

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, JANUARY 23, 2002

SESSION OF 2002

186TH OF THE GENERAL ASSEMBLY

No. 6

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

PRAYER

REV. BARBARA C. YORKS, Chaplain of the House of Representatives and pastor of Paxton United Methodist Church, Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

Dear Lord, we invite Your presence as we seek guidance and direction, insight and wisdom. We recognize that the decisions made within this chamber have bearing on the lives of many beyond our walls.

We echo the words of St. Francis of Assisi:

Make me an instrument of Thy peace.
Where there is hatred, let me sow love;
where there is injury, pardon;
where there is doubt, faith;
where there is despair, hope;
where there is darkness, light;
and where there is sadness, joy.

We acknowledge that we are representing a State rich in history, diversity, and strength. May we serve as Your instruments of peace with justice, generosity with balance, and power with integrity.

Hear our prayer, O God. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Tuesday, January 22, 2002, will be postponed until printed. The Chair hears no objection.

JOURNALS APPROVED

The SPEAKER pro tempore. The following Journals are in print and will be approved, without objections:

Wednesday, October 3, 2001;

Friday, October 5, 2001;
Monday, October 15, 2001;
Tuesday, October 16, 2001;
Wednesday, October 17, 2001;
Monday, October 22, 2001;
Tuesday, October 23, 2001;
Wednesday, October 24, 2001;
Monday, October 29, 2001; and
Tuesday, October 30, 2001.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2289 By Representatives PERZEL, ARGALL, DeLUCA, BARD, BARRAR, BASTIAN, BROWNE, BUNT, CALTAGIRONE, CAPPELLI, CAWLEY, L. I. COHEN, COSTA, COY, CREIGHTON, CRUZ, DALEY, DALLY, DiGIROLAMO, J. EVANS, FLICK, FRANKEL, GRUCELA, HARHAI, HARPER, HORSEY, KELLER, KENNEY, LaGROTTA, LEDERER, LEWIS, MANN, MARSICO, MELIO, PISTELLA, PRESTON, RAYMOND, SATHER, SCHULER, B. SMITH, SOLOBAY, STABACK, E. Z. TAYLOR, J. TAYLOR, WALKO, WANSACZ, WATSON, WILT, WOJNAROSKI and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for possession of weapon on school property.

Referred to Committee on JUDICIARY, January 23, 2002.

No. 2290 By Representatives PERZEL, ALLEN, ARGALL, ARMSTRONG, M. BAKER, BARD, BASTIAN, BELFANTI, BROWNE, BUNT, CLARK, L. I. COHEN, COLEMAN, CORRIGAN, CREIGHTON, CRUZ, CURRY, DALEY, DALLY, DeLUCA, DiGIROLAMO, J. EVANS, FAIRCHILD, FEESE, FICHTER, FRANKEL, GABIG, GODSHALL, GRUCELA, HARHAI, HERMAN, HERSHEY, HESS, HORSEY, KAISER, KELLER, KENNEY, KIRKLAND, LaGROTTA, LAUGHLIN, LEDERER, LEWIS, MAJOR, MANN, MARKOSEK, MARSICO, McGEEHAN, McGILL, McILHATTAN, McNAUGHTON, MELIO, R. MILLER, NAILOR, PETRONE, PICKETT, PIPPY, ROHRER, ROSS, RUBLEY, SAINATO, SATHER, SAYLOR, SCHRODER, SEMMEL, SHANER, B. SMITH, S. H. SMITH, SOLOBAY, STABACK, STERN, T. STEVENSON, E. Z. TAYLOR, J. TAYLOR, THOMAS, TRAVAGLIO, TRICH, WALKO, WATSON, J. WILLIAMS, WILT, WOJNAROSKI, YOUNGBLOOD and ZUG

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, providing for a sentencing enhancement for offenses involving Oxycontin.

Referred to Committee on JUDICIARY, January 23, 2002.

