler
Bishop	Gordner	Michlovic	Stevenson, R.
Blaum	Grucela	Micozzie	Stevenson, T.
Boyes	Habay	Miller, R.	Strittmatter
Brooks	Haluska	Miller, S.	Sturla
Browne	Hanna	Mundy	Surra
Bunt	Harhai	Nailor	Tangretti
Butkovitz	Harhart	Nickol	Taylor, E. Z.
Buxton	Harper	O’Brien	Taylor, J.
Caltagirone	Hasay	Oliver	Thomas



Cappelli	Hennessey	Pallone	Tigue
Casorio	Herman	Perzel	Travaglio
Cawley	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	Tulli
Clymer	Hutchinson	Pickett	Turzai
Cohen, M.	Jadlowiec	Pippy	Vance
Colafella	James	Pistella	Veon
Coleman	Josephs	Preston	Vitali
Cornell	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Wansacz
Costa	Kenney	Reinard	Washington
Coy	Kirkland	Rieger	Waters
Creighton	Krebs	Roberts	Watson
Cruz	LaGrotta	Robinson	Williams, J.
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rubley	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	
Egolf	Maitland	Scavello	Ryan,
Evans, D.	Major	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Belfanti	Gabig	Gruitza	Myers
Cohen, L. I.			

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

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

\* \* \*

The House proceeded to third consideration of **HB 2445, PN 3469**, entitled:

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

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

Mr. **FRANKEL** offered the following amendment No. **A1527**:

Amend Sec. 1 (Sec. 5511), page 2, line 23, by inserting after “otherwise.”  
In addition to any other applicable penalty, a person convicted under this subparagraph shall be required to make reparations for veterinary costs in treating the dog and, if necessary, the cost of obtaining and training a replacement dog.

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

The **SPEAKER**. On the question of the adoption of the Frankel amendment, Mr. Frankel, do you desire recognition?

Mr. **FRANKEL**. Yes, Mr. Speaker.

This just is, I believe, an agreed-to amendment and just strengthens the wording in this bill. Thank you.

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

On the question, Mrs. Brooks.

Mrs. **BROOKS**. Good morning, Mr. Speaker.

I am in favor of the amendment. There is an agreement. The amendment is agreed to.

The **SPEAKER**. The Chair thanks the lady.

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

The following roll call was recorded:

YEAS—197

Adolph	Evans, J.	Manderino	Schuler
Allen	Fairchild	Mann	Scrimenti
Argall	Feese	Markosek	Semmel
Armstrong	Fichter	Marsico	Shaner
Baker, J.	Fleagle	Mayernik	Smith, B.
Baker, M.	Flick	McCall	Smith, S. H.
Bard	Forcier	McGeehan	Solobay
Barrar	Frankel	McGill	Staback
Bastian	Freeman	McIlhattan	Stairs
Bebko-Jones	Gannon	McIlhinney	Steelman
Belardi	Geist	McNaughton	Steil
Benninghoff	George	Melio	Stern
Birmelin	Godshall	Metcalfe	Stetler
Bishop	Gordner	Michlovic	Stevenson, R.
Blaum	Grucela	Micozzie	Stevenson, T.
Boyes	Habay	Miller, R.	Strittmatter
Brooks	Haluska	Miller, S.	Sturla
Browne	Hanna	Mundy	Surra
Bunt	Harhai	Nailor	Tangretti
Butkovitz	Harhart	Nickol	Taylor, E. Z.
Buxton	Harper	O'Brien	Taylor, J.
Caltagirone	Hasay	Oliver	Thomas
Cappelli	Hennessey	Pallone	Tigue
Casorio	Herman	Perzel	Travaglio
Cawley	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	Tulli
Clymer	Hutchinson	Pickett	Turzai
Cohen, M.	Jadlowiec	Pippy	Vance
Colafella	James	Pistella	Veon
Coleman	Josephs	Preston	Vitali
Cornell	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Wansacz
Costa	Kenney	Reinard	Washington
Coy	Kirkland	Rieger	Waters
Creighton	Krebs	Roberts	Watson
Cruz	LaGrotta	Robinson	Williams, J.
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rubley	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	

Egolf Evans, D.	Maitland Major	Scavello Schroder	Ryan, Speaker
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NAYS-0

NOT VOTING-0

EXCUSED-5

Belfanti Cohen, L. I.	Gabig	Gruitza	Myers
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

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

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

Mrs. Brooks, on final passage?  
Mrs. BROOKS. Yes.  
The SPEAKER. The lady is recognized.  
Mrs. BROOKS. Thank you, Mr. Speaker.

Today I am asking that you consider HB 2445, and I am saddened that such a bill is even needed. This legislation before you is the result of a horrifying incident that occurred in Montgomery County on February 8 of this year, when a guide dog, Inky, was brutally kicked to death, allegedly by his blind owner.

HB 2445 seeks to correct inconsistencies in Pennsylvania's cruelty to animals law and expand the penalties for killing, maiming, disfiguring, or poisoning domestic or zoo animals. Specifically, this bill will toughen the law from a misdemeanor for attempting to or killing, maiming, or disfiguring a service dog to a third-degree felony for those same crimes. Currently the penalties for doing the same crime to a zoo animal or a K-9 or rescue dog carry a third-degree felony charge. With this bill, the jail time will increase from 2 years to a maximum of 7 years and the fine will increase from \$10,000 to a maximum of \$15,000.

Like others, I was absolutely appalled and sickened when I read the news accounts of the inexcusable kicking death. So were hundreds of residents throughout the 149th District, which I represent, and all across the State, as evidenced by the amount of phone calls and letters that were received.

Service dogs – trained to be useful, helpful pets, friends, and servants to those with disabilities – deserve all the protection the law can afford. They give unconditional love, loyalty, and assistance to their owners. If an owner or anyone else abuses, threatens, or attempts to harm such fine, highly trained animals, the full force of the law should be brought into play.

I ask all of you today to vote "yes" on HB 2445, to make sure that such horrendous acts of violence no longer occur against man's best friend. Thank you.

The SPEAKER. The Chair thanks the lady.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS-197

Adolph	Evans, J.	Manderino	Schuler
Allen	Fairchild	Mann	Scrimenti
Argall	Feese	Markosek	Semmel
Armstrong	Fichter	Marsico	Shaner
Baker, J.	Fleagle	Mayernik	Smith, B.
Baker, M.	Flick	McCall	Smith, S. H.
Bard	Forcier	McGeehan	Solobay
Barrar	Frankel	McGill	Staback
Bastian	Freeman	McIlhattan	Stairs
Bebko-Jones	Gannon	McIlhinney	Steelman
Belardi	Geist	McNaughton	Steil
Benninghoff	George	Melio	Stern
Birmelin	Godshall	Metcalfe	Stetler
Bishop	Gordner	Michlovic	Stevenson, R.
Blaum	Grucela	Micozzie	Stevenson, T.
Boyes	Habay	Miller, R.	Strittmatter
Brooks	Haluska	Miller, S.	Sturla
Browne	Hanna	Mundy	Surra
Bunt	Harhai	Nailor	Tangretti
Butkovitz	Harhart	Nickol	Taylor, E. Z.
Buxton	Harper	O'Brien	Taylor, J.
Caltagirone	Hasay	Oliver	Thomas
Cappelli	Hennessey	Pallone	Tigue
Casorio	Herman	Perzel	Travaglio
Cawley	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	Tulli
Clymer	Hutchinson	Pickett	Turzai
Cohen, M.	Jadlowiec	Pippy	Vance
Colafella	James	Pistella	Veon
Coleman	Josephs	Preston	Vitali
Cornell	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Wansacz
Costa	Kenney	Reinard	Washington
Coy	Kirkland	Rieger	Waters
Creighton	Krebs	Roberts	Watson
Cruz	LaGrotta	Robinson	Williams, J.
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rublely	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGrolamo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	
Egolf	Maitland	Scavello	Ryan,
Evans, D.	Major	Schroder	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Belfanti Cohen, L. I.	Gabig	Gruitza	Myers
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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 SPEAKER. If I may make a side comment on that bill, capital punishment would have been all right by me.

\* \* \*

BILLS PASSED OVER

The SPEAKER. HBs 1043 and 1553 are over.

\* \* \*

The House proceeded to third consideration of **SB 1017, PN 1867**, entitled:

An Act amending the act of December 4, 1996 (P.L.893, No.141), known as the Volunteer Health Services Act, further defining "volunteer license"; further providing for volunteer status, for regulations and for exemptions; and providing for indemnity and defense for active practitioners and for optional liability coverage.

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-197

Adolph	Evans, J.	Manderino	Schuler
Allen	Fairchild	Mann	Scrimenti
Argall	Feese	Markosek	Semmel
Armstrong	Fichter	Marsico	Shaner
Baker, J.	Fleagle	Mayernik	Smith, B.
Baker, M.	Flick	McCall	Smith, S. H.
Bard	Forcier	McGeehan	Solobay
Barrar	Frankel	McGill	Staback
Bastian	Freeman	McIlhattan	Stairs
Bebko-Jones	Gannon	McIlhinney	Steelman
Belardi	Geist	McNaughton	Steil
Benninghoff	George	Melio	Stern
Birmelin	Godshall	Metcalfe	Stetler
Bishop	Gordner	Michlovic	Stevenson, R.
Blaum	Grucela	Micozzie	Stevenson, T.
Boyes	Habay	Miller, R.	Strittmatter
Brooks	Haluska	Miller, S.	Sturla
Browne	Hanna	Mundy	Surra
Bunt	Harhai	Nailor	Tangretti
Butkovitz	Harhart	Nickol	Taylor, E. Z.
Buxton	Harper	O'Brien	Taylor, J.
Caltagirone	Hasay	Oliver	Thomas
Cappelli	Hennessey	Pallone	Tigue
Casorio	Herman	Perzel	Travaglio
Cawley	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	Tulli
Clymer	Hutchinson	Pickett	Turzai
Cohen, M.	Jadlowiec	Pippy	Vance
Colafella	James	Pistella	Veon
Coleman	Josephs	Preston	Vitali

Cornell	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Wansacz
Costa	Kenney	Reinard	Washington
Coy	Kirkland	Rieger	Waters
Creighton	Krebs	Roberts	Watson
Cruz	LaGrotta	Robinson	Williams, J.
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rubley	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	
Egolf	Maitland	Scavello	Ryan,
Evans, D.	Major	Schroder	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Belfanti	Gabig	Gruitza	Myers
Cohen, L. I.			

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

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

\* \* \*

The House proceeded to third consideration of **HB 2410, PN 3838**, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for sentences for offenses committed with a vehicle involved in accidents resulting in death or personal injury; further providing for definitions, for grounds for refusing registration and for renewal of registration; providing for motor carrier vehicles; further providing for operation following suspension of registration and for suspension of registration; providing for suspension of motor carrier vehicle registration; further providing for suspension of operating privilege, for schedule of convictions and points, for occupational limited license, for duty of driver in construction and maintenance areas, for special speed limitations and for speed timing devices; providing for accidents involving death or personal injury in work zone and for accidents involving certain vehicles; further providing for unlawful activities; providing for lighted head lamps in work zones; further providing for requirement for periodic inspection of vehicles, for operation of vehicle without official certificate of inspection and for inspection by police or Commonwealth personnel; providing for designation of highway safety corridors; further providing for erection of traffic-control devices while working; and requiring a study by the Legislative Budget and Finance Committee.

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

**RULES SUSPENDED**

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

Mr. HALUSKA. Mr. Speaker, I move that the rules of the House be suspended to permit the offering of amendment 2496 to HB 2410.

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

The following roll call was recorded:

**YEAS—197**

Adolph	Evans, J.	Manderino	Schuler
Allen	Fairchild	Mann	Scrimenti
Argall	Feese	Markosek	Semmel
Armstrong	Fichter	Marsico	Shaner
Baker, J.	Fleagle	Mayernik	Smith, B.
Baker, M.	Flick	McCall	Smith, S. H.
Bard	Forcier	McGeehan	Solobay
Barrar	Frankel	McGill	Staback
Bastian	Freeman	McIlhattan	Stairs
Bebko-Jones	Gannon	McIlhinney	Steelman
Belardi	Geist	McNaughton	Steil
Benninghoff	George	Melio	Stern
Birmelin	Godshall	Metcalfe	Stetler
Bishop	Gordner	Michlovic	Stevenson, R.
Blaum	Grucela	Micozzie	Stevenson, T.
Boyes	Habay	Miller, R.	Strittmatter
Brooks	Haluska	Miller, S.	Sturla
Browne	Hanna	Mundy	Surra
Bunt	Harhai	Nailor	Tangretti
Butkovitz	Harhart	Nickol	Taylor, E. Z.
Buxton	Harper	O'Brien	Taylor, J.
Caltagirone	Hasay	Oliver	Thomas
Cappelli	Hennessey	Pallone	Tigue
Casorio	Herman	Perzel	Travaglio
Cawley	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horshey	Phillips	Tulli
Clymer	Hutchinson	Pickett	Turzai
Cohen, M.	Jadlowiec	Pippy	Vance
Colafella	James	Pistella	Veon
Coleman	Josephs	Preston	Vitali
Cornell	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Wansacz
Costa	Kenney	Reinard	Washington
Coy	Kirkland	Rieger	Watson
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wojnaroski
Dailey	Lawless	Rohrer	Wright, G.
Daley	Lederer	Rooney	Wright, M.
Dally	Leh	Ross	Yewcic
DeLuca	Lescovitz	Rubley	Youngblood
Dermody	Levdansky	Ruffing	Yudichak
DeWeese	Lewis	Sainato	Zimmerman
DiGirolamo	Lucyk	Samuelson	Zug
Diven	Lynch	Santoni	
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	
Egolf	Maitland	Scavello	Ryan,
Evans, D.	Major	Schroder	Speaker

**NAYS—0**

**NOT VOTING—0**

**EXCUSED—5**

Belfanti	Gabig	Gruitza	Myers
Cohen, L. I.			

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

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

Mr. HALUSKA offered the following amendment No. **A2496**:

Amend Sec. 2 (Sec. 102), page 4, line 2, by striking out "10.001" and inserting

11.001

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

The following roll call was recorded:

**YEAS—197**

Adolph	Evans, J.	Manderino	Schuler
Allen	Fairchild	Mann	Scrimenti
Argall	Feese	Markosek	Semmel
Armstrong	Fichter	Marsico	Shaner
Baker, J.	Fleagle	Mayernik	Smith, B.
Baker, M.	Flick	McCall	Smith, S. H.
Bard	Forcier	McGeehan	Solobay
Barrar	Frankel	McGill	Staback
Bastian	Freeman	McIlhattan	Stairs
Bebko-Jones	Gannon	McIlhinney	Steelman
Belardi	Geist	McNaughton	Steil
Benninghoff	George	Melio	Stern
Birmelin	Godshall	Metcalfe	Stetler
Bishop	Gordner	Michlovic	Stevenson, R.
Blaum	Grucela	Micozzie	Stevenson, T.
Boyes	Habay	Miller, R.	Strittmatter
Brooks	Haluska	Miller, S.	Sturla
Browne	Hanna	Mundy	Surra
Bunt	Harhai	Nailor	Tangretti
Butkovitz	Harhart	Nickol	Taylor, E. Z.
Buxton	Harper	O'Brien	Taylor, J.
Caltagirone	Hasay	Oliver	Thomas
Cappelli	Hennessey	Pallone	Tigue
Casorio	Herman	Perzel	Travaglio
Cawley	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horshey	Phillips	Tulli
Clymer	Hutchinson	Pickett	Turzai
Cohen, M.	Jadlowiec	Pippy	Vance
Colafella	James	Pistella	Veon
Coleman	Josephs	Preston	Vitali
Cornell	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Wansacz
Costa	Kenney	Reinard	Washington
Coy	Kirkland	Rieger	Watson
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wojnaroski
Dailey	Lawless	Rohrer	Wright, G.
Daley	Lederer	Rooney	Wright, M.
Dally	Leh	Ross	Yewcic
DeLuca	Lescovitz	Rubley	Youngblood
Dermody	Levdansky	Ruffing	Yudichak
DeWeese	Lewis	Sainato	

DiGirolamo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	
Egolf	Maitland	Scavello	Ryan,
Evans, D.	Major	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Belfanti	Gabig	Gruitza	Myers
Cohen, L. I.			

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

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

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

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

Mr. GEIST. Thank you very much, Mr. Speaker.  
I would like to take my time to thank all the people who worked on this bill, especially the stakeholders, and this bill has a very special significance for a lot of us in the House because of the accident that Tom McCormac and Rocco Pugliese were involved in and because of all the other deaths that have taken place in work zones throughout the State.

This is an excellent piece of legislation, and I would just urge everybody to vote “yes” for it and thank those who worked so hard for it – Representative McCall, the staff, our staff, the Senate staff who has worked on it, and all the private-sector people, all the police departments, the Department of Transportation, constructors, Pennsylvania Motor Truck, and many, many others who were stakeholders in this – and I urge a “yes” vote.  
Thank you.

On the question recurring,  
Shall the bill pass finally?  
The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. Strike the board.  
Mr. Thomas, on final passage.  
Mr. THOMAS. Mr. Speaker, I, too, would like to rise and extend my thanks and appreciation to the sponsor and the cosponsors of this bill. I also would like to extend my thanks and appreciation on behalf of Ms. Diane Robinson, who is a

constituent, who had a daughter a few years ago that was on her way to graduating from high school with honors but was struck down as she was leaving school and on her way home by an individual who had actually taken the car and turned that car into a weapon and killed this young girl.

So on behalf of Ms. Robinson, I also would like to extend my thanks and appreciation to the sponsor and the cosponsors.

On the question recurring,  
Shall the bill pass finally?  
The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—197

Adolph	Evans, J.	Manderino	Schuler
Allen	Fairchild	Mann	Scrimenti
Argall	Feese	Markosek	Semmel
Armstrong	Fichter	Marsico	Shaner
Baker, J.	Fleagle	Mayernik	Smith, B.
Baker, M.	Flick	McCall	Smith, S. H.
Bard	Forcier	McGeehan	Solobay
Barrar	Frankel	McGill	Staback
Bastian	Freeman	McIlhattan	Stairs
Bebko-Jones	Gannon	McIlhinney	Steelman
Belardi	Geist	McNaughton	Steil
Benninghoff	George	Melio	Stern
Birmelin	Godshall	Metcalfe	Stetler
Bishop	Gordner	Michlovic	Stevenson, R.
Blaum	Grucela	Micozzie	Stevenson, T.
Boyes	Habay	Miller, R.	Strittmatter
Brooks	Haluska	Miller, S.	Sturla
Browne	Hanna	Mundy	Surra
Bunt	Harhai	Nailor	Tangretti
Butkovitz	Harhart	Nickol	Taylor, E. Z.
Buxton	Harper	O’Brien	Taylor, J.
Caltagirone	Hasay	Oliver	Thomas
Cappelli	Hennessey	Pallone	Tigue
Casorio	Herman	Perzel	Travaglio
Cawley	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	Tulli
Clymer	Hutchinson	Pickett	Turzai
Cohen, M.	Jadlowiec	Pippy	Vance
Colafella	James	Pistella	Veon
Coleman	Josephs	Preston	Vitali
Cornell	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Wansacz
Costa	Kenney	Reinard	Washington
Coy	Kirkland	Rieger	Waters
Creighton	Krebs	Roberts	Watson
Cruz	LaGrotta	Robinson	Williams, J.
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wojnarowski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rubley	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	
Egolf	Maitland	Scavello	Ryan,
Evans, D.	Major	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Belfanti	Gabig	Gruitza	Myers
Cohen, L. I.			

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

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

\* \* \*

BILL PASSED OVER

The SPEAKER. The Chair turns to page 8 of today's calendar. The first bill is over, SB 1093, PN 1524.

RULES SUSPENDED

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

Mr. S. SMITH. Mr. Speaker, I move that the rules of the House be suspended to permit the immediate consideration of HR 534.

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

The following roll call was recorded:

YEAS—197

Adolph	Evans, J.	Manderino	Schuler
Allen	Fairchild	Mann	Scrimenti
Argall	Feese	Markosek	Semmel
Armstrong	Fichter	Marsico	Shaner
Baker, J.	Fleagle	Mayernik	Smith, B.
Baker, M.	Flick	McCall	Smith, S. H.
Bard	Forcier	McGeehan	Solobay
Barrar	Frankel	McGill	Staback
Bastian	Freeman	McIlhattan	Stairs
Bebko-Jones	Gannon	McIlhinney	Steelman
Belardi	Geist	McNaughton	Steil
Benninghoff	George	Melio	Stern
Birmelin	Godshall	Metcalfe	Stetler
Bishop	Gordner	Michlovic	Stevenson, R.
Blaum	Grucela	Micozzie	Stevenson, T.
Boyes	Habay	Miller, R.	Strittmatter
Brooks	Haluska	Miller, S.	Sturla
Browne	Hanna	Mundy	Surra
Bunt	Harhai	Nailor	Tangretti
Butkovitz	Harhart	Nickol	Taylor, E. Z.
Buxton	Harper	O'Brien	Taylor, J.
Caltagirone	Hasay	Oliver	Thomas
Cappelli	Hennessey	Pallone	Tigue
Casorio	Herman	Perzel	Travaglio
Cawley	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	Tulli
Clymer	Hutchinson	Pickett	Turzai
Cohen, M.	Jadlowiec	Pippy	Vance
Colafella	James	Pistella	Veon
Coleman	Josephs	Preston	Vitali
Cornell	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Wansacz

Costa	Kenney	Reinard	Washington
Coy	Kirkland	Rieger	Waters
Creighton	Krebs	Roberts	Watson
Cruz	LaGrotta	Robinson	Williams, J.
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rubley	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	
Egolf	Maitland	Scavello	Ryan,
Evans, D.	Major	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Belfanti	Gabig	Gruitza	Myers
Cohen, L. I.			