No. 2291 By Representatives VANCE, CIVERA, DAILEY, BELFANTI, GORDNER, ADOLPH, ALLEN, ARGALL, ARMSTRONG, BARLEY, BARRAR, BEBKO-JONES, BELARDI, BENNINGHOFF, BISHOP, BUNT, BUXTON, CAPPELLI, CLYMER, CORNELL, COSTA, COY, CREIGHTON, CURRY, DALEY, DALLY, DeWEESE, DIGIROLAMO, FAIRCHILD, FEESE, FLEAGLE, FLICK, FRANKEL, FREEMAN, GABIG, GEORGE, GRUCELA, HARHAI, HARPER, HENNESSEY, HERMAN, JAMES, JOSEPHS, KENNEY, KIRKLAND, KREBS, LEDERER, MACKERETH, MAHER, MANDERINO, MANN, MARKOSEK, McCALL, McGEEHAN, McNAUGHTON, MELIO, MICOZZIE, R. MILLER, S. MILLER, NAILOR, NICKOL, PALLONE, PHILLIPS, PICKETT, PIPPY, READSHAW, ROBERTS, ROSS, RUBLEY, SANTONI, SATHER, SAYLOR, SCRIMENTI, SEMMEL, SHANER, B. SMITH, STABACK, STEELMAN, STURLA, SURRA, E. Z. TAYLOR, THOMAS, TRICH, WALKO, WANSACZ, WATSON, WOJNAROSKI, G. WRIGHT, YOUNGBLOOD, YUDICHAK, ZIMMERMAN, HESS, FICHTER, MARSICO, L. I. COHEN and HASAY

An Act providing for recruitment and retention of nurses; establishing the Pennsylvania Center for Nursing; and making an appropriation.

Referred to Committee on HEALTH AND HUMAN SERVICES, January 23, 2002.

No. 2292 By Representatives FEESE, BARD, BLAUM, BROWNE, CAPPELLI, CIVERA, L. I. COHEN, M. COHEN, COLEMAN, CREIGHTON, FICHTER, FRANKEL, FREEMAN, GABIG, GEIST, GEORGE, HARPER, HENNESSEY, KAISER, McCALL, McGEEHAN, S. MILLER, PALLONE, PERZEL, PICKETT, SAINATO, SATHER, SCRIMENTI, SEMMEL, SHANER, STABACK, STERN, E. Z. TAYLOR, THOMAS, TIGUE, TRICH, WANSACZ, WATSON and YOUNGBLOOD

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for limitation of time for certain major criminal offenses.

Referred to Committee on JUDICIARY, January 23, 2002.

No. 2293 By Representatives FEESE, M. BAKER, BASTIAN, BELFANTI, BROWNE, BUNT, CREIGHTON, DAILEY, DALEY, FAIRCHILD, FRANKEL, GEORGE, GRUCELA, HERSHEY, HORSEY, HUTCHINSON, KELLER, LAUGHLIN, LEDERER, LEH, McILHATTAN, MELIO, READSHAW, RUBLEY, SATHER, SHANER, SOLOBAY, STABACK, E. Z. TAYLOR, WATSON, WILT, YOUNGBLOOD, FORCIER, R. MILLER, PICKETT, McCALL, DALLY and THOMAS

An Act amending the act of May 17, 1956 (1955 P.L. 1609, No.537), known as the Pennsylvania Industrial Development Authority Act, further providing for powers of the authority and loans to industrial development agencies.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, January 23, 2002.

No. 2294 By Representatives STAIRS, BASTIAN, FLICK, HERMAN, KREBS, R. MILLER, SCHULER, T. STEVENSON, GRUCELA, MUNDY, CAPPELLI, CREIGHTON, HALUSKA, HARHAI, HENNESSEY, SAINATO, SATHER, SEMMEL, SHANER, S. H. SMITH, E. Z. TAYLOR and WOJNAROSKI

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for classification of documents.

Referred to Committee on STATE GOVERNMENT, January 23, 2002.

No. 2295 By Representatives SOLOBAY, COSTA, FRANKEL, MANN, YUDICHAK, BELARDI, M. COHEN, COY, DeLUCA, DeWEESE, KELLER, LESCOVITZ, MELIO, SHANER, STABACK, SURRA, TRAVAGLIO, WOJNAROSKI, ALLEN, BASTIAN, BEBKO-JONES, BELFANTI, BROWNE, BUNT, CAPPELLI, CASORIO, CLYMER, CREIGHTON, CRUZ, FAIRCHILD, FLEAGLE, GEORGE, GRUITZA, HALUSKA, HERMAN, HUTCHINSON, JADLOWIEC, LAUGHLIN, LEH, LEVDANSKY, LUCYK, MARKOSEK, MAYERNIK, McILHATTAN, PHILLIPS, RAYMOND, READSHAW, RUBLEY, SANTONI, SATHER, E. Z. TAYLOR, WALKO, YOUNGBLOOD, TURZAI, O'BRIEN, TANGRETTI, GRUCELA, HESS, HARHAI, PICKETT, SCRIMENTI, PISTELLA, ROBERTS, PETRARCA, R. MILLER, STURLA, WANSACZ, MUNDY, McCALL and FREEMAN

An Act amending the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, further providing for the amount and funding of death benefit payable.

Referred to Committee on JUDICIARY, January 23, 2002.

No. 2296 By Representative LEVDANSKY

An Act designating a portion of the Mon/Fayette Expressway, State Route 43, as the Yohogania County Courthouse Highway.

Referred to Committee on TRANSPORTATION, January 23, 2002.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 393 By Representatives GEORGE, BEBKO-JONES, BLAUM, BUXTON, CAPPELLI, M. COHEN, COY, CRUZ, DAILEY, DALEY, DALLY, DeWEESE, EACHUS, D. EVANS, FREEMAN, GEIST, GRUCELA, HALUSKA, HANNA, HARHAI, HERMAN, JAMES, LEDERER, LEVDANSKY, MANDERINO, MARKOSEK, McCALL, PALLONE, PETRARCA, PISTELLA, READSHAW, ROEBUCK, ROHRER, ROONEY, RUBLEY, RUFFING, SAINATO, SAMUELSON, SANTONI, SAYLOR, SCRIMENTI, SOLOBAY, STABACK, STEELMAN, STETLER, STURLA, SURRA, TANGRETTI, WALKO, WANSACZ, WATERS, WATSON, WOJNAROSKI, M. WRIGHT and YUDICHAK

A Resolution memorializing the President of the United States to release emergency LIHEAP funding.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, January 23, 2002.

No. 394 By Representatives DeWEESE, G. WRIGHT, TRAVAGLIO, STEELMAN, VEON, OLIVER, BEBKO-JONES, BELARDI, BUXTON, CALTAGIRONE, CAPPELLI, COY, DeLUCA, D. EVANS, FICHTER, GEORGE, GRUCELA, HARHAI, HERSHEY, JAMES, LESCOVITZ, MARKOSEK, MELIO, READSHAW, ROONEY, SANTONI, SHANER, SURRA, TRICH, WALKO, YEWIC, YUDICHAK, CRUZ, MYERS, CASORIO, EACHUS, McCALL, SCRIMENTI, PISTELLA, PETRARCA, STURLA, TIGUE, FREEMAN, RUBLEY, JOSEPHS, MANDERINO and YOUNGBLOOD

A Resolution urging the Governor to apply immediately, through an executive agency, for a planning grant from the Health Resources and Services Administration to describe and plan for the health care access needs of uninsured Pennsylvanians; and to direct the Health Care Cost Containment Council to conduct the required study if a grant is received.

Referred to Committee on HEALTH AND HUMAN SERVICES, January 23, 2002.

PETITION REFERRED

The SPEAKER pro tempore. Pursuant to Article VI, section 4, of the Constitution, the Speaker is hereby referring the attached petition for impeachment to the Judiciary Committee.