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

RESOLUTION

Mr. S. SMITH called up **HR 534, PN 3687**, entitled:

A Resolution urging the National Park Service to honor the great sacrifices endured by the men of the Second Regiment United States Sharpshooters, Company C, during the Civil War by memorializing their efforts at the Gettysburg National Military Park.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Adolph	Evans, J.	Manderino	Schuler
Allen	Fairchild	Mann	Scrimenti
Argall	Feese	Markosek	Semmel
Armstrong	Fichter	Marsico	Shaner
Baker, J.	Fleagle	Mayernik	Smith, B.
Baker, M.	Flick	McCall	Smith, S. H.
Bard	Forcier	McGeehan	Solobay
Barrar	Frankel	McGill	Staback
Bastian	Freeman	McIlhattan	Stairs
Bebko-Jones	Gannon	McIlhinney	Steelman
Belardi	Geist	McNaughton	Steil
Benninghoff	George	Melio	Stern
Birmelin	Godshall	Metcalfe	Stetler
Bishop	Gordner	Michlovic	Stevenson, R.
Blaum	Grucela	Micozzie	Stevenson, T.
Boyes	Habay	Miller, R.	Strittmatter
Brooks	Haluska	Miller, S.	Sturla
Browne	Hanna	Mundy	Surra
Bunt	Harhai	Nailor	Tangretti
Butkovitz	Harhart	Nickol	Taylor, E. Z.
Buxton	Harper	O'Brien	Taylor, J.

Caltagirone	Hasay	Oliver	Thomas
Cappelli	Hennessey	Pallone	Tigue
Casorio	Herman	Perzel	Travaglio
Cawley	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horshey	Phillips	Tulli
Clymer	Hutchinson	Pickett	Turzai
Cohen, M.	Jadlowiec	Pippy	Vance
Colafella	James	Pistella	Veon
Coleman	Josephs	Preston	Vitali
Cornell	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Wansacz
Costa	Kenney	Reinard	Washington
Coy	Kirkland	Rieger	Waters
Creighton	Krebs	Roberts	Watson
Cruz	LaGrotta	Robinson	Williams, J.
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rubley	Yewcic
Dermody	Levdanskyy	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	
Egolf	Maitland	Scavello	Ryan,
Evans, D.	Major	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Belfanti	Gabig	Gruitza	Myers
Cohen, L. I.			

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

**RESOLUTIONS PURSUANT TO RULE 35**

Mrs. VANCE called up **HR 577, PN 3841**, entitled:

A Resolution designating the month of May 2002 as “Mental Health Month” in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Adolph	Evans, J.	Manderino	Schuler
Allen	Fairchild	Mann	Scrimenti
Argall	Feese	Markosek	Semmel
Armstrong	Fichter	Marsico	Shaner
Baker, J.	Fleagle	Mayernik	Smith, B.
Baker, M.	Flick	McCall	Smith, S. H.
Bard	Forcier	McGeehan	Solobay
Barrar	Frankel	McGill	Staback
Bastian	Freeman	McIlhattan	Stairs
Bebko-Jones	Gannon	McIlhinney	Steelman
Belardi	Geist	McNaughton	Steil
Benninghoff	George	Melio	Stern
Birmelin	Godshall	Metcalfe	Stetler

Bishop	Gordner	Michlovic	Stevenson, R.
Blaum	Grucela	Micozzie	Stevenson, T.
Boyes	Habay	Miller, R.	Strittmatter
Brooks	Haluska	Miller, S.	Sturla
Brown	Hanna	Mundy	Surra
Bunt	Harhai	Nailor	Tangretti
Butkovitz	Harhart	Nickol	Taylor, E. Z.
Buxton	Harper	O’Brien	Taylor, J.
Caltagirone	Hasay	Oliver	Thomas
Cappelli	Hennessey	Pallone	Tigue
Casorio	Herman	Perzel	Travaglio
Cawley	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horshey	Phillips	Tulli
Clymer	Hutchinson	Pickett	Turzai
Cohen, M.	Jadlowiec	Pippy	Vance
Colafella	James	Pistella	Veon
Coleman	Josephs	Preston	Vitali
Cornell	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Wansacz
Costa	Kenney	Reinard	Washington
Coy	Kirkland	Rieger	Waters
Creighton	Krebs	Roberts	Watson
Cruz	LaGrotta	Robinson	Williams, J.
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rubley	Yewcic
Dermody	Levdanskyy	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	
Egolf	Maitland	Scavello	Ryan,
Evans, D.	Major	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Belfanti	Gabig	Gruitza	Myers
Cohen, L. I.			

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

\* \* \*

Mr. HERMAN called up **HR 578, PN 3842**, entitled:

A Resolution designating May 12, 2002, as “Fibromyalgia Awareness Day” in Pennsylvania.

On the question,  
Will the House adopt the resolution?  
The following roll call was recorded:

YEAS—197

Adolph	Evans, J.	Manderino	Schuler
Allen	Fairchild	Mann	Scrimenti
Argall	Feese	Markosek	Semmel
Armstrong	Fichter	Marsico	Shaner
Baker, J.	Fleagle	Mayernik	Smith, B.
Baker, M.	Flick	McCall	Smith, S. H.

Bard	Forcier	McGeehan	Solobay
Barrar	Frankel	McGill	Staback
Bastian	Freeman	McIlhattan	Stairs
Bebko-Jones	Gannon	McIlhinney	Steelman
Belardi	Geist	McNaughton	Steil
Benninghoff	George	Melio	Stern
Birmelin	Godshall	Metcalfe	Stetler
Bishop	Gordner	Michlovic	Stevenson, R.
Blaum	Grucela	Micozzie	Stevenson, T.
Boyes	Habay	Miller, R.	Strittmatter
Brooks	Haluska	Miller, S.	Sturla
Browne	Hanna	Mundy	Surra
Bunt	Harhai	Nailor	Tangretti
Butkovitz	Harhart	Nickol	Taylor, E. Z.
Buxton	Harper	O'Brien	Taylor, J.
Caltagirone	Hasay	Oliver	Thomas
Cappelli	Hennessey	Pallone	Tigue
Casorio	Herman	Perzel	Travaglio
Cawley	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	Tulli
Clymer	Hutchinson	Pickett	Turzai
Cohen, M.	Jadlowiec	Pippy	Vance
Colafella	James	Pistella	Veon
Coleman	Josephs	Preston	Vitali
Cornell	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Wansacz
Costa	Kenney	Reinard	Washington
Coy	Kirkland	Rieger	Waters
Creighton	Krebs	Roberts	Watson
Cruz	LaGrotta	Robinson	Williams, J.
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rubley	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	
Egolf	Maitland	Scavello	Ryan,
Evans, D.	Major	Schroder	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Belfanti	Gabig	Gruitza	Myers
Cohen, L. I.			

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

\* \* \*

Mr. ROONEY called up **HR 579, PN 3843**, entitled:

A Resolution designating May 6 through 12, 2002, as "Suicide Prevention Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-197

Adolph	Evans, J.	Manderino	Schuler
Allen	Fairchild	Mann	Scrimenti
Argall	Feese	Markosek	Semmel
Armstrong	Fichter	Marsico	Shaner
Baker, J.	Fleagle	Mayernik	Smith, B.
Baker, M.	Flick	McCall	Smith, S. H.
Bard	Forcier	McGeehan	Solobay
Barrar	Frankel	McGill	Staback
Bastian	Freeman	McIlhattan	Stairs
Bebko-Jones	Gannon	McIlhinney	Steelman
Belardi	Geist	McNaughton	Steil
Benninghoff	George	Melio	Stern
Birmelin	Godshall	Metcalfe	Stetler
Bishop	Gordner	Michlovic	Stevenson, R.
Blaum	Grucela	Micozzie	Stevenson, T.
Boyes	Habay	Miller, R.	Strittmatter
Brooks	Haluska	Miller, S.	Sturla
Browne	Hanna	Mundy	Surra
Bunt	Harhai	Nailor	Tangretti
Butkovitz	Harhart	Nickol	Taylor, E. Z.
Buxton	Harper	O'Brien	Taylor, J.
Caltagirone	Hasay	Oliver	Thomas
Cappelli	Hennessey	Pallone	Tigue
Casorio	Herman	Perzel	Travaglio
Cawley	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	Tulli
Clymer	Hutchinson	Pickett	Turzai
Cohen, M.	Jadlowiec	Pippy	Vance
Colafella	James	Pistella	Veon
Coleman	Josephs	Preston	Vitali
Cornell	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Wansacz
Costa	Kenney	Reinard	Washington
Coy	Kirkland	Rieger	Waters
Creighton	Krebs	Roberts	Watson
Cruz	LaGrotta	Robinson	Williams, J.
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rubley	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	
Egolf	Maitland	Scavello	Ryan,
Evans, D.	Major	Schroder	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Belfanti	Gabig	Gruitza	Myers
Cohen, L. I.			

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



**REPUBLICAN CAUCUS**

The SPEAKER. Mr. Feese, is there a necessity for a Republican caucus?

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, the Republicans will caucus immediately upon the call of the recess. We will be prepared to come back in at 1 o'clock.

**DEMOCRATIC CAUCUS**

The SPEAKER. Mr. Cohen, Democratic caucus?

Mr. COHEN. Mr. Speaker, there will be a Democratic caucus immediately upon the recess to go over the tobacco bill and other matters.

The SPEAKER. Is 1 o'clock a sufficient time for you, Mr. Cohen?

Mr. COHEN. Yes; 1 o'clock seems to be sufficient.

The SPEAKER. The Chair thanks the gentleman.

Are there any committee chairmen who have announcements of committee meetings?

**VOTE CORRECTION**

The SPEAKER. Mr. Frankel.

Mr. FRANKEL. Mr. Speaker, on SB 5 my button malfunctioned. I would like to be recorded in the affirmative, please.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

**RECESS**

The SPEAKER. Any further corrections to the record?

Hearing none, this House will stand in recess until 1 p.m., unless recalled sooner or extended by the Chair.

**RECESS EXTENDED**

The time of recess was extended until 1:30 p.m.; further extended until 1:45 p.m.

**AFTER RECESS**

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

The SPEAKER. It is the intention of the Chair to take up HB 1501, PN 1907. It is the understanding of the Chair that there are still amendments outstanding. Would members send copies of the amendments up to the desk.

The House will stand at ease until we have received the amendments.

**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 369, PN 1998**.

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

**SENATE MESSAGE**

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

The clerk of the Senate, being introduced, returned **HB 1933, PN 3867**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**RULES COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the majority leader, who calls for an immediate Rules Committee meeting.

**BILLS ON CONCURRENCE  
REPORTED FROM COMMITTEE**

**HB 1933, PN 3867**

By Rep. PERZEL

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the retention of certain records; requiring the promulgation of regulations; and further providing for windshield obstructions and wipers.

RULES.

**SB 369, PN 1998**

By Rep. PERZEL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, authorizing police officers to record certain oral communications.

RULES.

**LEAVES OF ABSENCE**

The SPEAKER. The Chair at this time recognizes the majority whip, who asks that the gentleman, Mr. STEIL, be placed on leave for the balance of today's session.

The minority whip, Mr. Veon, asks that the gentlemen, Mr. ROBERTS and Mr. LaGROTTA, be placed on leave for the balance of today's session. Without objection, these leaves are all granted. The Chair hears no objection.

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

**HB 1924, PN 3886** (Amended) By Rep. STAIRS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for firefighter and emergency service training as creditable high school courses.

EDUCATION.

**HB 2068, PN 2731** By Rep. KENNEY

An Act establishing the Prescription Drug Commission in the Department of Health and providing for its powers and duties; and imposing penalties.

HEALTH AND HUMAN SERVICES.

**HB 2273, PN 3127** By Rep. KENNEY

An Act establishing the People Improving Lots of Lives for Pennsylvania's Health Grant Program; and making an appropriation.

HEALTH AND HUMAN SERVICES.

**SB 986, PN 1197** By Rep. RAYMOND

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for expenses of elected county officers attending the annual meetings of their associations and for other meeting expenses paid by the counties.

URBAN AFFAIRS.

**SUPPLEMENTAL CALENDAR A**

**RESOLUTION PURSUANT TO RULE 35**

Mr. ADOLPH called up **HR 580, PN 3868**, entitled:

A Resolution recognizing the 30th Anniversary of the Epilepsy Foundations of Western/Central and Eastern Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-194

Adolph	Evans, D.	Major	Schroder
Allen	Evans, J.	Manderino	Schuler
Argall	Fairchild	Mann	Scrimenti
Armstrong	Feese	Markosek	Semmel
Baker, J.	Fichter	Marsico	Shaner
Baker, M.	Fleagle	Mayernik	Smith, B.
Bard	Flick	McCall	Smith, S. H.
Barrar	Forcier	McGeehan	Solobay
Bastian	Frankel	McGill	Staback

Bebko-Jones	Freeman	McIlhattan	Stairs
Belardi	Gannon	McIlhinney	Steelman
Benninghoff	Geist	McNaughton	Stern
Birmelin	George	Melio	Stetler
Bishop	Godshall	Metcalfe	Stevenson, R.
Blaum	Gordner	Michlovic	Stevenson, T.
Boyes	Grucela	Micozzie	Strittmatter
Brooks	Habay	Miller, R.	Sturla
Browne	Haluska	Miller, S.	Surra
Bunt	Hanna	Mundy	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Turzai
Cohen, M.	Hutchinson	Pickett	Vance
Colafella	Jadlowiec	Pippy	Veon
Coleman	James	Pistella	Vitali
Cornell	Josephs	Preston	Walko
Corrigan	Kaiser	Raymond	Wansacz
Costa	Keller	Readshaw	Washington
Coy	Kenney	Reinard	Waters
Creighton	Kirkland	Rieger	Watson
Cruz	Krebs	Robinson	Williams, J.
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rubley	Yewwic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	Ryan,
Egolf	Maitland	Scavello	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-8

Belfanti	Gabig	LaGrotta	Roberts
Cohen, L. I.	Gruitza	Myers	Steil

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

**SENATE MESSAGE**

**HOUSE BILLS  
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 2525, PN 3603; HB 2526, PN 3604; HB 2528, PN 3606; HB 2531, PN 3609; and HB 2532, PN 3610**, with information that the Senate has passed the same without amendment.

**SENATE MESSAGE****HOUSE AMENDMENTS  
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 1240, PN 1972**.

**SENATE MESSAGE****AMENDED HOUSE BILLS RETURNED  
FOR CONCURRENCE AND  
REFERRED TO COMMITTEE ON RULES**

The clerk of the Senate, being introduced, returned **HB 4, PN 3839**; and **HB 2527, PN 3834**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**SENATE MESSAGE****HOUSE AMENDMENTS  
NONCONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to **SB 5, PN 2003**.

**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 2525, PN 3603**

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, 2002, to June 30, 2003, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2002.

**HB 2526, PN 3604**

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, 2002, to June 30, 2003, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2002.

**HB 2528, PN 3606**

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2002, to June 30, 2003, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2002.

**HB 2531, PN 3609**

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 2532, PN 3610**

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.

**SB 771, PN 863**

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, providing for compensation of auditors for attendance at conferences, institutes, schools and conventions.

**SB 1240, PN 1972**

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for appointment of watchers and for restrictions on election district alteration; providing for the Statewide Uniform Registry of Electors Advisory Board; and making a repeal.

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 325;  
HB 968;  
HB 1034;  
HB 1392;  
HB 2229;  
SB 380; and  
SB 391.

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

**BILLS ON SECOND CONSIDERATION**

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

**HB 325, PN 3863; HB 968, PN 3857; HB 1034, PN 3855; HB 1392, PN 3856; HB 2229, PN 3865; SB 380, PN 1841; and SB 391, PN 1903.**

**BILLS RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move the following bills be recommitted to the Committee on Appropriations:

HB 325;

HB 968;  
HB 1034;  
HB 1392;  
HB 2229;  
SB 380; and  
SB 391.

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

**CALENDAR CONTINUED**

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1501, PN 1907**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 53 (Municipalities) of the Pennsylvania Consolidated Statutes, further providing for furnishing tobacco to minors.

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

**MOTION TO SUSPEND RULES**

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

Mr. GANNON. Mr. Speaker, I move the rules of the House be suspended to permit the offering of amendment 2476.

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

The SPEAKER. Mr. DeWeese yields to the lady, Ms. Josephs, on the question of suspension of the rules.

Ms. JOSEPHS. Thank you, Mr. Speaker, and I want to thank my own leader for yielding to me.

This is an important issue. I will be brief, but I will be very clear. What is happening here—

The SPEAKER. Ms. Josephs, the question is suspension of the rules. Now, you are not to debate the merits of the amendment or the bill.

Ms. JOSEPHS. What is happening here is that through this suspension of the rules, the tobacco manufacturers, the people who lied to us for decades, want to wipe effective, local tobacco ordinances off the books. Through this suspension of the rules, counties and townships who have cracked down on illegal sales of tobacco products to minors are going to see their ordinances preempted.

I request a “no” vote on suspending the rules. The State cannot enforce. The suspension of the rules will put the State, not the local authorities, in charge of making sure that this addictive drug, which is particularly—

The SPEAKER. Ms. Josephs, suspension.

Ms. JOSEPHS. If we suspend the rules, we will see our rate of teenage smoking and children smoking go up. If we suspend the rules, we will be going back on our—

The SPEAKER. Ms. Josephs, if we suspend the rules, we will be taking up an amendment, and that is the question that is before

you.

Now, do not play games with me, please. Everybody knows what you are supposed to do – a brief outline of the suspension of the rules and why you are for it or against it, not a debate on the merits of the amendment – and that applies equally to Mr. Gannon when I recognize him. Do not abuse this.

Ms. JOSEPHS. I recommend a “no” vote on suspension of the rules for every good policy you can think of and because it is the right thing to do.

Thank you, Mr. Speaker.

The SPEAKER. Mr. Gannon. The majority leader yields to the gentleman, Mr. Gannon.

This is not debatable, Mr. Coleman, except by the two leaders. Mr. Gannon.

Mr. GANNON. What was the question?

The SPEAKER. The question is, should the rules of the House be suspended to permit you, Mr. Gannon, to offer amendment A2476?

Mr. GANNON. Absolutely.

The SPEAKER. Now, that is a short, brief, concise debate.

On the question of suspension of the rules, those in favor will vote “aye”; opposed, “no.” One hundred and thirty-five votes are necessary.

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

The following roll call was recorded:

**YEAS—112**

Adolph	Evans, D.	Maitland	Semmel
Allen	Evans, J.	Major	Shaner
Argall	Fairchild	Mann	Smith, B.
Armstrong	Feese	Marsico	Smith, S. H.
Baker, J.	Fichter	Mayernik	Solobay
Baker, M.	Fleagle	McGill	Stairs
Bard	Flick	Metcalfe	Stern
Barrar	Forcier	Micozzie	Stevenson, R.
Bastian	Gannon	Miller, R.	Stevenson, T.
Belardi	Geist	Miller, S.	Strittmatter
Benninghoff	Godshall	Nailor	Surra
Birmelin	Gordner	Nickol	Taylor, E. Z.
Boyes	Habay	O’Brien	Taylor, J.
Bunt	Harhart	Perzel	Tigue
Cappelli	Harper	Petrarca	Trello
Cawley	Hasay	Phillips	Tulli
Civera	Hennessey	Pickett	Turzai
Clark	Hershey	Pippy	Vance
Clymer	Hess	Raymond	Veon
Cornell	Hutchinson	Reinard	Wansacz
Corrigan	Jadlowiec	Rohrer	Watson
Coy	Kaiser	Sainato	Wilt
Creighton	Kenney	Sather	Wright, M.
Dailey	Leh	Saylor	Zimmerman
Dally	Lescovitz	Scavello	Zug
DeWeese	Lewis	Schroder	
DiGirolamo	Lynch	Schuler	
Diven	Mackereth	Scrimenti	Ryan,
Egolf	Maher		Speaker

**NAYS—81**

Bebko-Jones	Freeman	McCall	Samuelson
Bishop	George	McGeehan	Santoni
Blaum	Grucela	McIlhattan	Staback

Brooks	Haluska	McIlhinney	Steelman
Browne	Hanna	McNaughton	Stetler
Butkovitz	Harhai	Melio	Sturla
Buxton	Herman	Michlovic	Tangretti
Caltagirone	Horsey	Mundy	Thomas
Casorio	James	Oliver	Travaglio
Cohen, M.	Josephs	Pallone	Trich
Colafella	Keller	Petrone	Vitali
Coleman	Kirkland	Pistella	Walko
Costa	Krebs	Preston	Washington
Cruz	Laughlin	Readshaw	Waters
Curry	Lawless	Rieger	Williams, J.
Daley	Lederer	Robinson	Wojnaroski
DeLuca	Levdansky	Roebuck	Wright, G.
Dermody	Lucyk	Rooney	Yewcic
Donatucci	Manderino	Ross	Youngblood
Eachus	Markosek	Rubley	Yudichak
Frankel			

NOT VOTING—1

Ruffing

EXCUSED—8

Belfanti	Gabig	LaGrotta	Roberts
Cohen, L. I.	Gruitza	Myers	Steil

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

**PARLIAMENTARY INQUIRY**

The SPEAKER. Ms. Josephs, do you have a parliamentary inquiry? I am told you do.

Ms. JOSEPHS. Yes. Thank you, Mr. Speaker.

I am wondering who can move to adjourn the House to the next available scheduled session day.

The SPEAKER. Any member can make such a motion.

Ms. JOSEPHS. One moment, if you will, Mr. Speaker.

I appreciate the information.

The SPEAKER. The Chair thanks the lady.

**CONSIDERATION OF HB 1501 CONTINUED**

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. CALTAGIRONE offered the following amendment No. **A2242**:

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

; and prohibiting coupons for tobacco products.

Amend Bill, page 7, by inserting between lines 24 and 25

Section 2. Title 18 is amended by adding a section to read:  
§ 7331. Coupons for tobacco products prohibited.

(a) Offense defined.—Except as provided in subsection (b), no person who is engaged in the business of producing, selling or otherwise distributing tobacco products for commercial purposes, or an agent or employee of such person, may knowingly, in furtherance of his business, distribute coupons which are redeemable for tobacco products to an

individual.

(b) Exceptions.—Notwithstanding the general rule set forth in subsection (a), a person who is engaged in the business of producing, selling or otherwise distributing tobacco products, or his agent or employee, may distribute coupons which are redeemable for tobacco products if the coupons are distributed in any of the following ways:

(1) In newspapers, magazines or other types of publications.

(2) Through the purchase of tobacco products.

(3) At a limited designated area of a commercial location which sells tobacco products.

(4) Through the mail.

(c) Discounts and incentive programs.—A person engaged in business in Pennsylvania as a cigarette manufacturer, dealer, wholesaler, retailer or stamping agency, or an officer, agent or employee of such person, shall:

(1) Not provide to any other person a discount, incentive program, volume discount or other reduction in price below the price normally charged by such cigarette manufacturer, dealer, wholesaler, retailer or stamping agency in the regular course of business on the sale for resale of any cigarettes subject to the tax imposed pursuant to Article XII of the act of March 4, 1971 (P.L. 6, No.2), known as the Tax Reform Code of 1971.

(2) Not receive from any other person a discount, incentive program, volume discount or other reduction in price below the price normally charged by such other person in the regular course of business on the purchase for resale of any cigarettes subject to the tax imposed pursuant to Article XII of the Tax Reform Code of 1971.

(3) Not possess any cigarettes which were sold in violation of paragraphs (1) and (2).

(4) Establish the price or prices normally charged by such person in the regular course of business on the sale for resale of any cigarettes subject to the tax imposed pursuant to Article XII of the Tax Reform Code of 1971, and shall report the price or prices or any changes therein to the Department of Revenue. Such reports shall be a matter of public record. The Department of Revenue shall promulgate regulations to provide for the reporting required by this paragraph and the dissemination of the reports.

(d) Penalties.—The following shall apply:

(1) A person who violates subsection (a) commits a misdemeanor of the third degree, and shall be subject to a fine not to exceed \$100,000.

(2) A person who violates subsection (c) commits a misdemeanor of the third degree, and shall be subject to a fine not to exceed \$100,000 or 10 cents for each cigarette involved in the violation, whichever is greater.

(3) The Attorney General is authorized to bring a civil action for enforcement of a violation of the provisions of this act. In all cases, the court may award such relief as it deems appropriate, including the award of all investigative costs, court costs, attorney fees and other costs incurred by the Commonwealth, and may prohibit the violator from engaging in business in the future in Pennsylvania as a cigarette manufacturer, dealer, wholesaler, retailer or stamping agency.

Amend Sec. 2, page 7, line 25, by striking out “2” and inserting

3

Amend Sec. 3, page 7, line 27, by striking out “3” and inserting

4

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the Caltagirone amendment, Mr. Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

For the members, basically what this amendment would do is allow the playing field to be leveled. What has been happening in most of the districts around the State, the major cigarette manufacturers provide for buydowns and markdowns to the major corporations such as Wal-Mart, Sunoco, et cetera. Your wholesalers, my wholesalers, and especially the retailers do not get the same privilege; ergo, there is a differential in the price. The Wal-Marts can sell a carton of cigarettes cheaper than most retailers or wholesalers can buy them at the wholesale level.

The industry and some of the Representatives that I had talked to would appreciate this amendment being approved so that they would not have to be continuing to be torn apart as to whether or not these buydowns and markdowns that happen throughout the year would take place between the giants and the little guys. This benefits us in two ways, and I see Representative Josephs looking with interest at this amendment.

If you are really interested in trying to stop the spread of smoking, you should be in favor of this amendment. If you want to level the playing field for your wholesalers and retailers, you would be in favor of this amendment. What it does, basically, is it stops these phony markdowns and buydowns that only benefit the major corporations.

Thank you, Mr. Speaker.

The SPEAKER. On the question, Ms. Josephs, do you desire recognition?

Ms. JOSEPHS. Mr. Speaker, may I just interrogate the gentleman?

The SPEAKER. The gentleman, Mr. Caltagirone, will stand for interrogation. You may proceed.

Ms. JOSEPHS. I would appreciate very much, Mr. Speaker, if you would just elaborate a little bit more how your amendment is going to reduce this smoking among children and teens. I want to make clear I am not concerned about adults smoking here; that is their business. I am talking about kids.

Mr. CALTAGIRONE. Well, it is going to cost more money, period. I mean, the bottom line is, without those markdowns or buydowns, the price will stay at a level that both retailers, wholesalers, and the big corporations will all stay at one level price in the market.

Ms. JOSEPHS. Thank you.

Mr. Speaker, may I make a few remarks?

The SPEAKER. You may.

Ms. JOSEPHS. Thank you, Mr. Speaker.

We know that with teenagers and children, although it seems counterintuitive, we know from all the data that when you raise the price of a tobacco product, fewer children smoke, they smoke less, and the onset is later, which is very important, because the younger

you start to use tobacco, the more deeply addicted – this is statistical – the more deeply addicted you become.

I take Mr. Caltagirone, the gentleman from Berks' word that his amendment will somewhat raise the price of tobacco products, and in the name of protecting the children in this Commonwealth, I would suggest that we adopt his amendment.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—167

Adolph	Feese	Markosek	Schuler
Allen	Fleagle	Marsico	Scrimenti
Argall	Flick	Mayernik	Simmel
Armstrong	Frankel	McCall	Shaner
Baker, M.	Freeman	McGill	Smith, B.
Bard	Gannon	McIlhattan	Staback
Bastian	Geist	McIlhinney	Steelman
Bebko-Jones	George	McNaughton	Stern
Belardi	Godshall	Melio	Stetler
Birmelin	Grucela	Michlovic	Stevenson, T.
Bishop	Habay	Micozzie	Strittmatter
Blaum	Haluska	Miller, R.	Sturla
Boyes	Hanna	Miller, S.	Surra
Brooks	Harhai	Mundy	Tangretti
Browne	Harhart	Nailor	Taylor, E. Z.
Butkovitz	Harper	Nickol	Taylor, J.
Caltagirone	Hennessey	O'Brien	Thomas
Cappelli	Herman	Oliver	Tigue
Cawley	Hershey	Pallone	Travaglio
Civera	Hess	Perzel	Trello
Clark	Horsey	Petrarca	Trich
Clymer	Hutchinson	Petrone	Turzai
Cohen, M.	Jadlowiec	Phillips	Vance
Colafella	James	Pickett	Veon
Coleman	Josephs	Pippy	Vitali
Corrigan	Kaiser	Preston	Walko
Costa	Keller	Raymond	Wansacz
Coy	Kenney	Readshaw	Washington
Creighton	Kirkland	Rieger	Waters
Cruz	Krebs	Robinson	Watson
Curry	Laughlin	Roebuck	Williams, J.
Dailey	Lawless	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Lescovitz	Rubley	Wright, M.
DeLuca	Levdansky	Ruffing	Yewcic
Dermody	Lewis	Sainato	Youngblood
DiGirolo	Lucyk	Samuelson	Yudichak
Diven	Mackereth	Santoni	Zimmerman
Donatucci	Maitland	Sather	Zug
Eachus	Major	Saylor	
Evans, D.	Manderino	Scavello	Ryan,
Evans, J.	Mann	Schroder	Speaker
Fairchild			

NAYS—27

Baker, J.	DeWeese	Lynch	Smith, S. H.
Barrar	Egolf	Maher	Solobay
Benninghoff	Fichter	McGeehan	Stairs
Bunt	Forcier	Metcalfe	Stevenson, R.
Buxton	Gordner	Pistella	Tulli
Casorio	Hasay	Reinard	Wilt
Cornell	Leh	Rohrer	

NOT VOTING—0

EXCUSED—8

Belfanti	Gabig	LaGrotta	Roberts
Cohen, L. I.	Gruitza	Myers	Steil

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

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

The SPEAKER. The Chair recognizes the lady, Ms. Josephs, who offers amendment 2252.

Ms. Josephs, I understand this amendment is withdrawn. Is that correct?

Ms. JOSEPHS. Yes; yes, that is true.

The SPEAKER. Ms. Josephs for 2354. Is that withdrawn or are you offering that?

Ms. JOSEPHS. Mr. Speaker, we have another one we would like to offer first. We are just searching for it. I am sorry it is taking us a little time.

With your indulgence—

The SPEAKER. Is it my understanding then that you are withdrawing 2354?

Ms. JOSEPHS. Passing over it for a moment, please.

The SPEAKER. And what amendment do you want considered? What number?

Ms. JOSEPHS. There is another one that deals with age.

The SPEAKER. Well, what is the number of it?

Ms. JOSEPHS. That is what we are looking for.

The SPEAKER. Ms. Josephs, is it No. 3714?

Ms. JOSEPHS. Yes, sir. Thank you, Mr. Speaker.

The SPEAKER. Carnac says it is 2714—3714. Carnac is a little off. The clerk will read the amendment.

On the question recurring,

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

Ms. JOSEPHS offered the following amendment No. **A3714**:

Amend Title, page 1, lines 2 and 3, by striking out “furnishing” in line 2 and all of line 3 and inserting  
sale of tobacco.

Amend Sec. 1 (Sec. 6305), page 1, line 13, by inserting brackets before and after “18” and inserting immediately thereafter

21

Amend Sec. 1 (Sec. 6305), page 1, line 15, by inserting brackets before and after “18” and inserting immediately thereafter

21

Amend Sec. 1 (Sec. 6305), page 2, line 1, by striking out “18” and inserting

21

Amend Sec. 1 (Sec. 6305), page 2, line 5, by striking out “be] that the individual is 18” and inserting

be 18] that the individual is 21

Amend Sec. 1 (Sec. 6305), page 3, line 20, by striking out “18” and inserting

21

Amend Sec. 1 (Sec. 6305), page 3, line 28, by striking out “18” and inserting

21

Amend Sec. 1 (Sec. 6306), page 4, line 27, by striking out “18” and inserting

21

Amend Sec. 1 (Sec. 6306), page 4, line 30, by striking out “18” and inserting

21

Amend Sec. 1 (Sec. 6306), page 5, line 1, by striking out “18” and inserting

21

Amend Sec. 1 (Sec. 6306), page 5, line 6, by striking out “18” and inserting

21

Amend Sec. 1 (Sec. 6306), page 6, line 25, by striking out “18” and inserting

21

Amend Sec. 1 (Sec. 6306), page 7, line 3, by striking out “18” and inserting

21

On the question,

Will the House agree to the amendment?

Ms. JOSEPHS. And Carnac is never wrong.

The SPEAKER. He was this time.

The Chair recognizes the lady, Ms. Josephs.

Ms. JOSEPHS. This amendment increases the age for which it is illegal to sell or provide tobacco or tobacco paraphernalia. The amendment returns the age from 18 to 21, which is what it is in current law. Now, are you not surprised? I was surprised to learn that, because when you go into a retail store, you see those signs all over the place that say, we card people under 18. Well, is that not interesting, because presently the law is 21. The bill that is before us would reduce that age to 18. This amendment makes sure that the age under which it is illegal to purchase tobacco products is 21.

Those of us who want to protect the teens in this State ought to be for this amendment. A person who is under the age of 21, under this amendment, who attempts to purchase or obtain tobacco or tobacco paraphernalia may be charged with a summary offense.

I ask for a “yes” vote on this amendment.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—74

Baker, J.	Curry	Levdansky	Sather
Bard	Daley	Lucyk	Schroder
Bebko-Jones	Dally	Maitland	Scrimenti
Belardi	DeLuca	Manderino	Steelman
Birmelin	Dermody	Mann	Strittmatter
Bishop	Diven	McGill	Sturla
Blaum	Donatucci	Melio	Tangretti
Brooks	Evans, D.	Mundy	Thomas
Browne	Fleagle	Oliver	Trello
Bunt	Frankel	Petrone	Trich
Butkovitz	Harhai	Pistella	Vitali
Caltagirone	Harhart	Preston	Walko
Cawley	Hasay	Rieger	Washington
Cohen, M.	James	Robinson	Waters
Cornell	Josephs	Roebuck	Williams, J.
Corrigan	Keller	Rooney	Wright, G.
Costa	Kirkland	Rubley	Youngblood
Creighton	Lederer	Santoni	Yudichak
Cruz	Lescovitz		

NAYS—119

Adolph	George	McGeehan	Shaner
Allen	Godshall	McIlhattan	Smith, B.
Argall	Gordner	McIlhinney	Smith, S. H.
Armstrong	Grucela	McNaughton	Solobay
Baker, M.	Habay	Metcalfe	Staback
Barrar	Haluska	Michlovic	Stairs

Bastian	Hanna	Micozzie	Stern
Benninghoff	Harper	Miller, R.	Stetler
Boyes	Hennessey	Miller, S.	Stevenson, R.
Buxton	Herman	Nailor	Stevenson, T.
Cappelli	Hershey	Nickol	Surra
Casorio	Hess	O'Brien	Taylor, E. Z.
Civera	Horsey	Pallone	Taylor, J.
Clark	Hutchinson	Perzel	Tigue
Clymer	Jadlowiec	Petrarca	Travaglio
Colafella	Kaiser	Phillips	Tulli
Coleman	Kenney	Pickett	Turzai
Dailey	Krebs	Pippy	Vance
DeWeese	Laughlin	Raymond	Veon
DiGirolamo	Lawless	Readshaw	Wansacz
Eachus	Leh	Reinard	Watson
Egolf	Lewis	Rohrer	Wilt
Evans, J.	Lynch	Ross	Wojnaroski
Fairchild	Mackereth	Ruffing	Wright, M.
Feese	Maher	Sainato	Yewcic
Fichter	Major	Samuelson	Zimmerman
Flick	Markosek	Saylor	Zug
Forcier	Marsico	Scavello	
Freeman	Mayernik	Schuler	Ryan,
Gannon	McCall	Semmel	Speaker
Geist			

NOT VOTING—1

Coy

EXCUSED—8

Belfanti	Gabig	LaGrotta	Roberts
Cohen, L. I.	Gruitza	Myers	Steil

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

On the question recurring,

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

The SPEAKER. Ms. Josephs, do you have any other amendments?

Ms. JOSEPHS. Yes, sir.

The SPEAKER. Would you give us the number.

Ms. JOSEPHS. The first number that you called before we did this one, 2354.

The SPEAKER. The Chair thanks the lady.

On the question recurring,

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

Ms. JOSEPHS offered the following amendment No. **A2354**:

Amend Title, page 1, lines 2 and 3, by striking out “furnishing” in line 2 and all of line 3 and inserting sale of tobacco.

Amend Sec. 1 (Sec. 6305), page 1, line 13, by inserting brackets before and after “18” and inserting immediately thereafter

19

Amend Sec. 1 (Sec. 6305), page 1, line 15, by inserting brackets before and after “18” and inserting immediately thereafter

19  
Amend Sec. 1 (Sec. 6305), page 2, line 1, by striking out “18” and inserting

19  
Amend Sec. 1 (Sec. 6305), page 2, line 5, by striking out “be] that the individual is 18” and inserting

be 18] that the individual is 19  
Amend Sec. 1 (Sec. 6305), page 3, line 20, by striking out “18” and inserting

19  
Amend Sec. 1 (Sec. 6305), page 3, line 28, by striking out “18” and inserting

19  
Amend Sec. 1 (Sec. 6306), page 4, line 27, by striking out “18” and inserting

19  
Amend Sec. 1 (Sec. 6306), page 4, line 30, by striking out “18” and inserting

19  
Amend Sec. 1 (Sec. 6306), page 5, line 1, by striking out “18” and inserting

19  
Amend Sec. 1 (Sec. 6306), page 5, line 6, by striking out “18” and inserting

19  
Amend Sec. 1 (Sec. 6306), page 6, line 25, by striking out “18” and inserting

19  
Amend Sec. 1 (Sec. 6306), page 7, line 3, by striking out “18” and inserting

19

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

The SPEAKER. On the question of the adoption of that amendment, the Chair recognizes the lady from Philadelphia County.

Ms. JOSEPHS. Thank you, Mr. Speaker.

This amendment raises the age restriction on the bill not to 21 but to 19. I will not make an argument. I know people want to get out of here, but I would appreciate a vote so that people under 19 will not be able to legally purchase tobacco and tobacco products.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—60

Bard	Curry	Maitland	Santoni
Bebko-Jones	Daley	Manderino	Schroder
Belardi	DeLuca	Mann	Scrimenti
Birmelin	Diven	Melio	Steelman
Bishop	Donatucci	Mundy	Tangretti
Blaum	Fleagle	Oliver	Travaglio
Brooks	Frankel	Pallone	Trello
Butkovitz	Hasay	Petrone	Trich
Caltagirone	Hennessey	Pistella	Vitali
Cawley	James	Preston	Washington
Cohen, M.	Josephs	Rieger	Waters
Cornell	Keller	Robinson	Williams, J.
Corrigan	Kirkland	Roebuck	Wright, G.
Creighton	Lederer	Rooney	Youngblood
Cruz	Levdansky	Rubley	Yudichak



NAYS—134

Adolph	Flick	Markosek	Semmel
Allen	Forcier	Marsico	Shaner
Argall	Freeman	Mayernik	Smith, B.
Armstrong	Gannon	McCall	Smith, S. H.
Baker, J.	Geist	McGeehan	Solobay
Baker, M.	George	McGill	Staback
Barrar	Godshall	McIlhattan	Stairs
Bastian	Gordner	McIlhinney	Stern
Benninghoff	Grucela	McNaughton	Stetler
Boyes	Habay	Metcalfe	Stevenson, R.
Browne	Haluska	Michlovic	Stevenson, T.
Bunt	Hanna	Micozzie	Strittmatter
Buxton	Harhai	Miller, R.	Sturla
Cappelli	Harhart	Miller, S.	Surra
Casorio	Harper	Nailor	Taylor, E. Z.
Civera	Herman	Nickol	Taylor, J.
Clark	Hershey	O'Brien	Thomas
Clymer	Hess	Perzel	Tigue
Colafella	Horsey	Petrarca	Tulli
Coleman	Hutchinson	Phillips	Turzai
Costa	Jadlowiec	Pickett	Vance
Coy	Kaiser	Pippy	Veon
Dailey	Kenney	Raymond	Walko
Dally	Krebs	Readshaw	Wansacz
Dermody	Laughlin	Reinard	Watson
DeWeese	Lawless	Rohrer	Wilt
DiGirolamo	Leh	Ross	Wojnaroski
Eachus	Lescovitz	Ruffing	Wright, M.
Egolf	Lewis	Sainato	Yewcic
Evans, D.	Lucyk	Samuelson	Zimmerman
Evans, J.	Lynch	Sather	Zug
Fairchild	Mackereth	Saylor	
Feese	Maher	Scavello	Ryan,
Fichter	Major	Schuler	Speaker

NOT VOTING—0

EXCUSED—8

Belfanti	Gabig	LaGrotta	Roberts
Cohen, L. I.	Gruitza	Myers	Steil

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

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

The SPEAKER. Ms. Josephs, your next amendment.  
Ms. JOSEPHS. Thank you, Mr. Speaker.  
I would like to offer amendment 3718.

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

Ms. JOSEPHS offered the following amendment No. A3718:

Amend Title, page 1, line 2, by inserting after "Statutes,"  
providing for cigarette vending machine  
exhibition; and  
Amend Bill, page 7, by inserting between lines 24 and 25

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

§ 6306.2. Cigarette vending machine exhibition.

(a) Offense defined.—A retailer or vending machine operator commits a summary offense if the retailer or vending machine operator displays or places, or permits the display or placement of, a cigarette vending machine in a business, commercial establishment or public thoroughfare, in such a manner that a minor under 18 years of age has access to the machine.

(b) Penalty.—A retailer or vending machine operator who violates this section shall, upon conviction, be sentenced to pay a fine of not less than \$25 for a first offense and not less than \$100 for a subsequent offense.

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

"Cigarette vending machine." As defined in section 202-A of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

"Retailer." As defined in section 202-A of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

"Vending machine operator." As defined in section 202-A of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

Amend Sec. 2, page 7, line 25, by striking out "2" and inserting  
3

Amend Sec. 3, page 7, line 27, by striking out "3" and inserting  
4

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

The SPEAKER. On the question of the adoption of the amendment, the lady is recognized.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Mr. Speaker, this amendment adds a section to provide that a retailer or a vending machine operator commits a summary offense if that retailer or vending machine operator displays or places a cigarette vending machine in a business or commercial establishment where minors under the age of 18 have access to that machine, and a retailer who violates this section shall be subject to a fine of not less than \$25 for the first offense and not less than \$100 for a subsequent offense. Vending machines are places where children, if they are not supervised, can indeed buy these products. We would like to close that loophole.

I would appreciate your support. Thank you.

The SPEAKER. Mr. Reinard. On the question of the lady's amendment, Mr. Reinard.

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make the House aware that in—

The SPEAKER. Will the gentleman yield.

Please.

Mr. Reinard.

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make the House aware that in licensed liquor establishments, bars and taverns of this Commonwealth, you can work in a bar and tavern in this Commonwealth that serves liquor and be 18 years, 19 years, and 20 years old. If this amendment passes this House, you are basically saying to those licensed establishments and to those folks that work in there, if tobacco products are sold, they are no longer allowed to work there.

I think this amendment is far askew of where we should go, and I would suggest we vote "no."

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

The following roll call was recorded:

YEAS—40

Bard	Daley	Manderino	Rooney
Bebko-Jones	Freeman	Melio	Samuelson
Bishop	Habay	Mundy	Scrimenti
Blaum	James	Oliver	Steelman
Browne	Josephs	Perzel	Trich
Caltagirone	Keller	Petrone	Vitali
Cohen, M.	Kirkland	Preston	Washington
Corrigan	Lederer	Rieger	Waters
Creighton	Levdansky	Robinson	Williams, J.
Curry	Maher	Roebuck	Wright, G.

NAYS—153

Adolph	Evans, J.	Major	Shaner
Allen	Fairchild	Mann	Smith, B.
Argall	Feese	Markosek	Smith, S. H.
Armstrong	Fichter	Marsico	Solobay
Baker, J.	Fleagle	Mayernik	Stabak
Baker, M.	Flick	McCall	Stairs
Barrar	Forcier	McGeehan	Stern
Bastian	Frankel	McGill	Stetler
Belardi	Gannon	McIlhattan	Stevenson, R.
Benninghoff	Geist	McIlhinney	Stevenson, T.
Birmelin	George	McNaughton	Strittmatter
Boyes	Godshall	Metcalfe	Sturla
Brooks	Gordner	Michlovic	Surra
Bunt	Grucela	Micozzie	Tangretti
Butkovitz	Haluska	Miller, R.	Taylor, E. Z.
Buxton	Hanna	Miller, S.	Taylor, J.
Cappelli	Harhai	Nailor	Thomas
Casorio	Harhart	Nickol	Tigue
Cawley	Harper	O'Brien	Travaglio
Civera	Hasay	Pallone	Trello
Clark	Hennessey	Petrarca	Tulli
Clymer	Herman	Phillips	Turzai
Colafella	Hershey	Pickett	Vance
Coleman	Hess	Pippy	Veon
Cornell	Horsey	Pistella	Walko
Costa	Hutchinson	Raymond	Wansacz
Coy	Jadlowiec	Readshaw	Watson
Cruz	Kaiser	Reinard	Wilt
Dailey	Kenney	Ross	Wojnaroski
Dally	Krebs	Rubley	Wright, M.
DeLuca	Laughlin	Ruffing	Yewcic
Dermody	Lawless	Sainato	Youngblood
DeWeese	Leh	Santoni	Yudichak
DiGirolamo	Lescovitz	Sather	Zimmerman
Diven	Lewis	Saylor	Zug
Donatucci	Lucyk	Scavello	
Eachus	Lynch	Schroder	
Egolf	Mackereth	Schuler	Ryan,
Evans, D.	Maitland	Semmel	Speaker

NOT VOTING—0

EXCUSED—9

Belfanti	Gruitza	Myers	Rohrer
Cohen, L. I.	LaGrotta	Roberts	Steil
Gabig			

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

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

The SPEAKER. Ms. Josephs.