BILLS REMOVED FROM TABLE

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

Mr. PERZEL. Madam Speaker, I move that the following bills be removed from the table:

HB 935;
HB 2126; and
HB 2213.

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 935, PN 1054; HB 2126, PN 3019; and HB 2213, PN 3039.

BILLS RECOMMENDED

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

Mr. PERZEL. Madam Speaker, I move that the following bills be recommitted to Appropriations:

HB 935;
HB 2126; and
HB 2213.

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

BILLS REMOVED FROM TABLE

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

Mr. PERZEL. Madam Speaker, I move that the following bills be removed from the table:

HB 84;
HB 670; and
HB 705.

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

BILLS TABLED

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

Mr. PERZEL. Madam Speaker, I move that the following bills be placed on the table:

HB 84;
HB 670; and
HB 705.

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

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

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

In the Senate
January 22, 2002

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, January 28, 2002, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, January 28, 2002, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

LEAVES OF ABSENCE

The SPEAKER pro tempore. Are there requests for leaves of absence?

The Chair recognizes the majority whip, who moves that the gentleman, Mr. MAHER, from Allegheny County be placed on leave for the day. The leave is granted.

The Chair recognizes the minority whip, who moves that the gentleman, Mr. TRICH, from Washington County be placed on leave for the day. Without objection, the leave is granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—196

Adolph	Evans, J.	Manderino	Schroder
Allen	Fairchild	Mann	Schuler
Argall	Feese	Markosek	Scrimenti
Armstrong	Fichter	Marsico	Semmel
Baker, J.	Fleagle	Mayernik	Shaner
Baker, M.	Flick	McCall	Smith, B.
Bard	Forcier	McGeehan	Smith, S. H.
Barley	Frankel	McGill	Solobay
Barrar	Freeman	McIlhattan	Staback
Bastian	Gabig	McIlhinney	Stairs
Bebko-Jones	Geist	McNaughton	Steelman
Belardi	George	Melio	Steil
Belfanti	Godshall	Metcalfe	Stern
Benninghoff	Gordner	Michlovic	Stetler
Birmelin	Grucela	Micozzie	Stevenson, R.
Bishop	Gruitza	Miller, R.	Stevenson, T.
Blaum	Habay	Miller, S.	Strittmatter
Boyes	Haluska	Mundy	Sturla
Browne	Hanna	Myers	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	Tulli
Clark	Horsey	Phillips	Turzai
Clymer	Hutchinson	Pickett	Vance
Cohen, L. I.	Jadlowiec	Pippy	Veon
Cohen, M.	James	Pistella	Vitali
Colafella	Josephs	Preston	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
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
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	
Egolf	Maitland	Saylor	Ryan, Speaker
Evans, D.	Major		

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Coleman	Gannon	Maher	Trich
DeWeese			

LEAVES ADDED—6

Gabig	Harhai	Shaner	Solobay
Daley	Roberts		

LEAVES CANCELED—4

Harhai	Roberts	Shaner	Solobay
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CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 400, PN 1466**, entitled:

An Act amending the act of October 10, 1975 (P.L.383, No.110), known as the Physical Therapy Practice Act, further providing for the State Board of Physical Therapy; providing for a certificate of authorization to practice physical therapy without the required referral; requiring professional liability insurance coverage and continuing education; and providing penalties.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—196

Adolph	Evans, J.	Manderino	Schroder
Allen	Fairchild	Mann	Schuler
Argall	Feese	Markosek	Scrimenti