Ms. JOSEPHS. Mr. Speaker, this has been a very long week and a very hard session. I am going to make myself very popular with everybody here wherever they stand on this business of selling tobacco to children and teenagers, and I am going to withdraw the rest of my amendments, but I will be back; I will be back. All of these amendments will be bills.

Thank you.

The SPEAKER. The Chair thanks the lady.

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

Mr. WILT offered the following amendment No. **A2369**:

Amend Title, page 1, line 1, by striking out "Title 18 (Crimes and Offenses)" and inserting

Titles 18 (Crimes and Offenses) and 53 (Municipalities)

Amend Title, page 1, lines 2 and 3, by striking out "furnishing" in line 2 and all of line 3 and inserting

sale of tobacco; providing for possession of tobacco paraphernalia; deleting provisions relating to furnishing cigarettes or cigarette papers; and providing for preemption.

Amend Bill, page 1, lines 8 through 15; pages 2 through 6, lines 1 through 30; page 7, lines 1 through 24, by striking out all of said lines on said pages and inserting § 6305. Sale of tobacco.

(a) Offense defined.—[A] Except as set forth in subsection (f), a person is guilty of a summary offense if [he] the person:

(1) sells a tobacco[, in any form,] product or tobacco paraphernalia to any minor [under the age of 18 years];

(2) furnishes, by purchase, gift or other means, [furnishes] a tobacco[, in any form,] product or tobacco paraphernalia to a minor [under the age of 18 years; or

(3) knowingly and falsely represents himself to be 18 years of age or older to another for the purpose of procuring or having furnished to him tobacco in any form.];

(4) locates or places a tobacco vending machine containing a tobacco product or tobacco paraphernalia in a location accessible to minors;

(5) displays or offers a cigarette for sale out of a pack of cigarettes; or

(6) displays or offers for sale packages of cigarettes or smokeless tobacco in any manner which enables an individual other than the retailer or an employee of the retailer to physically handle packages of cigarettes or smokeless tobacco prior to purchase unless such packages are located within the line of sight, or under the control, of a cashier or other employee during regular business hours, except that this paragraph shall not apply to the sale of multican rolls of smokeless tobacco and this subsection shall not apply to retail stores (i) to which persons under eighteen years of age are not admitted or to which such persons are not admitted unless accompanied by an adult, or (ii) that derive 75% or more of sales revenues from tobacco products.

(a.1) Purchase.—A minor is guilty of a summary offense if the minor:

(1) purchases or attempts to purchase a tobacco product or tobacco paraphernalia; or

(2) knowingly falsely represents himself to be at least 18 years of age to a person for the purpose of purchasing or receiving a tobacco product or tobacco paraphernalia.

(b) Penalty.—[A person who violates this section shall, upon conviction, be sentenced to pay a fine of not less than \$25 for a first offense and not less than \$100 for a subsequent offense.]

(1) Except as set forth in paragraph (2), a person that violates subsection (a) shall be sentenced as follows:

(i) for a first offense, to pay a fine of not less than \$100 nor more than \$250;

(ii) for a second offense, to pay a fine of not less than \$250 nor more than \$500; or

(iii) for a third or subsequent offense, to pay a fine of not less than \$500 nor more than \$1,000.

(2) A retailer that violates subsection (a) shall be sentenced as follows:

(i) for a first offense, to pay a fine of not less than \$100 nor more than \$500;

(ii) for a second offense, to pay a fine of not less than \$500 nor more than \$1,000;

(iii) for a third offense, to pay a fine of not less than \$1,000 nor more than \$3,000; or

(iv) for a fourth or subsequent offense, to pay a fine of not less than \$3,000 nor more than \$5,000.

(3) A minor who violates subsection (a.1) shall be sentenced to any or all of the following:

(i) not less than ten hours nor more than 75 hours of community service;

(ii) complete the tobacco use prevention and cessation program established in section 703 of the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act;

(iii) a fine not to exceed \$200; or

(iv) a 30-day suspension of motor vehicle operating privileges.

(c) Notification.—

(1) Upon issuing or filing a citation charging a violation of subsection (a.1), the affiant shall notify the parent or guardian of the minor charged.

(2) Upon issuing or filing a citation charging a violation of subsection (a.1), the affiant shall notify the retailer.

(3) Upon imposing a sentence under subsection (b)(1) or (2), a court shall notify the department of the violation committed by the person if the person is a retailer or an employee of a retailer and the person committed the violation in the course of the person's employment. A court shall notify the department if a retailer fails to pay a fine imposed for a violation of this section within ten days of the imposition of sentence.

(d) Nature of offense.—

(1) An offense under subsection (a.1) 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 offender.

(2) A record of participation in an adjudication alternative program under subsection (e) shall be maintained for purposes of determining subsequent eligibility for such a program.

(3) Except as provided in subsection (f)(1), a retailer is liable for the acts of its agents as permitted by section 307 (relating to liability of organizations and certain related persons).

(e) Preadjudication disposition.—If a person is charged with violating this section, the court may admit the offender to the adjudication alternative program as authorized in 42 Pa.C.S. § 1520 (relating to adjudication alternative program) or any other preadjudication disposition if the offender has not previously received a preadjudication disposition for violating this section. Accelerated rehabilitative disposition or any

other preadjudication alternative for a violation of subsection (a) shall be considered an offense for the purposes of imposing criminal penalties under subsection (b)(1) and (2).

(f) Exceptions.—

(1) The following affirmative defense is available:

(i) It is an affirmative defense for a retailer to an offense under subsection (a)(1) and (2) that, prior to the date of the alleged violation, the retailer has:

(A) adopted and implemented a written policy against selling tobacco products and tobacco paraphernalia to minors;

(B) informed its employees through an established training program of all applicable Federal and State laws regarding the sale of tobacco products and tobacco paraphernalia to minors;

(C) documented employee training indicating that employees have been informed of and understand that written policy referred to in clause (A);

(D) trained all employees selling tobacco products or tobacco paraphernalia to verify that a customer is at least 18 years of age before selling tobacco products or tobacco paraphernalia;

(E) conspicuously posted a notice that selling tobacco products or tobacco paraphernalia to a minor is illegal, that the purchase of tobacco products or tobacco paraphernalia by a minor is illegal and that a violator is subject to penalties; and

(F) established and implemented disciplinary sanctions for noncompliance with the policy under clause (A).

(ii) A defense under this paragraph must be proved by a preponderance of the evidence.

(iii) A defense under this paragraph may be used by a retailer no more than three times at each retail location during any 24-month period.

(2) No more than one violation of subsection (a) per person arises out of separate incidents which take place in a 24-hour period.

(g) Compliance checks.—This subsection shall only apply to compliance checks conducted by the Department of Health, a single county authority created pursuant to the Pennsylvania Drug and Alcohol Abuse Control Act or a county or municipal health department. Compliance checks shall be conducted, at a minimum, in accordance with all of the following:

(1) Compliance checks shall only be conducted in cooperation with the law enforcement agency providing primary police services to the municipality where the compliance check is being conducted.

(2) A retailer that is found to be in compliance with this section during a compliance check shall be notified in writing of the compliance check and the determination of compliance.

The Department of Health shall promulgate regulations for conducting compliance checks under this subsection. Compliance checks conducted under this subsection shall be conducted in a manner consistent with this subsection and the regulations. Failure to comply with regulations promulgated under this subsection shall not be a defense to any violation of this section.

(h) Enforcement.—An employee of the Department of Health, a single county authority created pursuant to the Pennsylvania Drug and Alcohol Abuse Control Act or a county or municipal health department may institute a proceeding to enforce the provisions of this section in accordance with any means authorized by the Rules of Criminal Procedure. The department, single county authority or county health department may not delegate the filing of a complaint under this

subsection.

(i) Other penalties.—Notwithstanding any other law to the contrary, prosecution or conviction under this section shall not constitute a bar to any prosecution, penalty or administrative action under any other applicable statutory provision.

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

“Cigarette.” A roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not the tobacco is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or other substance or material, except tobacco. The term does not include a cigar.

“Cigarette license.” A license issued under section 203-A or 213-A of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

“Department.” The Department of Revenue of the Commonwealth.

“Minor.” An individual under 18 years of age.

“Pack of cigarettes.” As defined in section 1201 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

“Pipe tobacco.” Any product containing tobacco made primarily for individual consumption that is intended to be smoked using tobacco paraphernalia.

“Retailer.” A person licensed under section 203-A or 213-A of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

“Smokeless tobacco.” Any product containing finely cut, ground, powdered, blended or leaf tobacco made primarily for individual consumption that is intended to be placed in the oral or nasal cavity and not intended to be smoked. The term includes, but is not limited to, chewing tobacco, dipping tobacco and snuff.

“Tobacco paraphernalia.” An object used, intended for use or designed for use in ingesting, inhaling or otherwise introducing tobacco into the human body. The following are examples:

(1) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens or punctured metal bowls.

(2) Water pipes.

(3) Carburetion tubes and devices.

(4) Smoking and carburetion masks.

(5) Chamber pipes.

(6) Carburetor pipes.

(7) Electric pipes.

(8) Air-driven pipes.

(9) Chillums.

(10) Bongs.

(11) Ice pipes or chillers.

(12) Tobacco rolling papers.

In determining whether an object is tobacco paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, statements by an owner or by anyone in control of the object concerning its use; prior convictions, if any, of an owner or of anyone in control of the object under any Federal or State law relating to tobacco; the proximity of the object to any tobacco; the existence of any residue of tobacco on the object; instructions, oral or written, provided with the object concerning its use; descriptive materials accompanying the object which explains or depicts its use; national and local advertising concerning the object’s use; the existence and scope of legitimate uses for the object in the community; and expert testimony concerning the object’s use.

“Tobacco product.” A cigarette, cigar, pipe tobacco or other smoking tobacco product or smokeless tobacco in any form, manufactured for the purpose of sale to a consumer.

“Tobacco vending machine.” A mechanical or electrical device from which one or more tobacco products or tobacco paraphernalia are dispensed for a consideration.

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

§ 6305.1. Possession of tobacco paraphernalia.

(a) Offense defined.—A minor who possesses tobacco paraphernalia commits a summary offense.

(b) Grading.—A person who commits an offense under subsection (a) shall, upon conviction, be sentenced to community service for not less than ten hours nor more than 75 hours or to pay a fine of not less than \$50 nor more than \$200.

(c) Forfeiture.—Any tobacco paraphernalia possessed in violation of subsection (a) shall be subject to immediate forfeiture to the Commonwealth, and no property right shall exist therein.

(d) Nature of offense.—An 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 offender if any such record exists.

(e) Other penalties.—Prosecution or conviction under subsection (a) shall not constitute a bar to prosecution under any other applicable section of this title or under any other act.

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

“Minor.” Any person under 18 years of age.

“Tobacco paraphernalia.” As defined in section 6305(j) (relating to sale of tobacco).

Section 3. Section 6306 of Title 18 is repealed.

Section 4. Title 53 is amended by adding a chapter to read:

CHAPTER 3  
PREEMPTIONS

Sec. 301. Tobacco.

§ 301. Tobacco.

(a) General rule.—Except as set forth in subsection (b), the General Assembly preempts regulation of the acquisition, sale, purchase, transfer, possession and marketing of tobacco in any form. The acquisition, sale, purchase, transfer, possession or marketing of tobacco in any form may not be regulated by a political subdivision, a home rule charter municipality or an optional plan form of government.

(b) Exception.—This section does not prohibit local regulation authorized by the act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act.

Amend Sec. 2, page 7, line 25, by striking out “2” and inserting  
5

Amend Sec. 3, page 7, line 27, by striking out “3” and inserting  
6

On the question,

Will the House agree to the amendment?

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

Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment give a brief explanation of it?

The SPEAKER. Mr. Wilt.

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

What this amendment does is it handles some increase in penalties. It also has some retailer protection language in it. It is a pretty simplified amendment, and I appreciate your support.

The SPEAKER. Mr. Vitali, do you have further questions or a statement on the amendment?

Mr. VITALI. I will continue my interrogation.

Does this include the preemption language we have been discussing this week?

Mr. WILT. Yes, it does.

Mr. VITALI. Could you define how this preempts local municipalities, I presume, from enacting legislation regarding this?

Mr. WILT. Basically what this would do is it would provide one set of regulations for all retailers across the Commonwealth.

Mr. VITALI. And those regulations would be what?

Mr. WILT. Those regulations would be whatever we end up passing in the final version of the bill.

Mr. VITALI. In other words, in this, in this— I mean, to be clear, in this amendment it prohibits municipalities from enacting any, any local ordinances which would restrict the sale of tobacco in any way. Is that what it does?

Mr. WILT. Mr. Speaker, what I said was it creates one set of ground rules.

Mr. VITALI. Okay.

I do not think you answered my question though. Does this prohibit local municipalities from enacting any regulations regulating the sale of tobacco? Does it prohibit them from doing that? Yes or no.

Mr. WILT. Yes. One set of ground rules, not 2,500 sets; one set.

Mr. VITALI. Okay. I understand the preemption issue now. What else does it do?

Mr. WILT. It has some very simple language about retailer protection, behind-the-counter sales, line of sight. It has some exemptions for those who derive 75 percent or more of their total sales through tobacco products, to be the smoke shops. It also exempts those establishments where minors are not allowed to be in the establishment such as a tavern or those where a minor cannot be in those establishments without an adult.

Mr. VITALI. Thank you.

The SPEAKER. Ms. Josephs, on the question of the amendment.

Ms. JOSEPHS. I think there are some people who— I would like to be at the end of the list, if that is possible, Mr. Speaker. There are people, I think, up who want to speak.

The SPEAKER. The only other person I am aware of— Mr. Freeman, do you desire recognition?

Mr. THOMAS, you first asked us. Mr. THOMAS, you are recognized.

Mr. THOMAS. Thank you, Mr. Speaker.

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

The amendment, the first part is okay, but I think we need to be extremely careful about these preemptive regulations. I mean, if you oppose local control, if you oppose city councils, home rule charters, borough/township managers, county commissioners, if you oppose all of that, then you should vote for the Wilt amendment, but if you believe in local control and believe that local people can and should have something to say about what goes on in that township, that borough, or that county, then you have to vote “no” to the Wilt amendment. And so, Mr. Speaker, I am standing for local control. I am standing for people at the local level being able to have something to say about what goes on in that county, that township, or that borough.

Thank you.

The SPEAKER. The gentleman, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Wilt amendment.

Despite what good provisions may exist in parts of the amendment, I think the real poison pill here is the preemption language.

I find it ironic that this General Assembly would be moving to preempt the ability of a local entity of government to regulate, say, the location of cigarette vending machines within their municipality to an appropriate site where it is not easily accessible by minors. We would say they cannot do that; they cannot regulate that; they cannot dictate where those machines are going to be, but

we leave them the power to regulate where soda machines might be on a public street or perhaps even where newspaper vending machines are. That is absurd.

Tobacco is a very dangerous product. I think we all recognize its health impact, and I think there is a very strong message to be sent today that we support those local communities who reasonably make decisions as to how to regulate certain aspects of tobacco within their own borders.

Preemption by the State of this issue only plays into the hands of the tobacco industry. It gives them what they want.

I urge the members of this Assembly to vote this amendment down, and I particularly appeal to my colleagues on the Republican side of the aisle on the philosophical point that they have often championed the notion of local prerogative, of the local entity of government, the closest entity of government, being the one that we should respect with decisionmaking. If they truly believe that, I ask them to rise and oppose this amendment, because we are taking out of the hands of our local level of government the opportunity to have some impact on the regulation of this very dangerous drug.

I urge a “no” vote.

The SPEAKER. The gentleman, Mr. Sainato.

Mr. SAINATO. Thank you, Mr. Speaker.

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

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

Mr. SAINATO. Mr. Speaker, the age, are you changing the age at all in your amendment?

Mr. WILT. No, Mr. Speaker.

Mr. SAINATO. So it is still 18?

Mr. WILT. Correct.

Mr. SAINATO. Okay.

Second of all, for tobacco distributors or tobacco stores that only sell tobacco, would they fall where there is an exemption for them?

Mr. WILT. That is correct, Mr. Speaker. If you are the owner of a smoke shop and 75 percent of your revenues are derived from the sale of tobacco products, then you would be exempt from this legislation. Seventy-five percent or more is the threshold.

Mr. SAINATO. All right. Thank you, Mr. Speaker. He answered my questions.

Mr. WILT. Only from the line-of-sight language, not from the whole bill; only from the line-of-sight language.

Mr. SAINATO. Yes. But I am saying, if you have to be 18 in order to get into the facility, the store could put it on the shelves and—

Mr. WILT. Correct.

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

The SPEAKER. Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I want to make a couple things clear about this amendment. First of all, no local county, township, city ordinance is grandfathered in. Every ordinance which is out there will be wiped off the books and no local authorities will have any control over illegal sales of this addictive abuse substance to children and teenagers.

Let me read for the record and for members of this General Assembly the list of those counties and townships and cities who have already adopted local ordinances which control tobacco: Allegheny County; Montgomery County; Philadelphia;

Pittsburgh, which is slightly different than Allegheny County; Allentown; Bethlehem; West Chester Borough; Easttown Township; Haverford Township; Lower Merion Township; Radnor Township in Delaware County; Tredyffrin Township in Chester; Uwchlan Township, also in Chester; Warrington Township in Bucks; and West Goshen Township in Chester.

I want to also read to you or explain to you what the Allegheny County newly adopted ordinance does. First of all, it is very effective and efficient and it is cost efficient. It is enforced and adjudicated by the county health department. It is self-funded. If we wipe Allegheny County's ordinance off the books, we may have to pay for enforcement that right now is being taken care of by a fund which is created by the license, sale of licenses in Allegheny County. Allegheny County, Philadelphia, all these ordinances are very effective. They have been put together by your local people, and it is critical that we keep them intact.

I would like to say what I was precluded to say, quite rightly, by the Speaker when we discussed suspending the rules. What is happening here is local communities are cracking down on illegal sales of tobacco products to children and teens. The tobacco manufacturers who lied to us for decades about the contaminants in tobacco and the addictive quality of those contaminants and the poisonous quality of those contaminants are the ones who are trying to preempt local ordinances.

We all know— It is interesting, Mr. Speaker, that the public health community, the tobacco control community, the Cancer Society, the Heart and Lung Associations, the environmentalists, and the tobacco industry all agree on one thing: they agree that local ordinances cut down on illegal smoking by teenagers and children.

Victor Crawford, former Tobacco Institute lobbyist – he is former because he died of a tobacco-related disease – said, “We could never win at the local level.... So the Tobacco Institute and tobacco companies’ first priority has always been to preempt the field, preferably to put it all on the federal level, but if they can’t do that, at least on the state level.”

Another spokesperson from the Tobacco Institute said in the San Francisco Examiner – his name is Walker Merryman – “It’s barely controlled chaos.... We can’t be everywhere at once,” referring to the local level, and over and over again the tobacco manufacturers and the big retailers are saying they cannot control what people do on the local level.

Mr. Speaker, we have already been fined \$6.3 million in a very difficult budget year by the Feds because we failed to reduce the rate of teenage and child smoking as the Federal government requires us to do. If we wipe away these local ordinances, we can look forward to even a larger fine next year, and I think we are going to have an even more difficult budget year next year.

Recently the Centers for Disease Control said every pack of cigarettes that is sold in this country costs the society \$7. In Pennsylvania that translates to \$4 billion a year, \$4 billion a year, much of which is paid by Medicaid, much of which is paid by the State one way or another. If we pass the Wilt amendment with the preemption language in it, we can expect to pay \$4 billion a year and more into the years that come.

The big retailers are telling us that they cannot contend with a welter of local laws. Well, every McDonald’s, every chain food store, for instance, in this State which has stores in various different locations deals with a welter of regulations. That is why they have computers. They can do it. What we are talking about

here is—

Mr. Speaker, may I have some order? Mr. Speaker?

### THE SPEAKER PRO TEMPORE (JERE W. SCHULER) PRESIDING

The SPEAKER pro tempore. The lady asked for a little order. Could we please give her your attention.

You may proceed, ma’am.

Ms. JOSEPHS. Thank you, Mr. Speaker.

The State will not enforce this. I know this, because when I was sitting on the Appropriations Committee and the Attorney General appeared before us, I asked him. I said, Attorney General Mike Fisher, you are standing up here or sitting down in front of us and telling us that you are after illegal drugs, that you want to get illegal drugs off the street, and you want to end the abuse of illegal drugs, and I want to know what you are doing to keep drugs such as tobacco and all of its additives out of the hands of teenagers and children, and he said to me, this is not a high priority. And I said to him – I am paraphrasing; I do not have it in front of me – I said to him, Mr. Attorney General, considering the fact that cigarettes and alcohol are the biggest gateway drugs to the use of illegal substances known to humankind, I cannot understand how you can sit in front of us and tell us that you are going to get illegal drugs off the street, and Mr. Attorney General had no answer. He looked down at his hands and he was silent. If we want this enforced, we need to enforce it on the local level.

Let me tell you something else: If you want preemption, if the tobacco manufacturers and the big retailers want preemption, I will give you preemption. I will introduce legislation and amendments which will put tobacco products in the State stores; that is preemption. Then there will not be any welter of little ordinances for people to worry about. It will be clear; it will be clear. If you want to buy a tobacco product, you go to the State store. If you are under 18, it is not going to be sold to you, and they will carry me out feet first before I stop putting this on every bill that is appropriate.

Please vote “no” on this. This is a tobacco manufacturers’ bill. You do not want to go back to your local people and say, I voted with the folks who lied to you for decades.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes Representative Wilt from Mercer County. The gentleman may proceed.

Mr. WILT. Mr. Speaker, I would like to defer to Representatives Maher and Pippy and come right back. There are so many points in the previous speaker’s argument that need clarification. It is obvious that she has not read my amendment. Much of what she was looking for is in this amendment. I would like to come back and hit those items after I yield to my two colleagues from Allegheny County.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes Representative Maher from Allegheny County. You may proceed.

Mr. MAHER. Mr. Speaker, thank you very much.

You know, it is a very fascinating argument. It sounds as though those who oppose Mr. Wilt’s amendment believe that Pennsylvania has already reached an appropriate goal in keeping tobacco from the hands of children. I do not think we have. Frankly, after decades of the ability for local governments to

pursue such avenues, we have a smattering, a smattering read I believe in its entirety by Ms. Josephs for our edification shortly ago, but we have a smattering of laws across this State. I believe that every child in this State deserves equal protection and equal opportunity to have tobacco kept away from them, and those who would prefer the fragmented smattering of the failed system are not doing a service to the children elsewhere in this Commonwealth.

While this might be a point that we might argue about for another 4 or 5 years as we wait and see if the local governments met the need, unfortunately, Uncle Sam has imposed a deadline on us. It does have a fiscal cost that is substantial. The failure of the local governments to accomplish this mission of keeping tobacco from the hands of children is measurable, and it will cost us.

Mr. Wilt's amendment provides that we will have a single standard enforceable across this entire State so that every child in this State has a reasonable chance that they can grow up without being faced with having tobacco products, and I think that is a worthy goal. And for those who would prefer to leave the children elsewhere in this State where the local governments have ignored this issue without this protection, shame on you.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman. The Chair recognizes Representative Reinard from Bucks County.

Mr. REINARD. Thank you, Mr. Speaker.

I would like to ask if the sponsor of the amendment would stand for a brief interrogation?

The SPEAKER pro tempore. Will the gentleman stand for interrogation? The gentleman says he will stand. You may proceed.

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, just a question on legislative intent. If you could take a look at lines 25 through 27, it is, I believe, identical to language we were talking about in a previous amendment, and in that language you are talking about a location accessible to minors where these machines are located. I would just like to ask if you could give the House legislative intent on the fact that a bar or a tavern where someone might be 18, 19, 20 years old that are working there, that is not a place that is accessible to minors and, in hence, you would not be putting those folks in jeopardy under this statute.

Mr. WILT. Mr. Speaker, in my bill the age, effective age, is 18, so in your anecdotal question, a 19-, 20-year-old would not be precluded from having access to that vending machine.

Mr. REINARD. For our legislative intent, if you are an 18-year-old and you are working in a tavern and there is a facility, there is a machine there, though, would it be your legislative intent that they are not people who have access to that because the bar is not open to a minor?

Mr. WILT. That is correct.

Mr. REINARD. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman. The Chair recognizes Representative Thomas from Philadelphia, for the second time.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I think the other part of this that we need to take a look at is the economic impact. Mr. Speaker, if we move towards the request for uniformity and preempt local municipalities, then the question becomes, where does the State get the resources to implement and enforce what it is that we are directing the State to

do once preemption is in place? We have enough cost that we have to deal with at this time. We have a number of regulations that burden the State on the enforcement side. So I think that preemption is unnecessary. Local municipalities should be allowed to continue to have some say-so of what goes on in their borders.

And in closing, Mr. Speaker, I would just like to say that the architect of this amendment started out at the plate with plans of hitting a home run, and given, you know, his wisdom and given his desire, he was on target for hitting a home run. But, Mr. Speaker, as it happens sometimes, this ball has gone foul. It went foul when it touched on preemption. And so, Mr. Speaker, I think that it is important that we reject this amendment and allow the architect to maybe go back to the plate and try it again.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Representative Pippy, from Allegheny County.

Mr. PIPPY. Thank you, Mr. Speaker.

I will be brief.

Originally I did not intend on speaking on this issue. However, something came out of one of the prior speaker's mouths that I thought was inaccurate and I thought had to be clarified.

First, I am a member of the Appropriations Committee, and I was there at the hearing with Representative Josephs. I did listen to the Attorney General outline an excellent antidrug campaign and outline some very successful programs that they have done. When her question concerning tobacco came up, he did not put his hand down to say there is nothing I can do. What he did say and pushed is that the emphasis and the programs must be enforced at the local level, that our Attorney General, and we just heard the speaker previous to me talk about, we do not have the manpower or the money to enforce all of it. However, we should have a basic standard so that all children are covered. So any comment that says our Attorney General was not working on that, that is not correct. What he said was that the priority and the focus should be shifted toward local enforcement, and that is what we are trying to do today.

I want to make it very clear that there was no hand dropping to say there is nothing I could do. The Attorney General was very clear that we do not have the amount of money or the resources to be able to go in as some type of big watchdog-type organization that would go and check every restaurant and every retailer. We need the local communities coming together, the local communities under a basic standard, a very strict standard, so that fewer children ultimately will be smoking and that our percentages will get better so we can get our Federal funding.

So whether it was intentional or just a mistake, I want to make it very clear that there have been solutions and that the Attorney General was working very hard on many of those issues.

Thank you, Mr. Speaker.

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

Ms. JOSEPHS. May I yield momentarily? Mr. Speaker, may I yield momentarily to the gentleman who is standing?

The SPEAKER pro tempore. The lady yields.

I recognize Representative Browne from Lehigh.

Ms. JOSEPHS. Mr. Speaker, I was trying to yield to the gentleman from Lehigh – Northumberland.

The SPEAKER pro tempore. Representative Josephs, Representative Browne was the next in line.

Ms. JOSEPHS. Oh; after me he is next?

The SPEAKER pro tempore. The Chair recognizes Representative Browne.

Mr. BROWNE. Mr. Speaker, I would like to interrogate the prime sponsor, please.

The SPEAKER pro tempore. Will the gentleman, Mr. Wilt, stand for interrogation? He is willing, and you may proceed, Representative Browne.

Mr. BROWNE. Thank you, Mr. Speaker.

Mr. Speaker, in the preemption language of your amendment there is a provision that deals with the preemption of marketing. I was wondering if there was anything in the body of your bill that deals with restrictions on advertising by local municipalities.

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

This is an important question, because the master settlement agreement has explicit language about signage, advertising, and the marketing of tobacco products to minors. There is nothing in this legislation today or in my amendment that does anything to undermine what is in that master settlement agreement. So to state the point even more clearly, when it comes to marketing around day cares, schools, and whatever, that is already in the master settlement agreement, and so there is nothing in this language that would preempt any local authority from enforcing the language within the master settlement agreement.

Mr. BROWNE. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Phillips of Northumberland.

Mr. PHILLIPS. Thank you, Mr. Speaker.

Earlier this afternoon we had an opportunity to vote on a bill that would have been the strongest bill of any State in the United States, but due to a procedural vote we were denied that opportunity.

Statewide tobacco regulations by our Commonwealth have nothing to do with protecting the tobacco industry. What we are talking about is protecting our youth. We have been listening for quite some time about local ordinance – how local ordinances are doing; how are they protecting our youth. Keep in mind, since 1984 the Surgeon General has mandated warnings on tobacco products. What has the State done to try to make it more difficult for youth to procure tobacco products? We have not done anything. What have the local communities done? Since about 17 years they have had to come up with ordinances, and what have we seen? Nine. It is either 9 or 10 communities have come up with ordinances on the selling of tobacco.

What we would have looked at today earlier is a bill that would have superseded any one of them communities being greater. There would not have been any comparison as to what he would have done. We have got to remember, we have about 1,300,000 youth that are between the ages of 10 and 17, and when we look at the municipalities that are involved, they cover about 300,000 or about 25 percent. Here is 75 percent of our youth under no jurisdiction. Go throughout the State; they have no regulations placed upon them, and yet we want to stand here and say how well that our local ordinances are doing, and we fear to have one of the strongest State laws passed of any State in the United States.

I believe statewide law would also allow retailers certainly to better train their employees. We have many retailers who have multiple stores throughout the State, and it would be so much better if they could put in a training program, which they should be required to do, put in a training program that would be statewide. Not only that, as our youth would be traveling around the State,

they would not need to worry what is the ordinance of that community. They would know, wherever they go, this is what it will be if they try to purchase tobacco products. The individuals that are selling tobacco products, they would also know, these are the regulations; this is what we have got to abide by, and I think it is very important that we have statewide regulations to control the sale of tobacco products.

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes Representative Sturla from Lancaster County.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, will the maker of the amendment rise for a brief interrogation?

The SPEAKER pro tempore. The gentleman agrees to stand for interrogation. The gentleman may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, there are a couple points I would like you to clarify. One is a followup on some of the language Representative Reinard had talked about earlier but coming from a different perspective.

On page 1 of your amendment, lines 24 through 27, it says that you could not locate or place a tobacco vending machine containing a tobacco product or tobacco paraphernalia in a location accessible to minors. Now, my understanding is that just about any establishment in the State of Pennsylvania, even those that serve alcohol, minors are allowed to frequent those establishments as long as they are accompanied by their parent. Diners are allowed to do this, bars, bowling alleys. There are numerous locations throughout the State of Pennsylvania where there are vending machines. Does this mean that you could not have vending machines in any of those places, because they are accessible to minors.

Mr. WILT. Mr. Speaker, it is a good question, and it is a good business practice. For those tavern owners that allow minors in their tavern and also have vending machines, what I would suggest that they do is put those vending machines in an area perhaps right around the bar where it is not accessible to minors. Minors are allowed in the restaurant part in many establishments; they are not allowed in the bar part. So under this language they would still be permitted to have a vending machine as long as it is in an area that is not accessible by a minor or without a parent or guardian.

Mr. STURLA. So you are saying that if minors are allowed in the part of the establishment— So you cannot have a vending machine in a diner, for example. Is that correct?

Mr. WILT. Could you restate your question?

Mr. STURLA. Mr. Speaker, am I allowed to have a vending machine at a diner?

Mr. WILT. Mr. Speaker, we do not talk about whether there is a liquor license involved or not; we simply say in an establishment accessible to minors. I mean, we are trying to eliminate vending machines from being accessible to minors.

Mr. STURLA. I understand that, Mr. Speaker. My question is, if I own a diner and I do not serve liquor, am I not allowed to have a vending machine there? In other words, because a vending machine is accessible to anybody that is in the establishment. Otherwise, it is not a vending machine; it could be behind-the-counter sales. Am I allowed to have a vending machine if I have an establishment that allows minors in my establishment?

Mr. WILT. Yes; you would be.

Mr. STURLA. How can I have a vending machine in one of



those places unless it is behind the counter where it is not accessible by people that frequent that establishment?

Mr. WILT. But that is a different question. What you asked me earlier is if you had an establishment, can you have a vending machine. Yes; you can. If it is in an area that is accessible to minors, then that machine has to be in an area within the establishment that is not accessible to minors. It is a very simple concept to understand.

Mr. STURLA. I guess then in response to my question, if I have an establishment that allows minors in my establishment, I have to have the vending machine behind the counter or in some other location that is not accessible to the general public.

Mr. WILT. 100 percent correct.

Mr. STURLA. Okay. Thank you.

Second question, Mr. Speaker. Earlier it was alluded to by Representative Maher that the current local laws regarding tobacco are not working and that is why we needed a State law. Are there current State laws that regulate tobacco sales to minors?

Mr. WILT. Can you restate the question, sir?

Mr. STURLA. Mr. Speaker, earlier it was alluded to by Representative Maher that current local laws apparently are not working and that is why we needed a State law. Are there not currently State laws that regulate the sale of tobacco to minors in the State of Pennsylvania?

Mr. WILT. Yes, there is a State law that says you cannot sell to a minor.

Mr. STURLA. And so it is not that we need a State law, it is that we need a mechanism to enforce that State law. Is that correct?

Mr. WILT. Not only that, but we need uniformity within other local ordinances that have been passed over and above the State law.

Mr. STURLA. Mr. Speaker, I do not quite understand. If I have a State law that prohibits the sale of tobacco to minors and then I have a local law that goes beyond that, how could those local laws that go beyond that be blamed for not having the State law enforced?

Mr. WILT. That is why in my language, if you look at page 4, lines 25 to 32, under "Enforcement," you will see that the State "...Department of Health, a single county authority created pursuant to the Pennsylvania Drug and Alcohol Abuse Control Act or a county or municipal health department may" – not "shall" but "may" – "institute a proceeding to enforce the provisions of this section in accordance with any means authorized by the Rules of Criminal Procedure," and that is in direct opposition to one of the previous speakers that says that you give up local control if you pass this Wilt amendment. That is simply not the case. I will read further: "The department, single county authority or county health department may not delegate the filing of a complaint under this subsection." So it holds them accountable to the law and the provisions within this amendment.

Mr. STURLA. Mr. Speaker, I appreciate that, and I think that is good language. My concern is with the language that occurs on page 6 of your legislation that deals with preemptions, and I guess my question, and maybe you can give me a scenario, because I do not quite understand. If we have a State law that is passed that says you cannot sell tobacco to minors, and we can enforce that either at the State level or a county level or even a local municipal level with a health official, what is it about a local law that goes beyond that legislation that inhibits or prohibits or in some way keeps us from enforcing the State law? What is there inherent about a local

ordinance that goes beyond this State law that is detrimental to this legislation? Can you explain that to me?

Mr. WILT. I certainly can, and it is a very commonsense argument. That is, when you have 2,500-plus different laws out there pertaining to the same act, it becomes extremely confusing for those business owners and those employees who may work for one owner in two separate municipalities at two separate stores. Now they have to be an expert in two different rules of engagement when it comes to the sale of cigarette or tobacco products to minors. What we are trying to do through preemption is say, listen, you have got one set of ground rules; you have to be an expert in this amount of case law here. That is it, and that is the beauty of this language in that you give the opportunity for people to do their job, to understand one current, one relative, one succinct set of ground rules and move forward with that.

Mr. STURLA. Mr. Speaker, one final question, because I still do not quite understand this. Under a State law, all those people that worked in multiple municipalities and drove crisscross across the State working for their employer selling tobacco would still have to comply with the State law. The question would be whether or not they had to enforce any other local laws, of which we have been told there are only nine, I think, and that somehow there is such a small number that we do not need to be concerned about them. I guess what I am concerned about is why the concern about the proliferation of local tobacco laws when it has been stated that there are not many out there?

Mr. WILT. Sir, to me it is a very simple argument. We have a State law. Other municipalities have chosen to go further. What preemption does is gives the enforcers, those who are and that I have outlined in my enforcement language, it gives those folks the ability to understand what the rules of engagement are and to move forward, whether they are in Mercer County, Philadelphia County, or Lancaster County or any municipality in between. I mean, I do not know what else I can say to help you understand where we are coming from on this. It is a philosophical question as to whether you agree there should be 2,500-and-some different laws, 2,500-and-some different methods of enforcement, and then through that, in 20 years we have, one speaker said 16, we have only been able to verify 10 local municipalities, those that we have called and asked them, tell us about your local tobacco ordinances. Some of those that were mentioned by a previous speaker will not even admit that they have any, and what we are saying is, in this language, that every child in Pennsylvania will be covered – every one. We do not leave out 25 or 50 or 75 percent. We say in Pennsylvania, if you are going to sell tobacco products to minors, whether you own a market in Mercer County, Philadelphia County, and the borough of Greenville or the township of Lampeter, you have got one set of ground rules you need to follow and one method of enforcement, and I think that makes a lot of good sense, Mr. Speaker.

Mr. STURLA. Mr. Speaker, one final question, because I will reckon back to a law that we passed recently that dealt with local zoning ordinances and building codes, and it is my recollection – and perhaps my recollection is not correct; I did not check this, so you are always out on a limb here – but it is my recollection when we passed that statewide law regarding building codes, we passed a statewide building code that we said it was a minimum that everyone had to meet, and then we allowed local governments to exceed that building code if they wanted to on a local level. Do you recall? Is my recollection correct?

Mr. WILT. Your recollection may or may not be correct, but I

will tell you this, Mr. Speaker: The difference between the statewide building code and the bill that we have before us today is that we have lying in the balance 45 million dollars' worth of Federal money that will come to Pennsylvania for enforcement. One of the previous speakers asked, how are we going to enforce this? That is the essence of the bill; that is why we are here today at 20 after 3 on a Wednesday afternoon, is to make sure we get a bill over to the Senate that they can work on during the next 3 weeks so when we get back, before the end of the fiscal year, we can have a bill in place that does not cost the Commonwealth \$45 million of enforcement money that we can use to go across the State and make sure that our retailers are not selling tobacco products to minors. That is the difference.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, if I could make a brief comment.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, it has become pretty clear that while a lot of this amendment makes a lot of sense and does a whole lot of good, that this section on preemption really probably is not necessary, and I guess what I would hope is that at some point in time we could keep the good parts and get rid of the bad parts. So with that I will move on to other speakers.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Lawless, Montgomery County.

Mr. LAWLESS. Thank you, Mr. Speaker.

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

The SPEAKER pro tempore. The gentleman agrees to stand for interrogation. You may proceed.

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, earlier the gentleman from Bucks County had asked you concerning vending machines being in a bar or restaurant and the accessibility for minors. Would this amendment prohibit a vending machine from being in a restaurant, where we all know there are vending machines in restaurants; where children

and families go to eat there are vending machines. So would this bill as written prohibit all restaurants in Pennsylvania from having cigarette vending machines?

Mr. WILT. No, sir, they would not. What it would allow that business owner – I do not want to say restaurant, but anyplace where families and children can frequent – what it would do is it would require them that they place that tobacco vending machine at a place that is inaccessible to minors or inaccessible to minors without a parent. I will tell you an anecdotal story about such a place in my legislative district.

Children are allowed in the restaurant. They are also allowed in the booths in the bar area. They are not allowed at the bar proper or at the end of the bar where the vending machine for the cigarettes is located. So therefore, they are not permitted by signage in that area, and therefore, under my bill, that particular place would not have to remove that cigarette machine. I do not know if that answers your question, Mr. Speaker, but I hope that it does.

Mr. LAWLESS. Mr. Speaker, I will be voting in favor of this legislation. It is just that I am very concerned in that we cannot legislate parenting, and if you are at that booth that you gave the example of and that child leaves that booth as the parents are conversing and all of a sudden is near the vending machine, and an LCB (Liquor Control Board) or someone who is going to be there

sees that occur, is the restaurant owner now going to be fined because of lack of parenting?

Mr. WILT. Mr. Speaker, you raise a very legitimate question, and that comes down to, as many of the laws that we consider on the floor of this House, it comes down to an enforcement and a commonsense approach to enforcement.

Mr. Speaker, I think you know me well enough over the past few years to know that I am always concerned about government's intrusion into our rights as parents and intrusions upon our freedoms. I am very sensitive to this. However, we have got to deal with this language very sensitively, and I think in this amendment we have got a commonsense approach. However, as you and I both know, sometimes it comes down to enforcement, and that is why, I hate to always bring this back to the preemption language, but I think if we are clear about who is going to enforce these laws, then the training that can be directed towards that enforcement by the people that I have outlined within this legislation, we can avoid a good parent like you or I from being cracked because our minor happened to wander up near the cigarette machine where he should not be.

Mr. LAWLESS. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

## PARLIAMENTARY INQUIRY

### REQUEST TO DIVIDE AMENDMENT

The SPEAKER pro tempore. The Chair recognizes Representative Freeman from Northampton County.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to raise a point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, it is obvious from the debate that there is a division of opinion on this amendment. Many of us like a lot of things that are in it in terms of a stronger enforcement side, but the poison pill really is the preemption language which would undercut a lot of local municipalities in their efforts to stop underage smoking. That being in mind, I would like a ruling from the Chair as to the ability to divide this amendment, and I would direct the Chair to page 6 of the amendment. It is my belief that we could divide it between lines 10 and 11 of page 6 so that we could vote separately on the bulk of the amendment and then vote separately on the preemption language that is contained in the Wilt amendment.

The SPEAKER pro tempore. The decision of the Chair is that it cannot be divided.

Mr. FREEMAN. With all due respect to the Chair, could the Chair please expand upon why it cannot be divided?

The SPEAKER pro tempore. All right. There is no line or page number to reference the placement of the preemption language.

Mr. FREEMAN. With all due respect to the Chair, I believe in previous rulings we have divided amendments without having to have a page number since there was only one page to an amendment, and we have divided those amendments being contained solely on one page.

The SPEAKER pro tempore. The Chair recognizes your inquiry, but there is no record of that ever happening.

Mr. FREEMAN. I thank the Chair.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes Representative Coleman from Armstrong County. The gentleman waives off.

The gentleman, Representative Gannon, from Delaware.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask for a “yes” vote on the Wilt amendment, which we could call “Gannon Light,” but—

This amendment clearly is a step in the right direction with respect to prohibiting access to tobacco and tobacco products to minors all across Pennsylvania.

You know, one of the great liberal sayings of the liberal left is “leave no child behind.” We hear that all the time, yet the advocates who are against the Wilt amendment are leaving almost a million children behind, and I am just bewildered when they get up and say that in one breath and in the other breath say “leave no child behind.” And I agree, I agree with them; we should not leave any child behind. That is why we have to support this amendment.

There are only 9 municipalities in Pennsylvania, maybe 10, that have ordinances dealing with the sale of tobacco, and most of those ordinances, if not all, deal with vending machines and prohibiting them or placing them someplace in a facility. And the other thing that they say is put up a sign. Now, how in the world those ordinances are more meaningful and more important to those folks is beyond me when we have before us an amendment that is strong, it is affirmative, it takes cigarette, tobacco, and tobacco products out of the hands of children, and it applies to every single child in this State – every single municipality, every single township, every single county. It does not leave almost a million children behind.

I ask for a “yes” vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes Representative Josephs for the second time, from Philadelphia.

Ms. JOSEPHS. Mr. Speaker, I have a parliamentary inquiry.

If you would direct me, I—

The SPEAKER pro tempore. The lady will state her parliamentary inquiry.