Armstrong	Fichter	Marsico	Semmel
Baker, J.	Fleagle	Mayernik	Shaner
Baker, M.	Flick	McCall	Smith, B.
Bard	Forcier	McGeehan	Smith, S. H.
Barley	Frankel	McGill	Solobay
Barrar	Freeman	McIlhattan	Staback
Bastian	Gabig	McIlhinney	Stairs
Bebko-Jones	Geist	McNaughton	Steelman
Belardi	George	Melio	Steil
Belfanti	Godshall	Metcalfe	Stern
Benninghoff	Gordner	Michlovic	Stetler
Birmelin	Grucela	Micozzie	Stevenson, R.
Bishop	Gruitza	Miller, R.	Stevenson, T.
Blaum	Habay	Miller, S.	Strittmatter
Boyes	Haluska	Mundy	Sturla
Browne	Hanna	Myers	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	Tulli
Clark	Horsey	Phillips	Turzai
Clymer	Hutchinson	Pickett	Vance
Cohen, L. I.	Jadlowiec	Pippy	Veon
Cohen, M.	James	Pistella	Vitali
Colafella	Josephs	Preston	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
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
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	
Egolf	Maitland	Saylor	Ryan, Speaker
Evans, D.	Major		

NAYS-0

NOT VOTING-0

EXCUSED-5

Coleman	Gannon	Maher	Trich
DeWeese			

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.

RESOLUTION PURSUANT TO RULE 35

Mr. ADOLPH called up **HR 389, PN 3134**, entitled:

A Resolution declaring the week of January 27 through February 2, 2002, as "Catholic Schools Week" in this Commonwealth.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

Adolph	Evans, J.	Manderino	Schroder
Allen	Fairchild	Mann	Schuler
Argall	Feeze	Markosek	Scrimenti
Armstrong	Fichter	Marsico	Semmel
Baker, J.	Fleagle	Mayernik	Shaner
Baker, M.	Flick	McCall	Smith, B.
Bard	Forcier	McGeehan	Smith, S. H.
Barley	Frankel	McGill	Solobay
Barrar	Freeman	McIlhattan	Staback
Bastian	Gabig	McIlhinney	Stairs
Bebko-Jones	Geist	McNaughton	Steelman
Belardi	George	Melio	Steil
Belfanti	Godshall	Metcalfe	Stern
Benninghoff	Gordner	Michlovic	Stetler
Birmelin	Grucela	Micozzie	Stevenson, R.
Bishop	Gruitza	Miller, R.	Stevenson, T.
Blaum	Habay	Miller, S.	Strittmatter
Boyes	Haluska	Mundy	Sturla
Browne	Hanna	Myers	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	Tulli
Clark	Horsey	Phillips	Turzai
Clymer	Hutchinson	Pickett	Vance
Cohen, L. I.	Jadlowiec	Pippy	Veon
Cohen, M.	James	Pistella	Vitali
Colafella	Josephs	Preston	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
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
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	
Egolf	Maitland	Saylor	Ryan, Speaker
Evans, D.	Major		

NAYS-0

NOT VOTING-0

EXCUSED-5

Coleman	Gannon	Maher	Trich
DeWeese			

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

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House, as a guest of Representative Steve Samuelson, Mr. Michael Yuhás, who is seated to the left of the Speaker. Mr. Yuhás is a resident of Bethlehem. Would the gentleman please rise.

RESOLUTION PURSUANT TO RULE 35

Mr. METCALFE called up **HR 390, PN 3139**, entitled:

A Resolution recognizing the week of February 3 through 9, 2002, as “Burn Awareness Week” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Evans, J.	Manderino	Schroder
Allen	Fairchild	Mann	Schuler
Argall	Feese	Markosek	Scrimenti
Armstrong	Fichter	Marsico	Semmel
Baker, J.	Fleagle	Mayernik	Shaner
Baker, M.	Flick	McCall	Smith, B.
Bard	Forcier	McGeehan	Smith, S. H.
Barley	Frankel	McGill	Solobay
Barrar	Freeman	McIlhattan	Staback
Bastian	Gabig	McIlhinney	Stairs
Bebko-Jones	Geist	McNaughton	Steelman
Belardi	George	Melio	Steil
Belfanti	Godshall	Metcalfe	Stern
Benninghoff	Gordner	Michlovic	Stetler
Birmelin	Grucela	Micozzie	Stevenson, R.
Bishop	Gruitza	Miller, R.	Stevenson, T.
Blaum	Habay	Miller, S.	Strittmatter
Boyes	Haluska	Mundy	Sturla
Browne	Hanna	Myers	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	Tulli
Clark	Horsey	Phillips	Turzai
Clymer	Hutchinson	Pickett	Vance
Cohen, L. I.	Jadlowiec	Pippy	Veon
Cohen, M.	James	Pistella	Vitali
Colafella	Josephs	Preston	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
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
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	
Egolf	Maitland	Saylor	Ryan, Speaker
Evans, D.	Major		