Ms. JOSEPHS. Thank you.

If you would direct me, I would like to know how to challenge the ruling of the Chair on the division of the amendment.

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

#### LEAVES OF ABSENCE

The SPEAKER. At this time the Chair interrupts the proceedings and recognizes the two whips.

The lady, Mrs. DAILEY, is asked to be placed on leave for the balance of today’s session. Without objection, leave is granted.

The gentleman, Mr. JAMES, and the gentleman, Mr. VEON, are asked to be placed on leave for the balance of today’s session. Without objection, the leaves are granted. The Chair hears no

objections.

### CONSIDERATION OF HB 1501 CONTINUED

The SPEAKER. Ms. Josephs, in connection with your motion, let me clear it up a little bit. The Chair did not make a ruling from which an appeal can be taken. A point of parliamentary inquiry was made, and the point was responded to, and that is where that was left.

Ms. JOSEPHS. So what you are asking is that someone should move, make a motion, to divide this amendment at line 11, page 6. Is that correct, Mr. Speaker?

The SPEAKER. This is nit-picking, of course, but you can use the terminology that you are raising a point of order and appeal the ruling of the Chair, which presumably will repeat itself, and take an appeal from that ruling. I hate to be a nitpicker, but I am trying to— I play by the rules.

### POINT OF ORDER

#### RULING OF CHAIR APPEALED

Ms. JOSEPHS. Okay. I am then raising a point of order.

I am appealing the ruling of the Chair that says we cannot divide this amendment between lines 10 and 11 on page 6. My argument would be that we can, and I would appreciate if the Speaker would restate the ruling which was made so it is clarified.

The SPEAKER. The Chair restates its response to the point of parliamentary inquiry that this is not divisible and as to the point of order states it is not divisible for the following reason: If you will look at page 6, the page that is in question, and you look between lines 10 and 11, the information the Chair has is it was requested by the gentleman, Mr. Freeman, or was about to be requested by the gentleman that the amendment be divided at that

point. If it were divided at that point, that portion below lines 10, 11, down to the end of the amendment would not stand alone, which is one of the requirements of a division of the question. And the simplest, the most simple reason for saying it would not stand alone is because as you read that portion from 10, 11 down, there is no page number. So you have a section floating in cyberspace, I guess, that cannot land on this particular bill on its own, and it is for that reason that it is not divisible, and that is the reason for the response that was given to the point of parliamentary inquiry and to the point of order raised by you.

Now, you have appealed the ruling of the Chair—

#### APPEAL WITHDRAWN

Ms. JOSEPHS. Mr. Speaker, now that I understand the ruling a little bit clearer, more clearly, I would like to withdraw that motion to appeal your ruling.

The SPEAKER. The Chair thanks the lady.

You have been recognized to speak. Do you care to speak for the second time at this time?

Ms. JOSEPHS. Yes, Mr. Speaker.

The SPEAKER. The lady is recognized.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I want to know—

The SPEAKER. Will the lady yield for a moment, please.

Ms. JOSEPHS. Certainly.

The SPEAKER. I apologize to the lady. The lady is recognized.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I want to talk basically about Allegheny County, which is the newest local legislation and affects the most, the largest population. I want to talk about why it is more efficient than anything that we have presently at the State level and will be more efficient than the Wilt amendment, especially now that we cannot divide the language and we are stuck with the preemption language.

The Allegheny County tobacco law is far superior. It is more efficient, it is more cost effective, because it is enforced and adjudicated by in this case the county health department. It is self-funded. It is self-funded, Mr. Speaker, via retailer permit fees and fines on the offenders. Preemption might require us to fund Allegheny County's enforcement, and it might cost us every year as much as \$250,000. In addition, Allegheny County's law does not protect retailers who sell to children and teens. Allegheny County's law holds retailers accountable every time they are caught selling tobacco to youth.

The enforcement scheme that we are looking at protects retailers from being fined over multiple offenses. They can be caught selling tobacco to youth over and over again during every 24-month period as long as they posted a sign and the clerks have signed some law, some pledge, that shows that they have been trained. The Allegheny County scheme has worked efficiently and effectively in other locations across the country, and indeed in the two States that are leaders across the country in keeping tobacco products away from youth and children, the State law rose out of the local ordinances, some of which were very much like the Allegheny County ordinance.

I also would like to point out that while one of the gentlemen was quite accurate in correcting my paraphrase of my colloquy with the Attorney General, he did point out that Mr. Attorney General Fisher said over and over again that local enforcement, which means local control, is the only way we can keep this dangerous drug out of the hands of our children.

I also would like to point out that the master settlement agreement, while it controls the behavior of the tobacco manufacturers, does not control the behavior of the retailers. The retailers were not party to that suit. What is happening here is the tobacco manufacturers are standing in back of the retailers. They are funding this effort for the retailers. They are using the retailers who have a bottom-line consideration. They want those kids buying those tobacco products, because they need to sell them and move them and because they want children and kids in their stores to buy the rest of their merchandise. They are not under any agreement whatsoever. We are letting them off. We are letting them off based on a specter that is not true. We are saying that they cannot deal with a welter of laws. But it has been pointed out in much argument that building codes are a welter of laws and it works quite well, that health and safety and fire requirements that go to a chain restaurant or any kind of other chain retail establishment are dealt with quite well.

We are putting convenience here, Mr. Speaker, up against the health and safety of our children. We are putting convenience here up against a dreadful bill which we will pay in human suffering and in medical costs. If you care about the children and youth in this State, if you are disgusted and outraged when you see children on the street as young as 8 or 10 using tobacco products, then you

will vote with the tobacco control community and you will vote with me and you will vote against this amendment.

I urgently, urgently ask you to vote "no." Thank you, Mr. Speaker.

The SPEAKER. Mrs. Rubley, do you desire recognition? The lady is recognized.

Sergeants at Arms, keep the area in the back and the side aisles—

Mrs. RUBLEY. Thank you, Mr. Speaker.

The SPEAKER. The lady will yield.

Members, please take your seats. Conferences on the side aisles—

Mrs. Rubley.

Mrs. RUBLEY. Thank you, Mr. Speaker.

I have to ask the question, why is the need to preempt local municipalities such a concern? Over 17 years we have been told only 10 municipalities have implemented ordinances controlling the sale of tobacco, and this is without any State oversight in this area. As a former township supervisor in Tredyffrin Township, we implemented an ordinance banning the use of vending machines that dispensed cigarettes. This has been an effective tool in controlling the distribution of cigarettes to minors. Under this amendment, our township will no longer be allowed to enforce its own ordinance.

My concerns with the Wilt amendment center on the preemption issue. Since very few municipalities have chosen to implement local tobacco ordinances, I believe that if a good bill were to be passed regulating the sale of tobacco to minors, there would not be a need for most municipalities to continue to pass ordinances of their own. Therefore, I feel it is not necessary to pass this amendment with the preemption language. I also am concerned about the costs to county health departments on the enforcement under this proposal.

I urge that this amendment be defeated, and let us focus on passing a strong bill regulating the sale of tobacco to minors. Thank you, Mr. Speaker.

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, for years in this State we have treated another controlled substance, alcohol, in a manner where we had State laws that rather severely regulate that product, and yet we have allowed local municipalities to pass local ordinances that further regulate the sale and use of that product. There are municipalities, neighborhoods, communities in this State that say, you are not allowed to sell alcohol at all in my community, and we have not charged in as a State saying, cannot do that, local municipality; you cannot decide in your community whether or not you want somebody selling alcohol to your children. We said, good for you, local communities, good for you; you have local control.

We passed a statewide law that sets down parameters, and if you want to exceed that in your community, go ahead. Now suddenly we are being told by the proponents of this amendment that that is a terrible thing. How dare those local communities try and pass a law that is stronger than what we would do here at the State; how dare they. We have State laws in place, and we will pass a State law that further controls the sale of tobacco to minors in this State. We should not, however, be about the business of telling communities that they cannot go about doing further enforcement to prevent children from buying tobacco in this State.

This is not, as some people have proposed, if you are against this bill you are against a million kids. We are for all those kids and then some. I would hope that members on the other side of the aisle would join members on this side of the aisle in helping local communities be able to curb the use of tobacco among children and that we would support them in those efforts as opposed to thwarting them, as this amendment does.

I urge a “no” vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER. On the question of the adoption of the amendment, Mr. Wilt, for the second time.

Mr. WILT. Thank you, Mr. Speaker, and I will be brief, and I would hope that this is the final word on this amendment before we get to the vote.

I would like to take a quick opportunity to thank the members for their indulgence and also clarify some points that have been made throughout this debate.

You know, current tobacco regulations done at the local level are sometimes so vague and confusing that the local authorities who have the duty to enforce those regulations do not even know that they exist. In the city of Philadelphia, which has the most restrictive covenants when it comes to youth access to tobacco that have ever been passed at the local level, they also have the most violations of the Synar requirements. So leaving it up to the locals simply does not wash. In fact, if you look at the 10 local municipalities that have this in place, the other 6 or 7 that claim they do but they cannot identify what they are, that is 10 in 18 years that have passed local control. The fact of the matter is that fewer than 10 percent of our municipalities even want this authority. They want us to come to them with some commonsense regulation, and that is what this amendment does.

Now, there are some issues that should be left up to local control, and I will debate long and hard on this floor on issues such as land use, water use, local traffic laws, local taxes, zoning, redevelopment, farmland preservation, our local schools. That should be left up to the local level. But the previous speaker mentioned alcohol. I will tell you this about alcohol enforcement. When it comes to enforcement, you do not get your way at the local level. The laws that we have passed here under Title 18 are uniform across this State. So you may have the ability at the local level to say, we do not want a liquor license in our township, but when it comes to the enforcement of that, that is left up to the Title 18 Crimes Code that we have passed right here on the floor of this House in previous sessions.

Finally, when it comes to firearms, that is another area where we have fought on this floor and we have won the debate saying that there should be statewide uniform firearms laws across this State so that we do not get confused and so that people who are law-abiding citizens are not confused as they travel from one municipality to the next about what is acceptable behavior and what is not.

This argument about preemption comes down to this: If you want 1.3 million youths between 10 and 17 years old to go unprotected by any type of tobacco prevention legislation and without the tools in place to enforce those laws, then go ahead and vote “no” on this amendment. This amendment is for all the children in Pennsylvania, from Erie to Philadelphia, from Scranton to Pittsburgh, and all points in between.

I ask for an affirmative vote on this amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

**LEAVES OF ABSENCE**

The SPEAKER. The Chair interrupts the vote to place on leave the gentleman, Mr. CORRIGAN, and the gentleman, Mr. DALLY. Without objection, leaves will be granted. The Chair hears no objection.

**CONSIDERATION OF HB 1501 CONTINUED**

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

The following roll call was recorded:

**YEAS—105**

Adolph	Feese	Mackereth	Schuler
Allen	Fichter	Maher	Scrimenti
Argall	Fleagle	Maitland	Semmel
Armstrong	Flick	Major	Shaner
Baker, J.	Forcier	Marsico	Smith, S. H.
Baker, M.	Gannon	Mayernik	Solobay
Barrar	Geist	McCall	Stairs
Bastian	George	McGeehan	Stern
Birmelin	Godshall	McGill	Stetler
Bunt	Habay	Metcalfe	Stevenson, R.
Buxton	Hanna	Micozzie	Stevenson, T.
Caltagirone	Harhart	Miller, R.	Strittmatter
Cappelli	Harper	Miller, S.	Surra
Civera	Hasay	Nailor	Taylor, E. Z.
Clark	Hennessey	Nickol	Taylor, J.
Clymer	Hershey	O’Brien	Trello
Cornell	Hess	Perzel	Tulli
Costa	Hutchinson	Petrarca	Vance
Coy	Jadlowiec	Phillips	Wansacz
Creighton	Kaiser	Pickett	Wilt
DeLuca	Kenney	Preston	Wright, M.
Dermody	Krebs	Raymond	Zimmerman
DeWeese	Lawless	Reinard	Zug
DiGirolamo	Leh	Ruffing	
Diven	Lescovitz	Sainato	
Evans, J.	Lewis	Sather	Ryan,
Fairchild	Lynch	Saylor	Speaker

**NAYS—83**

Bard	Evans, D.	McNaughton	Staback
Bebko-Jones	Frankel	Melio	Steelman
Belardi	Freeman	Michlovic	Sturla
Benninghoff	Gordner	Mundy	Tangretti
Bishop	Grucela	Oliver	Thomas
Blaum	Haluska	Pallone	Tigue
Boyes	Harhai	Petrone	Travaglio
Brooks	Herman	Pippy	Trich
Browne	Horsey	Pistella	Turzai
Butkovitz	Josephs	Readshaw	Vitali
Casorio	Keller	Rieger	Walko
Cawley	Kirkland	Robinson	Washington
Cohen, M.	Laughlin	Roebuck	Waters
Colafrilla	Lederer	Rooney	Watson
Coleman	Levdansky	Ross	Williams, J.
Cruz	Lucyk	Rubley	Wojnaroski
Curry	Manderino	Samuelson	Wright, G.
Daley	Mann	Santoni	Yewcic

Donatucci	Markosek	Scavello	Youngblood
Eachus	McIlhattan	Schroder	Yudichak
Egolf	McIlhinney	Smith, B.	

NOT VOTING—0

EXCUSED—14

Belfanti	Dally	LaGrotta	Rohrer
Cohen, L. I.	Gabig	Myers	Steil
Corrigan	Gruitza	Roberts	Veon
Dailey	James		

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?

Ms. JOSEPHS offered the following amendment No. **A2431**:

Amend Sec. 4 (Sec. 301), page 6, line 23 (A2369), by striking out all of said line and inserting

(b) Exception.—This section does not prohibit:

(1) Local

Amend Sec. 4 (Sec. 301), page 6, by inserting between lines 25 and 26 (A2369)

(2) Local regulation enacted prior to July 1, 2002.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the lady from Philadelphia County.

Ms. JOSEPHS. There is some confusion in your packets perhaps, so I would suggest you look on the computer for this.

This amendment will exempt all the local ordinances which were talked about recently from Allegheny to Chester, from Philadelphia to Lehigh. These local people know what they are doing. They understand the State cannot enforce the way it ought to. They are on the ground level. The locals know better. We have been taught by the party in power that the best way to go on a whole range of issues is to trust the local authorities. I trust the local authorities. I want to grandfather in every single local ordinance that has been worked on, fought for, across this State, because we are going to begin to see in those localities a dramatic decrease in tobacco consumption by children and teens, and we are going to reverse the shameful trend that this State has that has caused us to be fined by the Federal government and has made people across the country think that we do not care about our children as much as they care about their children. We need to leave these local ordinances intact, and this amendment will do that. I hope that every single person here who does not want to leave one child behind will care about the children who are protected by these local ordinances and will vote with me in favor of amendment 2431.

Thank you, Mr. Speaker.

The SPEAKER. On the question, Mr. Gannon, do you desire recognition? The gentleman is recognized.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, this is really not a grandfathering amendment. It takes an effective date to July of 2002. It deals with things that potentially never even happened yet. If it was a true grandfather, it would relate back to, instead of relate forward it would relate back, so I would ask a “no” vote on this, Mr. Speaker.

The SPEAKER. Ms. Josephs.

Ms. JOSEPHS. Mr. Speaker, the reason why—

The SPEAKER. This is the second time, Ms. Josephs.

Ms. JOSEPHS. Well, are there others on the list? I will yield if there are.

The SPEAKER. Mr. Browne is on the list.

Ms. JOSEPHS. Thank you, Mr. Speaker.

The SPEAKER. Mr. Browne.

Mr. BROWNE. Thank you, Mr. Speaker.

I rise in support of the Josephs amendment.

A lot of discussion today regarding the intent of our amendments was to make sure we are properly protecting our children from access to tobacco. There are nine municipalities in Pennsylvania that have strong tobacco ordinances. If we at least grandfather them in and allow them to remain in place, we not only have a stronger tobacco-control mechanism at the State level but also leave in place the ones at the local level that are stronger so that every child is protected in the best way possible, and for that reason I believe we should support the Josephs amendment.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

Ms. Josephs, for the second time.

Ms. JOSEPHS. Thank you, Mr. Speaker.

This entire exercise, actually, Mr. Speaker, is aimed at the Allegheny County ordinance. Tobacco manufacturers and retailers really were not all that concerned when we were talking about small and rather insignificant, so far as publicity goes, local ordinances, and the reason why this enormous effort 2 weeks before a primary is being held today, at a late hour, after a long week, is because the tobacco manufacturers and the big retailers understand that the Allegheny County ordinance is going to be extraordinarily efficient and that it is going to be a model across the State and across the country for many other ordinances which will also curb tobacco use among children and youth.

The Allegheny local community understood that they had the worst teen and children smoking rate in the State. They understood that they had a dreadful problem with pregnant teenage and very young pregnant women smoking, and they were worried about bad pregnancy outcomes, which they were seeing. They understood that they had a problem with minorities smoking, because as we know, the big tobacco marketers have singled out minority members and females as special targets in their search for replacement smokers, which they need, because people who have smoked all their lives, statistically speaking, do not live long enough to smoke enough to satisfy the coffers of the tobacco manufacturers and the big retailers.

We need to preserve every local effort that we have made in this State, and we particularly need to preserve the splendid effort, the excellent piece of legislation, the self-funded and the self-enforced piece of local legislation that Allegheny County, public health officials, child advocates, law enforcement people, tobacco-free people, and all health, all health advocates worked at for 2 years before they got it passed.

The bills that were filed in Judiciary and pushed out were filed about the time that it looked like the Allegheny County caucus—

The SPEAKER. Ms. Josephs, stay on the amendment, please. It is a long day, and there have been a lot of amendments, so stay on the amendment, as the rules provide.

Ms. JOSEPHS. Thank you.

This amendment would allow the Allegheny County ordinance, which will be effective in curbing youth and teen smoking, along with the ordinances from Chester County and Lehigh County and Allentown and Delaware County and Montgomery and Bucks, all of them will still be intact and all of them will be working towards the goal that we have to keep children from using tobacco products, to keep children from becoming addicted, to keep children from becoming replacement smokers, from somebody who is just looking at a bottom line and has lied to us for decades about what tobacco products do to our health.

If you care about your local people, if you care about children, you will vote “yes” on amendment 2431.

Thank you, Mr. Speaker.

**LEAVES OF ABSENCE**

The SPEAKER. Prior to taking the roll call on this amendment, the Chair has been requested to place on leave the lady from Berks, Mrs. MILLER; the gentleman from York, Mr. STETLER; the gentleman from Greene, Mr. DeWEESE, all for the balance of today’s session. Without objection, the leaves are granted.

**CONSIDERATION OF HB 1501 CONTINUED**

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

The following roll call was recorded:

YEAS—136

Allen	Eachus	Mann	Schroder
Argall	Evans, D.	Markosek	Schuler
Armstrong	Fleagle	Marsico	Scrimenti
Baker, M.	Flick	Mayernik	Semmel
Bard	Frankel	McCall	Shaner
Barrar	Freeman	McGeehan	Smith, B.
Bastian	Gannon	McIlhattan	Staback
Bebko-Jones	Geist	McIlhinney	Steelman
Belardi	George	McNaughton	Stern
Bishop	Godshall	Melio	Stevenson, T.
Blaum	Gordner	Michlovic	Strittmatter
Boyes	Grucela	Mundy	Sturla
Brooks	Habay	Nailor	Surra
Browne	Haluska	Nickol	Tangretti
Butkovitz	Hanna	Oliver	Taylor, E. Z.
Buxton	Harhai	Pallone	Thomas
Caltagirone	Harhart	Perzel	Tigue
Casorio	Harper	Petrarca	Travaglio
Cawley	Herman	Petrone	Trello
Civera	Hess	Pippy	Trich
Cohen, M.	Horsey	Pistella	Turzai
Colafella	Josephs	Preston	Vance
Coleman	Kaiser	Raymond	Vitali
Costa	Keller	Readshaw	Walko
Coy	Kirkland	Robinson	Washington
Creighton	Laughlin	Roebuck	Waters
Cruz	Lawless	Rooney	Watson
Curry	Lederer	Ross	Williams, J.
Daley	Lescovitz	Rubley	Wojnaroski
DeLuca	Levdansky	Ruffing	Wright, G.
Dermody	Lucyk	Sainato	Yewcic
DiGirolamo	Mackereth	Samuelson	Youngblood

Diven	Maher	Santoni	Yudichak
Donatucci	Manderino	Sather	Zimmerman

NAYS—48

Adolph	Fichter	Major	Solobay
Baker, J.	Forcier	McGill	Stairs
Benninghoff	Hasay	Metcalfe	Stevenson, R.
Birmelin	Hennessey	Micozzie	Taylor, J.
Bunt	Hershey	Miller, R.	Tulli
Cappelli	Hutchinson	O’Brien	Wansacz
Clark	Jadlowiec	Phillips	Wilt
Clymer	Kenney	Pickett	Wright, M.
Cornell	Krebs	Reinard	Zug
Egolf	Leh	Saylor	
Evans, J.	Lewis	Scavello	
Fairchild	Lynch	Smith, S. H.	Ryan,
Feese	Maitland		Speaker

NOT VOTING—1

Rieger

EXCUSED—17

Belfanti	DeWeese	LaGrotta	Rohrer
Cohen, L. I.	Gabig	Miller, S.	Steil
Corrigan	Gruitza	Myers	Stetler
Daily	James	Roberts	Veon
Dally			

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

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

Mr. SCRIMENTI offered the following amendment No. **A2426:**

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

; and imposing penalties on the improper placement and operation of cigarette vending machines.

Amend Bill, page 7, by inserting between lines 24 and 25 Section 2. Title 18 is amended by adding a section to read:

§ 6306.2. Improper placement and operation of cigarette vending machines.

(a) Offenses defined.—

(1) A retailer commits an offense if the retailer fails to locate each cigarette vending machine of the retailer’s within the immediate vicinity, plain view and control of the retailer or of his employee, in such a manner that all purchases are readily observable by that retailer or employee.

(2) A retailer commits an offense if the retailer locates a cigarette vending machine in a coatroom, restroom, unmonitored hallway, outer waiting area or similar unmonitored area, or where it is accessible to the public when the permitted location is closed.

(b) Grading.—An offense under subsection (a) is a summary offense punishable by a fine of not more than \$300. Notwithstanding any other provision of law to the contrary, fines collected under this section shall be paid to the municipality in which the vending machine is located.