NAYS—0

NOT VOTING—0

EXCUSED—5

Coleman	Gannon	Maher	Trich
DeWeese			

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

FILMING PERMISSION

The SPEAKER pro tempore. The Chair wishes to advise members that permission has been given to Paul Martino from KDKA news in Pittsburgh to videotape with audio for a period of 10 minutes.

Mr. PRESTON. Madam Speaker? Madam Speaker? Madam Speaker?

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

Mr. PRESTON. I object to the permission of the gentleman allowed on the floor of the House because of past practices.

The SPEAKER pro tempore. Would the gentleman please come to the rostrum.

(Conference held at Speaker’s podium.)

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the majority whip, who requests that the gentleman, Mr. GABIG, from Cumberland County be placed on leave. With no objections, the leave is granted.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House, as guests of Representative Pat Fleagle from Franklin County, Annastasia Kovscek and Mung Welliver, who are first-year medical students at Hershey Medical Center and are seated to the left of the Speaker. Would the ladies please rise.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 211, PN 93**, entitled:

A Joint Resolution proposing separate amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for rights of accused in criminal prosecutions and for judicial administration.

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

Mr. VITALI offered the following amendment No. A4770:

Amend Title, page 1, line 1, by inserting after "separate"
and integrated

Amend Title, page 1, line 2, by inserting after "Pennsylvania,"
further providing for ineligibility for public office;
and

Amend Bill, page 1, lines 7 through 9, by striking out all of said lines and inserting

Section 1. The following amendment to the Constitution of Pennsylvania is proposed in accordance with Article XI:

That section 7 of Article II be amended to read:

§ 7. Ineligibility by criminal convictions.

(a) No person hereafter convicted of embezzlement of public moneys, bribery, perjury or other infamous crime, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this Commonwealth.

(b) There is hereby declared an immediate vacancy in the legislative district of any member of the General Assembly who is convicted of embezzlement of public moneys, bribery or perjury.

(c) The presiding officer shall schedule a special election within ten legislative days of the occurrence of a vacancy under subsection (b).

(d) As used in this section:

"Conviction." The imposition of a sentence by a court of record after a verdict of guilty or a plea of guilty or a plea of nolo contendere by a defendant.

Section 2. The following integrated amendments to the Constitution of Pennsylvania are proposed in accordance with Article XI:

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

Amend Sec. 2, page 3, lines 19 through 24, by striking out all of said lines and inserting
Commonwealth shall:

(1) Submit the proposed constitutional amendment under section 1 to the qualified electors of this Commonwealth as a single ballot question at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendments are passed by the General Assembly.

(2) Submit the proposed constitutional amendments under section 2 to the qualified electors of this Commonwealth as integrated ballot questions at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendments are passed by the General Assembly

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

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

Mr. VITALI. Madam Speaker, could we take a pause for a couple of minutes on this? I know that there is some discussion among our leadership on this issue, and I am not sure it has been finalized. Could we just hold this off a couple of minutes?

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The bill will go over very temporarily.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 765, PN 855

By Rep. HERMAN

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for the State Association of Boroughs and for regional borough associations.

LOCAL GOVERNMENT.

SB 766, PN 1670 (Amended)

By Rep. HERMAN

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for certain reimbursement, for members of the civil service commission and for organization and quorum of the commission.