(c) Construction.—Conviction of a violation under this section shall not be construed to preclude prosecution of a violation of section 6305

(relating to sale of tobacco) or 6306 (relating to furnishing cigarettes or cigarette papers).

(d) Definitions.—As used in this section, the term “retailer” shall have the same meaning as defined in section 202-A of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

Amend Sec. 2, page 7, line 25, by striking out “2” and inserting 3

Amend Sec. 3, page 7, line 27, by striking out “3” and inserting 4

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

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

Mr. SCRIMENTI. Thank you, Mr. Speaker.

My amendment simply requires a merchant of cigarettes to place his vending machines within plain view of the merchant or his or her employee.

So that is the long and short of my amendment, and I urge the membership’s passage. Thank you.

The SPEAKER. Mr. Gannon.

Mr. GANNON. Mr. Speaker, the problem with this amendment is, it is going to place itself in direct conflict with the Wilt amendment. The Wilt amendment was very specific that you could not have a vending machine in any area where there was access by minors. Now, this says it has to be in a line of sight by the clerk, so it is going to cause a conflict about if a business wants a vending machine – and we talked about different configurations – it is going to be literally impossible to carry out the requirements with that conflict.

I think the Wilt language is very clear that we do not want to have minors having access to vending machines, and it is very specific about that and puts very strong requirements on a retail establishment. This now throws another element into this mix, which is going to create serious problems and consequence for retailers that have vending machines, and I think it is an amendment that would cause more problems and more harm than it would solve.

I think we should stay with the Wilt version, which was keeping kids away from vending machines, period – no ifs, ands, or buts – and I would ask for a “no” vote.

The SPEAKER. On the question of the adoption of the amendment, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I do not see any conflict. One of the things we are saying is, we are not leaving one child behind; we are not leaving one; we are not going to leave one without any protection. So if these folks— And by the way, vending machines do not really account for more than 2 or 3 percent of the sales, but we are not going to leave that out just because of that, because every child deserves to be protected. These vending machines ought to be in a place that is not accessible to minors, but who is going to know that if they are not in the line of sight for some adult who is responsible? You know, you put a vending machine out around the corner of the bar, which was a suggestion made by the maker of the Wilt amendment – it is not in the amendment – and nobody is looking, how the heck is it going to work? You know, you put a vending machine in back of all the tables or something and no adult who is responsible can watch who is approaching, what is the point of it? What is the point of it?

Adults need to be responsible for these kinds of situations that

allow teens and children access. And you know, these teens and children are not doing it to be annoying; they are doing it because many of them are already addicted and they have very little control over their actions. They need adult supervision. They need some adult coming up and saying, I watched you approach that vending machine, and I am telling you, you better stop it or you are in trouble.

We need this amendment; we need Scrimenti’s amendment. Let us vote for it. Let us keep our children safe. Please vote “yes.”

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

The following roll call was recorded:

YEAS-94

Bard	Donatucci	McCall	Shaner
Bebko-Jones	Eachus	McGeehan	Solobay
Belardi	Evans, D.	McIlhinney	Staback
Birmelin	Frankel	Melio	Steelman
Bishop	Freeman	Michlovic	Sturla
Blaum	George	Mundy	Tangretti
Brooks	Haluska	Oliver	Taylor, E. Z.
Browne	Hanna	Pallone	Thomas
Butkovitz	Harhai	Petrarca	Tigue
Buxton	Harper	Petrone	Travaglio
Casorio	Horsey	Pistella	Trello
Cawley	Josephs	Preston	Trich
Cohen, M.	Keller	Rieger	Vance
Colafella	Kirkland	Robinson	Vitali
Costa	Lawless	Roebuck	Walko
Coy	Lederer	Rooney	Washington
Creighton	Lescovitz	Ross	Waters
Cruz	Levdansky	Rublely	Watson
Curry	Lucyk	Sainato	Williams, J.
Daley	Manderino	Samuelson	Wojnaroski
DeLuca	Mann	Santoni	Wright, G.
Dermody	Markosek	Schroder	Youngblood
DiGirolamo	Marsico	Scrimenti	Yudichak
Diven	Mayernik		

NAYS-91

Adolph	Flick	Mackereth	Scavello
Allen	Forcier	Maher	Schuler
Argall	Gannon	Maitland	Semmel
Armstrong	Geist	Major	Smith, B.
Baker, J.	Godshall	McGill	Smith, S. H.
Baker, M.	Gordner	McIlhattan	Stairs
Barrar	Grucela	McNaughton	Stern
Bastian	Habay	Metcalfe	Stevenson, R.
Benninghoff	Harhart	Micozzie	Stevenson, T.
Boyes	Hasay	Miller, R.	Strittmatter
Bunt	Hennessey	Nailor	Surra
Caltagirone	Herman	Nickol	Taylor, J.
Cappelli	Hershey	O’Brien	Tulli
Civera	Hess	Perzel	Turzai
Clark	Hutchinson	Phillips	Wansacz
Clymer	Jadlowiec	Pickett	Wilt
Coleman	Kaiser	Pippy	Wright, M.
Cornell	Kenney	Raymond	Yewcic
Egolf	Krebs	Readshaw	Zimmerman
Evans, J.	Laughlin	Reinard	Zug
Fairchild	Leh	Ruffing	
Feese	Lewis	Sather	Ryan, Speaker
Fichter	Lynch	Saylor	
Fleagle			

NOT VOTING-0



## EXCUSED—17

Belfanti	DeWeese	LaGrotta	Rohrer
Cohen, L. I.	Gabig	Miller, S.	Steil
Corrigan	Gruitza	Myers	Stetler
Dailey	James	Roberts	Veon
Dally			

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?

## RULES SUSPENDED

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

Mr. COLEMAN. Mr. Speaker, I move that the rules of the House be suspended to permit the immediate consideration of amendment 2512.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

## YEAS—172

Adolph	Fairchild	Marsico	Semmel
Allen	Feese	Mayernik	Shaner
Argall	Fichter	McCall	Smith, B.
Armstrong	Fleagle	McGeehan	Smith, S. H.
Baker, M.	Flick	McGill	Solobay
Bard	Forcier	McIlhattan	Staback
Barrar	Frankel	McIlhinney	Stairs
Bastian	Freeman	McNaughton	Steelman
Bebko-Jones	Geist	Melio	Stern
Belardi	George	Michlovic	Stevenson, R.
Birmelin	Godshall	Micozzie	Stevenson, T.
Bishop	Gordner	Miller, R.	Strittmatter
Blaum	Grucela	Mundy	Sturla
Boyes	Habay	Nailor	Surra
Brooks	Haluska	Nickol	Tangretti
Browne	Harhai	O'Brien	Taylor, E. Z.
Bunt	Harhart	Oliver	Taylor, J.
Butkovitz	Harper	Pallone	Thomas
Buxton	Hasay	Perzel	Tigue
Caltagirone	Hennessey	Petrarca	Travaglio
Cappelli	Herman	Petrone	Trello
Casorio	Hershey	Phillips	Trich
Cawley	Hess	Pickett	Tulli
Civera	Horsey	Pippy	Turzai
Clark	Hutchinson	Pistella	Vance
Clymer	Jadlowiec	Preston	Vitali
Cohen, M.	Josephs	Raymond	Walko
Colafella	Kaiser	Readshaw	Wansacz
Coleman	Keller	Reinard	Washington
Cornell	Kenney	Robinson	Waters
Costa	Kirkland	Roebuck	Watson
Coy	Laughlin	Rooney	Williams, J.
Creighton	Lawless	Rubley	Wojnaroski
Cruz	Lederer	Ruffing	Wright, G.
Curry	Levdansky	Sainato	Wright, M.
Daley	Lewis	Samuelson	Yewcic
DeLuca	Lucyk	Santoni	Youngblood

Dermody	Mackereth	Sather	Yudichak
DiGirolamo	Maher	Saylor	Zimmerman
Diven	Maitland	Scavello	Zug
Donatucci	Major	Schroder	
Eachus	Manderino	Schuler	
Egolf	Mann	Scrimenti	Ryan,
Evans, D.	Markosek		Speaker

## NAYS—12

Baker, J.	Gannon	Leh	Metcalfe
Benninghoff	Hanna	Lescovitz	Ross
Evans, J.	Krebs	Lynch	Wilt

## NOT VOTING—1

Rieger

## EXCUSED—17

Belfanti	DeWeese	LaGrotta	Rohrer
Cohen, L. I.	Gabig	Miller, S.	Steil
Corrigan	Gruitza	Myers	Stetler
Dailey	James	Roberts	Veon
Dally			

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

On the question recurring,

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

Mr. COLEMAN offered the following amendment No. **A2512**:

Amend Title, page 1, lines 1 through 4 (A2369), by striking out all of said lines

Amend Title, page 1, line 8 (A2369), by inserting after "paraphernalia;"

and

Amend Title, page 1, lines 9 and 10 (A2369), by striking out "and providing for preemption"

Amend Sec. 4, page 6, lines 11 through 25 (A2369), by striking out all of said lines

Amend Sec. 2, page 6, line 28 (A2369), by striking out "5" and inserting

4

Amend Sec. 3, page 6, line 31 (A2369), by striking out "6" and inserting

5

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. Coleman.

Mr. COLEMAN. Thank you, Mr. Speaker.

And first of all, let me thank the members for supporting a suspension of the rules to allow this amendment to be offered.

This is in essence the original language, the negotiated agreement with the retailers and the antitobacco community. The good thing about this bill is that it does what the

American Cancer Society, the American Heart Association, the American Lung Association, and a broad coalition of grassroots organizations across Pennsylvania would like it to do, and that is, let us keep the strong and sensible penalties and enforcement of youth tobacco in control and let us keep those provisions to prevent access, but let us do something that is right, and that is, let us protect local control. Let us give our local communities the opportunity, if they so wish to, to strengthen and enhance legislation as they see fit.

Mr. Speaker, a few weeks ago, I had the privilege of joining with 300 high school students from about a dozen area high schools in my district. Mr. Speaker, this movement is no longer being led by special interest groups from the top down. The fight against big tobacco, the elimination of manipulation, as they phrased their rally that day, but the fight against the messages of big tobacco and its attack on America's youth is now being led from the bottom up, and I would like to make sure that local communities, led by young people, young Pennsylvanians, have the opportunity to lobby their local municipalities, their boroughs, their cities, and their townships. Let us give them local control.

The SPEAKER. Will the gentleman yield for a moment.

### PARLIAMENTARY INQUIRY

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

Mr. WILT. Mr. Speaker, a point of parliamentary inquiry, please.

The SPEAKER. State it, please.

Mr. WILT. I am wondering what this amendment does that the Josephs amendment did not do, and therefore, I am wondering whether this amendment is in order.

The SPEAKER. The House will be at ease.

Mr. Coleman; Mr. Wilt.

(Conference held at Speaker's podium.)

### AMENDMENT RULED OUT OF ORDER

The SPEAKER. Mr. Coleman, it is my understanding you are withdrawing your amendment at this time?

We have had a conference at the rostrum between various members interested in this bill and the amendments thereto. We have indicated to the gentleman, Mr. Coleman, the difficulties we have fitting his amendment in, and I have advised him that I will rule it out of order, which I now do, because language that was inserted by the lady, Ms. Josephs, in an earlier amendment has changed the bill, and the gentleman, Mr. Coleman's amendment was drawn to the wrong printer's number at that point – pardon me – not the wrong printer's number; the wrong amendment number.

On the question recurring,

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

The SPEAKER. It is the understanding of the Chair that there are no further amendments.

Mr. Yudichak, do you have an amendment? We do not have that amendment.

Mr. Yudichak, this amendment has not been turned in. You are now turning it in; I see you. It is not on the system. No one has any idea what it contains. It is going to require a suspension of the rules to offer, and I would request that there be an explanation of what it contains, simply because it is not available to anyone, and then the gentleman will be required to suspend the rules.

### RULES SUSPENDED

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

Mr. YUDICHAK. Mr. Speaker, I move that the rules of the House be suspended to permit me to offer amendment 2509.

On the question,

Will the House agree to the motion?

The SPEAKER. Mr. Yudichak, on the question of suspension of the rules, the leaders yield to you on that question.

Briefly describe your amendment, and then you can argue for a suspension of the rules.

Mr. YUDICHAK. Very briefly, Mr. Speaker—

The SPEAKER. Will the gentleman yield for a moment.

### LEAVE OF ABSENCE

The SPEAKER. There are additional leaves of absence.

The gentleman, Mr. MICOZZIE, is placed on leave for the balance of the day, without objection. The Chair hears no objection.

### LEAVE OF ABSENCE CANCELED

The SPEAKER. The gentleman, Mr. Veon, is taken off leave, without objection. The Chair hears no objection.

### CONSIDERATION OF HB 1501 CONTINUED

The SPEAKER. Mr. Yudichak, I apologize for interrupting you.

Mr. YUDICHAK. Not at all.

Thank you, Mr. Speaker.

Very briefly, this would insert two pieces of language into the bill: one, making it tougher on retailers that do not comply with the law, that fail to pay their fines; and secondly, it would clear up the language of the compliance checks. Our organizations, our law enforcement organizations, in our local communities that are doing a good job, it clears up the language to make sure that they can continue to do that job.

The SPEAKER. The question before the House is suspension of the rules. The majority leader yields to the gentleman, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for a vote to suspend the rules to put this very important language with respect to compliance checks into this bill as it is – this is very important – also, with respect to license suspension for violation of the prohibitions in the bill.

The SPEAKER. This is not debatable.

Mr. METCALFE. We do not have it on the computer.

The SPEAKER. Well, the Chair explained that to the members, that it is not on the computer, and that is one of the reasons why the rules have to be suspended.

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

The following roll call was recorded:

YEAS—183

Adolph	Fichter	Mann	Scrimenti
Allen	Fleagle	Markosek	Semmel
Argall	Flick	Marsico	Shaner
Armstrong	Forcier	Mayernik	Smith, B.
Baker, J.	Frankel	McCall	Smith, S. H.
Baker, M.	Freeman	McGeehan	Solobay
Bard	Gannon	McGill	Staback
Barrar	Geist	McIlhattan	Stairs
Bastian	George	McIlhinney	Steelman
Bebko-Jones	Godshall	McNaughton	Stern
Belardi	Gordner	Melio	Stevenson, R.
Birmelin	Grucela	Metcalfe	Stevenson, T.
Bishop	Habay	Michlovic	Strittmatter
Blaum	Haluska	Miller, R.	Sturla
Boyes	Hanna	Mundy	Surra
Brooks	Harhai	Nailor	Tangretti
Browne	Harhart	Nickol	Taylor, E. Z.
Bunt	Harper	O'Brien	Taylor, J.
Butkovitz	Hasay	Oliver	Thomas
Buxton	Hennessey	Pallone	Tigue
Caltagirone	Herman	Perzel	Travaglio
Cappelli	Hershey	Petrarca	Trello
Casorio	Hess	Petrone	Trich
Cawley	Horsey	Phillips	Tulli
Civera	Hutchinson	Pickett	Turzai
Clark	Jadlowiec	Pippy	Vance
Clymer	Josephs	Pistella	Veon
Cohen, M.	Kaiser	Preston	Vitali
Colafella	Keller	Raymond	Walko
Coleman	Kenney	Readshaw	Wansacz
Cornell	Kirkland	Reinard	Washington
Costa	Krebs	Rieger	Waters
Coy	Laughlin	Robinson	Watson
Cruz	Lawless	Roebuck	Williams, J.
Curry	Lederer	Rooney	Wilt
Daley	Leh	Ross	Wojnaroski
DeLuca	Lescovitz	Rubley	Wright, G.
Dermody	Levdansky	Ruffing	Wright, M.
DiGirolamo	Lewis	Sainato	Yewcic
Diven	Lucyk	Samuelson	Youngblood
Donatucci	Lynch	Santoni	Yudichak
Eachus	Mackereth	Sather	Zimmerman
Egolf	Maher	Saylor	Zug
Evans, D.	Maitland	Scavello	
Evans, J.	Major	Schroder	Ryan,
Fairchild	Manderino	Schuler	Speaker
Feese			

NAYS—1

Benninghoff

NOT VOTING—1

Creighton

EXCUSED—17

Belfanti	DeWeese	LaGrotta	Roberts
Cohen, L. I.	Gabig	Micozzie	Rohrer

Corrigan	Gruitza	Miller, S.	Steil
Daily	James	Myers	Stetler
Dally			

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

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

Mr. YUDICHAK offered the following amendment No. A2509:

Amend Sec. 1 (Sec. 6305), page 4, lines 4 through 24 (A2369), by striking out all of said lines and inserting

(g) Compliance checks.—This subsection shall only apply to compliance checks conducted by the Department of Health, a single county authority created pursuant to the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act, or a county or municipal health department. Compliance checks shall be conducted, at a minimum, in accordance with all of the following:

(1) Compliance checks shall only be conducted in consultation with the law enforcement agency providing primary police services to the municipality where the compliance check is being conducted.

(2) A minor participating in a compliance check must be at least 16 years of age, complete a course of training approved by the Department of Health and furnish the Department of Health with a signed, written parental consent agreement allowing the minor to participate in the compliance check.

(3) A retailer that is found to be in compliance with this section during a compliance check shall be notified in writing of the compliance check and the determination of compliance.

The Department of Health shall promulgate regulations for conducting compliance checks under this subsection. Compliance checks conducted under this subsection shall be conducted in a manner consistent with this subsection and the regulations. Failure to comply with regulations promulgated under this subsection shall not be a defense to any violation of this section.

(g.1) Administrative action.—

(1) Upon receiving notice, in accordance with subsection (c) or otherwise, of a retailer's failure to pay in full any fine imposed for a violation of subsection (a) within ten days of the imposition of sentence, the department shall, after an opportunity for a hearing, suspend the retailer's cigarette license for 30 days.

(2) Upon receiving notice, in accordance with subsection (c) or otherwise, of a third conviction of a retailer in a 24-month period, the department may, after an opportunity for a hearing, suspend the retailer's cigarette license for up to 30 days. The department, in a hearing held pursuant to this paragraph, has jurisdiction only to determine whether or not the retailer was convicted of a violation of subsection (a). The introduction of a certified copy of a conviction for a violation of subsection (a) shall be sufficient evidence for the suspension of the cigarette license.

(3) Upon receiving notice, in accordance with subsection (c) or otherwise, of a fourth conviction of a retailer in a 60-month period, the department may, after an opportunity for a hearing, revoke the retailer's cigarette license and confiscate any tobacco for sale in the possession of the retailer at the location of the offense which gave rise to the conviction. The department, in a hearing held under this paragraph, has jurisdiction only to

determine whether or not the retailer was convicted of a violation of subsection (a). The introduction of a certified copy of a conviction for a violation of subsection (a) shall be sufficient evidence for the revocation of the cigarette license.

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

The SPEAKER. On the question, Mr. Yudichak says to roll the bill.

Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Will the gentleman rise for a brief interrogation?

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker—

The SPEAKER. Will the gentleman yield for a moment. I have just been told that it is on your machines.

Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

We were given a brief description of this when we voted to suspend the rules to allow this amendment to come up, but if you could clarify a few points.

You said that there would be an increased penalty for those people that sell. Can you explain what was meant by that portion of your amendment and some of the details of that?

Mr. YUDICHAK. Thank you, Mr. Speaker.

Very simply, the biggest change would be instituting a suspension of license up to 30 days for a retailer if three offenses occur in a 24-month period.

Mr. STURLA. And that would be as opposed to what, Mr. Speaker?

Mr. YUDICHAK. Nothing today; currently there would be no suspension of license, under the current law.

Mr. STURLA. Thank you.

Mr. Speaker, one other question. You talked about changing or clarifying some issues around compliance. Under the Wilt amendment, I believe local health officials were allowed to monitor compliance as well as local police forces and various other people. Does this affect any of their ability to continue to do compliance under the Wilt amendment?

Mr. YUDICHAK. No. It should help them, Mr. Speaker.

Mr. STURLA. And, Mr. Speaker, if you could clarify that, what specifically does your amendment do to help them in that compliance and enforcement section?

Mr. YUDICHAK. More specifically, Mr. Speaker, it grants the enforcement authority to employees of the Department of Health, authorizes the performance of compliance checks, and requires the Department of Health to promulgate regulations. It requires that compliance checks be conducted in consultation with law enforcement. It requires that minors age 16 or 17 who participate in these checks have parental consent and be trained by the Department of Health.

Mr. STURLA. If you could, Mr. Speaker, can you tell me what is different about that than what was in the Wilt amendment?

Mr. YUDICHAK. I would like to defer to Representative Wilt to answer that question.

The SPEAKER. Mr. Wilt, will you consent to interrogation?

Mr. WILT. Yes, sir, Mr. Speaker.

The SPEAKER. Would you respond to the question of the

gentleman, Mr. Sturla.

Mr. WILT. I will.

For the interest of the members, there is an important distinction, which I fully support, in this compliance section. One of the things, when we failed to get the votes necessary to suspend the rules for the Gannon amendment, that I had worked very hard to get into the Gannon amendment, is that no one under the age of 16 can be used in a sting operation to enforce these tobacco laws. I feel very strongly about that, because I think we have a moral issue at stake here when we use minors under the age of 16 in the duties of law enforcement.

So I would commend the gentleman for including this language in this amendment, because it only enables members of our society who are 16 years of age or older to participate in these sting operations, so I think it is a very important distinction.

The SPEAKER. Mr. Sturla.

Mr. STURLA. Mr. Speaker, and that language was not in your amendment. Is that correct?

Mr. WILT. That is correct.

Mr. STURLA. Okay. Thank you, Mr. Speaker.

That ends my interrogation.

The SPEAKER. On the question, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I would like to interrogate whoever feels qualified to answer.

The SPEAKER. The gentleman, Mr. Yudichak, indicates he will stand for interrogation. You may proceed.

Ms. JOSEPHS. Thank you.

Under your amendment, Mr. Speaker, a retailer can violate the statute three or perhaps four times before the license might be suspended or before a really serious penalty kicks in. Would you clarify that for me? You said something about three times in 24 months, or four times.

Mr. YUDICHAK. In law currently there is no provision for suspension of a license. That is why I felt that this amendment should be offered, that there was not enough teeth in the bill. So to your question, the matter of offense, yes, if 3 offenses occurred in a 24-month period, but currently, if 10 occurred, it would not matter; their license would not be suspended.

Ms. JOSEPHS. Mr. Speaker, if a county like Allegheny or a city like Pittsburgh decided that they would not even allow more than one offense before they moved to a stiff penalty, which I do not want to characterize, but a penalty which would really cause behavioral change, in other words, can a locality – a municipality, a city, a county – do more, go above this? Is this a floor upon which the counties can stand to be more protective of their children, or is it a ceiling which keeps them from becoming more protective if the local people decide that your amendment is good but not good enough?

Mr. YUDICHAK. Well, I think you are getting back to preemption, which was debated throughout the afternoon. Currently Allegheny County does not have that ability to revoke that State license. This would make it uniform across the Commonwealth, that we would be able to revoke the license of a retailer that is in offense on three occasions of selling cigarettes to minors.

Ms. JOSEPHS. The Allegheny County scheme, if you will indulge me, requires that tobacco retailers buy another license, a locally grounded license. Will your amendment make a requirement like that illegal?

Mr. YUDICHAK. No. That would not affect Allegheny

County. As long as July 1—

Ms. JOSEPHS. Wait. Well, I cannot hear you if you turn away. I am sorry.

Mr. YUDICHAK. If their ordinance was done prior to July 1, 2002, they would not be impacted.

Ms. JOSEPHS. May I ask you about who is being fined. Under your bill, is it the clerk or is it a member of management or perhaps ownership of the retail establishment?

Mr. YUDICHAK. The licensed retailer.

Ms. JOSEPHS. Thank you, Mr. Speaker.

The SPEAKER. On the question, Ms. Josephs?

Ms. JOSEPHS. Yes. Thank you.

I regret, I myself, because I just do not know enough about this amendment and the way it came up. I just fear that in spite of the legislative record we have created here and in spite of the intentions of the gentleman, which I applaud, which I really do applaud, I just fear that this amendment is going to in another way be a preemption amendment.

I am not going to be a big arguer here. I know it is late. I regretfully ask for a “no” vote. Thank you.

**LEAVES OF ABSENCE**

Mr. COY. Mr. Speaker?

The SPEAKER. The gentleman is correct. The gentleman is requesting a leave for the balance of today’s session for the lady from Philadelphia County, Ms. WASHINGTON. Without objection, the leave will be granted.

Mr. COY. And the gentleman, Mr. GRUCELA.

The SPEAKER. And the gentleman, Mr. Grucela. Without objection, the leaves are granted. The Chair hears no objection.

**CONSIDERATION OF HB 1501 CONTINUED**

The SPEAKER. Mr. Wilt.

Mr. WILT. Mr. Speaker, on the amendment very briefly.

The SPEAKER. The gentleman is in order.

Mr. WILT. Thank you, Mr. Speaker.

Mr. Speaker, I believe this amendment offers some commonsense changes to the amendment that I introduced on enforcement and the use of people under the age of 16 in sting operations. I would hope that every member of the floor can support this amendment. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

**YEAS—174**

Adolph	Evans, J.	Major	Schroder
Allen	Fairchild	Mann	Schuler
Argall	Feese	Markosek	Scrimenti
Armstrong	Fichter	Marsico	Semmel
Baker, J.	Fleagle	Mayernik	Shaner
Baker, M.	Flick	McCall	Smith, S. H.
Barrar	Forcier	McGeehan	Solobay
Bastian	Frankel	McGill	Staback
Bebko-Jones	Freeman	McIlhattan	Stairs
Belardi	Gannon	McIlhinney	Steelman
Benninghoff	Geist	McNaughton	Stevenson, R.
Birmelin	George	Melio	Stevenson, T.

Bishop	Godshall	Metcalfe	Strittmatter
Blaum	Gordner	Michlovic	Sturla
Boyes	Habay	Miller, R.	Surra
Brooks	Haluska	Mundy	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Bunt	Harhai	O’Brien	Taylor, J.
Butkovitz	Harhart	Oliver	Thomas
Buxton	Harper	Pallone	Tigue
Caltagirone	Hasay	Perzel	Travaglio
Cappelli	Hennessey	Petrarca	Trello
Casorio	Herman	Petrone	Trich
Cawley	Hershey	Phillips	Tulli
Civera	Hess	Pickett	Turzai
Clark	Horsey	Pippy	Veon
Clymer	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	Kaiser	Raymond	Wansacz
Coleman	Keller	Readshaw	Waters
Cornell	Kenney	Reinard	Watson
Costa	Kirkland	Rieger	Williams, J.
Coy	Krebs	Robinson	Wilt
Creighton	Laughlin	Roebuck	Wojnaroski
Cruz	Lawless	Rooney	Wright, G.
Daley	Lederer	Ross	Wright, M.
DeLuca	Leh	Rublely	Yewcic
Dermody	Lescovitz	Ruffing	Youngblood
DiGirolamo	Levdansky	Sainato	Yudichak
Diven	Lewis	Samuelson	Zimmerman
Donatucci	Lucyk	Santoni	Zug
Eachus	Lynch	Sather	
Egolf	Maher	Saylor	Ryan,
Evans, D.	Maitland	Scavello	Speaker

**NAYS—9**

Bard	Mackereth	Nickol	Stern
Curry	Manderino	Smith, B.	Vance
Josephs			

**NOT VOTING—0**

**EXCUSED—19**

Belfanti	DeWeese	LaGrotta	Rohrer
Cohen, L. I.	Gabig	Micozzie	Steil
Corrigan	Grucela	Miller, S.	Stetler
Daily	Gruitza	Myers	Washington
Dally	James	Roberts	

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?

Ms. Josephs.  
Ms. JOSEPHS. I am a short politician; it is a short speech.  
This bill contains preemption. I am not going to vote for it. Those of you, we did as well as we could but we did not do as well as we should for our children. This ought to be a “no.”  
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—142

Adolph	Fichter	Maitland	Scavello
Allen	Fleagle	Major	Schroder
Argall	Flick	Mann	Schuler
Armstrong	Forcier	Markosek	Scrimenti
Baker, J.	Gannon	Marsico	Semmel
Baker, M.	Geist	Mayernik	Shaner
Barrar	George	McCall	Smith, B.
Bastian	Godshall	McGeehan	Smith, S. H.
Belardi	Gordner	McGill	Solobay
Birmelin	Habay	McNaughton	Stairs
Boyes	Hanna	Melio	Stern
Browne	Harhai	Metcalfe	Stevenson, R.
Bunt	Harhart	Miller, R.	Stevenson, T.
Butkovitz	Harper	Nailor	Strittmatter
Buxton	Hasay	Nickol	Sturla
Caltagirone	Hennessey	O'Brien	Surra
Cappelli	Hershey	Oliver	Tangretti
Civera	Hess	Pallone	Taylor, E. Z.
Clark	Horsey	Perzel	Taylor, J.
Clymer	Hutchinson	Petrarca	Travaglio
Colafella	Jadlowiec	Phillips	Trello
Cornell	Kaiser	Pickett	Trich
Costa	Keller	Pippy	Tulli
Coy	Kenney	Pistella	Turzai
Creighton	Kirkland	Preston	Vance
Cruz	Krebs	Raymond	Veon
Daley	Laughlin	Readshaw	Vitali
DeLuca	Lawless	Reinard	Wansacz
Dermody	Lederer	Rieger	Wright, M.
DiGirolamo	Leh	Rooney	Youngblood
Diven	Lescovitz	Rubley	Yudichak
Donatucci	Lewis	Ruffing	Zimmerman
Eachus	Lucyk	Sainato	Zug
Evans, J.	Lynch	Santoni	
Fairchild	Mackereth	Sather	Ryan,
Feese	Maher	Saylor	Speaker

NAYS—39

Bard	Curry	McIlhattan	Steelman
Bebko-Jones	Egolf	McIlhinney	Thomas
Benninghoff	Evans, D.	Michlovic	Tigue
Bishop	Frankel	Mundy	Walko
Blaum	Freeman	Petrone	Watson
Brooks	Haluska	Robinson	Williams, J.
Casorio	Herman	Roebuck	Wojnaroski
Cawley	Josephs	Ross	Wright, G.
Cohen, M.	Levdansky	Samuelson	Yewcic
Coleman	Manderino	Staback	

NOT VOTING—2

Waters	Wilt
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EXCUSED—19

Belfanti	DeWeese	LaGrotta	Rohrer
Cohen, L. I.	Gabig	Micozzie	Steil
Corrigan	Grucela	Miller, S.	Stetler
Dailey	Gruitza	Myers	Washington
Dally	James	Roberts	

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.

SENATE RESOLUTION FOR CONCURRENCE

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

SR 228, PN 1980

Referred to Committee on RULES, May 8, 2002.

RULES COMMITTEE MEETING

The SPEAKER. There is an immediate meeting of the Rules Committee.

RESOLUTION REPORTED FROM COMMITTEE

SR 228, PN 1980

By Rep. PERZEL

A Concurrent Resolution reaffirming the Pennsylvania General Assembly's support for the Delaware River Channel Deepening Project.

RULES.

SUPPLEMENTAL CALENDAR B

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1933, PN 3867**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the retention of certain records; requiring the promulgation of regulations; and further providing for windshield obstructions and wipers.

On the question,  
 Will the House concur in Senate amendments?

The SPEAKER. On that question, Mr. Vitali.  
 Mr. VITALI. Thank you, Mr. Speaker.

I rise to interrogate—

The SPEAKER. Mr. Vitali, would you get closer to the microphone.

Mr. VITALI. Thank you, Mr. Speaker.

I was just looking for a brief explanation of the Senate amendments to this bill.

The SPEAKER. Anyone care to respond to the gentleman?

Mr. VITALI. Perhaps Mr. Mayernik might want to do that.

The SPEAKER. Mr. Mayernik, you are being put on the spot.

Mr. MAYERNIK. I will do my best, Mr. Speaker. I have not had a chance to review it, but from the computer, I can give you the same information Mr. Vitali could access himself.

Mr. VITALI. I am sorry. I missed that, Mr. Speaker.

The SPEAKER. Mr. Mayernik indicated that he has the same information that is available to you, which is the analysis on the computer, I believe, is—

Mr. VITALI. Okay. Thank you.

Would you care to share that information with me, because I am at a loss.

Mr. MAYERNIK. Okay. Sure.

This is a two-prong bill. HB 1933 is a continuation of what we passed a couple weeks ago, which was Senator Gerlach’s piece of legislation, SB 369. This pertains to the audiovisual camcorders in police cars. HB 1933 was amended extensively in the Senate, and it would provide that authorized law enforcement officers retain the recordings for a minimum of 31 days and not to exceed 90 days, except in five instances, and one is that if it results in the issuance of a citation; number two is if it may be necessary to investigate disclosures; three, if the criminal defendant believes that it should be preserved for evidence in a specific criminal proceeding; four, or if the individual recorded intends to pursue or has begun criminal action; and the fifth one is it can also be used for training purposes in law enforcement academies.

And also, for saving the House time so that the gentleman does not call me back, SB 369 had a technical amendment to the definition of “law enforcement officer.” So I will try to kill two birds with one stone for brevity’s purposes, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

That concludes my interrogation.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—183

Adolph	Fairchild	Manderino	Schuler
Allen	Feese	Mann	Scrimenti
Argall	Fichter	Markosek	Semmel
Armstrong	Fleagle	Marsico	Shaner
Baker, J.	Flick	Mayernik	Smith, B.
Baker, M.	Forcier	McCall	Smith, S. H.
Bard	Frankel	McGeehan	Solobay
Barrar	Freeman	McGill	Staback
Bastian	Gannon	McIlhattan	Stairs
Bebko-Jones	Geist	McIlhinney	Steelman
Belardi	George	McNaughton	Stern
Benninghoff	Godshall	Melio	Stevenson, R.
Birmelin	Gordner	Metcalfe	Stevenson, T.
Bishop	Habay	Michlovic	Strittmatter
Blaum	Haluska	Miller, R.	Sturla
Boyes	Hanna	Mundy	Surra
Brooks	Harhai	Nailor	Tangretti
Browne	Harhart	Nickol	Taylor, E. Z.
Bunt	Harper	O’Brien	Taylor, J.
Butkovitz	Hasay	Oliver	Thomas
Buxton	Hennessey	Pallone	Tigue
Caltagirone	Herman	Perzel	Travaglio
Cappelli	Hershey	Petrarca	Trello
Casorio	Hess	Petrone	Trich
Cawley	Horsey	Phillips	Tulli
Civera	Hutchinson	Pickett	Turzai
Clark	Jadlowiec	Pippy	Vance

Clymer	Josephs	Pistella	Veon
Cohen, M.	Kaiser	Preston	Vitali
Colafella	Keller	Raymond	Walko
Coleman	Kenney	Readshaw	Wansacz
Cornell	Kirkland	Reinard	Waters
Costa	Krebs	Rieger	Watson
Coy	Laughlin	Robinson	Williams, J.
Creighton	Lawless	Roebuck	Wilt
Cruz	Lederer	Rooney	Wojnarowski
Curry	Leh	Ross	Wright, G.
Daley	Lescovitz	Rublely	Wright, M.
DeLuca	Levdansky	Ruffing	Yewcic
Dermody	Lewis	Sainato	Youngblood
DiGirolamo	Lucyk	Samuelson	Yudichak
Diven	Lynch	Santoni	Zimmerman
Donatucci	Mackereth	Sather	Zug
Eachus	Maher	Saylor	
Egolf	Maitland	Scavello	Ryan,
Evans, D.	Major	Schroder	Speaker
Evans, J.			

NAYS—0

NOT VOTING—0

EXCUSED—19

Belfanti	DeWeese	LaGrotta	Rohrer
Cohen, L. I.	Gabig	Micozzie	Steil
Corrigan	Grucela	Miller, S.	Stetler
Dailey	Gruitza	Myers	Washington
Dally	James	Roberts	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS  
TO HOUSE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 369, PN 1998**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, authorizing police officers to record certain oral communications.

On the question,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS—182

Adolph	Evans, J.	Major	Schroder
Allen	Fairchild	Manderino	Schuler
Argall	Feese	Mann	Scrimenti
Armstrong	Fichter	Markosek	Semmel
Baker, J.	Fleagle	Marsico	Shaner
Baker, M.	Flick	Mayernik	Smith, B.

Bard	Forcier	McCall	Smith, S. H.
Barrar	Frankel	McGeehan	Solobay
Bastian	Freeman	McGill	Staback
Bebko-Jones	Gannon	McIlhattan	Stairs
Belardi	Geist	McIlhinney	Steelman
Benninghoff	George	McNaughton	Stern
Birmelin	Godshall	Melio	Stevenson, R.
Bishop	Gordner	Metcalfe	Stevenson, T.
Blaum	Habay	Michlovic	Strittmatter
Boyes	Haluska	Miller, R.	Sturla
Brooks	Hanna	Mundy	Surra
Browne	Harhai	Nailor	Tangretti
Bunt	Harhart	Nickol	Taylor, E. Z.
Butkovitz	Harper	O'Brien	Taylor, J.
Buxton	Hasay	Oliver	Tigue
Caltagirone	Hennessey	Pallone	Travaglio
Cappelli	Herman	Perzel	Trello
Casorio	Hershey	Petrarca	Trich
Cawley	Hess	Petrone	Tulli
Civera	Horsey	Phillips	Turzai
Clark	Hutchinson	Pickett	Vance
Clymer	Jadlowiec	Pippy	Veon
Cohen, M.	Josephs	Pistella	Vitali
Colafella	Kaiser	Preston	Walko
Coleman	Keller	Raymond	Wansacz
Cornell	Kenney	Readshaw	Waters
Costa	Kirkland	Reinard	Watson
Coy	Krebs	Rieger	Williams, J.
Creighton	Laughlin	Robinson	Wilt
Cruz	Lawless	Roebuck	Wojnaroski
Curry	Lederer	Rooney	Wright, G.
Daley	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rublely	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DiGirolamo	Lewis	Sainato	Yudichak
Diven	Lucyk	Samuelson	Zimmerman
Donatucci	Lynch	Santoni	Zug
Eachus	Mackereth	Sather	
Egolf	Maher	Saylor	Ryan,
Evans, D.	Maitland	Scavello	Speaker

NAYS-1

Thomas

NOT VOTING-0

EXCUSED-19

Belfanti	DeWeese	LaGrotta	Rohrer
Cohen, L. I.	Gabig	Micozzie	Steil
Corrigan	Grucela	Miller, S.	Stetler
Dailey	Gruitza	Myers	Washington
Dally	James	Roberts	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**SUPPLEMENTAL CALENDAR C**

**RESOLUTION**

Mr. PERZEL called up **SR 228, PN 1980**, entitled:

A Concurrent Resolution reaffirming the Pennsylvania General Assembly's support for the Delaware River Channel Deepening Project.

On the question,  
Will the House concur in the resolution of the Senate?

The following roll call was recorded:

YEAS-181

Adolph	Evans, J.	Manderino	Scrimenti
Allen	Fairchild	Mann	Semmel
Argall	Feese	Markosek	Shaner
Armstrong	Fichter	Marsico	Smith, B.
Baker, J.	Fleagle	Mayernik	Smith, S. H.
Baker, M.	Flick	McCall	Solobay
Bard	Forcier	McGeehan	Staback
Barrar	Frankel	McGill	Stairs
Bastian	Gannon	McIlhattan	Steelman
Bebko-Jones	Geist	McIlhinney	Stern
Belardi	George	McNaughton	Stevenson, R.
Benninghoff	Godshall	Melio	Stevenson, T.
Birmelin	Gordner	Metcalfe	Strittmatter
Bishop	Habay	Michlovic	Sturla
Blaum	Haluska	Miller, R.	Surra
Boyes	Hanna	Nailor	Tangretti
Brooks	Harhai	Nickol	Taylor, E. Z.
Browne	Harhart	O'Brien	Taylor, J.
Bunt	Harper	Oliver	Thomas
Butkovitz	Hasay	Pallone	Tigue
Buxton	Hennessey	Perzel	Travaglio
Caltagirone	Herman	Petrarca	Trello
Cappelli	Hershey	Petrone	Trich
Casorio	Hess	Phillips	Tulli
Cawley	Horsey	Pickett	Turzai
Civera	Hutchinson	Pippy	Vance
Clark	Jadlowiec	Pistella	Veon
Clymer	Josephs	Preston	Vitali
Cohen, M.	Kaiser	Raymond	Walko
Colafella	Keller	Readshaw	Wansacz
Coleman	Kenney	Reinard	Waters
Cornell	Kirkland	Rieger	Watson
Costa	Krebs	Robinson	Williams, J.
Coy	Laughlin	Roebuck	Wilt
Creighton	Lawless	Rooney	Wojnaroski
Cruz	Lederer	Ross	Wright, G.
Curry	Leh	Rublely	Wright, M.
Daley	Lescovitz	Ruffing	Yewcic
DeLuca	Levdansky	Sainato	Youngblood
Dermody	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maher	Scavello	
Egolf	Maitland	Schroder	Ryan,
Evans, D.	Major	Schuler	Speaker

NAYS-0

NOT VOTING-2

Freeman Mundy

EXCUSED-19

Belfanti	DeWeese	LaGrotta	Rohrer
Cohen, L. I.	Gabig	Micozzie	Steil
Corrigan	Grucela	Miller, S.	Stetler
Dailey	Gruitza	Myers	Washington
Dally	James	Roberts	



The majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

#### ANNOUNCEMENT BY MR. ARMSTRONG

The SPEAKER. The Chair recognizes the gentleman, Mr. Armstrong, for the purpose of making an announcement.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

The House Intergovernmental Affairs Committee's Subcommittee on Information Technology and the Local Government Committee will jointly hold a meeting titled "Digital Issues Update – A Dialogue on the State's Future." This meeting is scheduled for Thursday, June 6, 2002, from 8:30 a.m. to 5 p.m. in hearing rooms 1, 2, and 3, ground level, North Office Building.

Two years ago, in July 2000, the subcommittee held the Digital Excellence Summit that resulted in the publication of the "Digital Excellence Blueprint" for the House of Representatives. The chairmen of the committees and the subcommittee invite all

members of the House of Representatives to plan to attend as well as individuals from local government and academia.

You will be receiving e-mail as well as hard copies of this invitation, but we want to make sure you are aware of it.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

**HB 2552, PN 3890** (Amended) By Rep. CLYMER

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for qualifications of directors.

STATE GOVERNMENT.

**SB 1179, PN 1485** By Rep. CLYMER

An Act authorizing and directing the Department of General Services, with the approval of the Governor, and the Pennsylvania Historical and Museum Commission, to accept by donation a tract of land situate in the Borough of Ambridge, Beaver County.

STATE GOVERNMENT.

**SB 1184, PN 1835** By Rep. CLYMER

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Sharon Regional Health System, certain lands situate in the City of Sharon, Mercer County.

STATE GOVERNMENT.

**SB 1192, PN 1823** By Rep. CLYMER

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to

Pennsylvania American Water Company, certain lands situate in East Vincent Township, Chester County.

STATE GOVERNMENT.

**SB 1248, PN 1836**

By Rep. CLYMER

An Act authorizing the Department of General Services, with the approval of the Department of Transportation and the Governor, to grant and convey to the Heritage Conservancy Inc., certain lands in the Borough of Doylestown, Bucks County.

STATE GOVERNMENT.

#### VOTE CORRECTIONS

The SPEAKER. Mr. Waters.

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, earlier my button did not function, and I would like to be recorded in the negative on final passage of HB 1501.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

Mr. Wilt.

Mr. WILT. Thank you.

Likewise, Mr. Speaker, my machine malfunctioned. I was recorded as not voting. I would like to be recorded in the affirmative on HB 1501. Thank you.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

Any further corrections to the record? Any further corrections to the record? Any announcements by committee chairmen?

#### BILL SIGNED BY SPEAKER

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

**HB 1933, PN 3867**

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the retention of certain records; requiring the promulgation of regulations; and further providing for windshield obstructions and wipers.

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

#### BILLS PASSED OVER

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

#### ADJOURNMENT

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

Hearing none, the Chair recognizes the gentleman from Lancaster County, Mr. Creighton.

Mr. CREIGHTON. Mr. Speaker, I move that this House do

now adjourn until Monday, June 3, 2002, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:51 p.m., e.d.t., the House adjourned.