LOCAL GOVERNMENT.

SB 767, PN 857

By Rep. HERMAN

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for county associations and for the State Association of Township Supervisors.

LOCAL GOVERNMENT.

SB 769, PN 1671 (Amended)

By Rep. HERMAN

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for members of the civil service commission, for organization and a quorum of the commission and for compensation.

LOCAL GOVERNMENT.

SB 978, PN 1174

By Rep. HERMAN

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, providing for the alternative collection of taxes.

LOCAL GOVERNMENT.

CONDOLENCE RESOLUTION

The SPEAKER pro tempore. We are about to take up a condolence resolution on the death of a former member. The Sergeants at Arms will close the doors of the House, and all members, please take your seats.

Would all members please take your seats. We are about to take up a condolence resolution for a former member.

The clerk will read the resolution.

The following resolution was read:

COMMONWEALTH OF PENNSYLVANIA

THE HOUSE OF REPRESENTATIVES

RESOLUTION

WHEREAS, The Honorable Warner M. Depuy, a former member of the House of Representatives who served Pike County, passed away December 31, 2001, at the age of eighty-four; and

WHEREAS, First elected to the House of Representatives in 1942, Mr. Depuy served in that capacity for four terms and was the youngest member of the General Assembly. He also served as Pike County Commissioner for twenty-eight years and as Deputy State Treasurer under Robert Kent and Governor William Scranton, who then appointed him Secretary of Revenue. In 1980, Mr. Depuy was appointed to the Chairmanship of the Susquehanna River Basin Commission by President Ronald Reagan; and

WHEREAS, Mr. Depuy was an astute businessman who owned and operated Depuy’s Coal & Feed in Port Jervis, New York, and also was a copublisher and co-owner of the Pike County Dispatch until it was sold in 1988. Additionally, he was President and Chief Executive Officer of the First National Bank of Pike County until his retirement in 1996. His business acumen won him the well-deserved recognition of his fellow associates, and his dedicated leadership and personal example made the community he served a better place in which to live and work; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with great sadness the passing of the Honorable Warner M. Depuy, a beloved family man, loyal friend and avowed community servant; extend heartfelt condolences to his sons, Warner K. and James W.; daughters, Jacqueline Depuy Lawler and Patricia Depuy Johnson and seven grandchildren; and be it further

RESOLVED, That a copy of this resolution, sponsored by the Honorable Jerry Birmelin, be transmitted to the family of the Honorable Warner M. Depuy.

Matthew Ryan
Speaker of the House
ATTEST:
Ted Mazia
Chief Clerk of the House

On the question,
Will the House adopt the resolution?

The SPEAKER pro tempore. Those in favor of the resolution will rise and remain standing as a mark of respect for a former member. Guests will also please rise.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable Warner M. Depuy.)

The SPEAKER pro tempore. The resolution has been unanimously adopted.

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mr. S. SMITH called up HR 395, PN 3161, entitled:

A Resolution recognizing the week of January 20 through 26, 2002, as “National Nurse Anesthetists Week” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—1

Daley

EXCUSED—6

Coleman	Gabig	Maher	Trich
DeWeese	Gannon		

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

CALENDAR CONTINUED

CONSIDERATION OF SB 211 CONTINUED

The SPEAKER pro tempore. The Chair returns to page 2, SB 211. The clerk has already read the Vitali amendment.

On that amendment, the Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Madam Speaker.

This is a relatively straightforward amendment designed to address the situation we had last session with a former member from Lackawanna County who was convicted of a crime specified in the Constitution – in fact, pled guilty – but remained and continued to vote on the House floor until many months afterwards when he finally resigned. During that interim period, as most members will recall, there was a question whether his being on the floor was in fact constitutional, because the Constitution states that members shall be removed upon conviction. I think the argument at that time made by the Speaker was that since there still was a whole series of appeals to go, he could remain on the floor indefinitely.

The purpose of this amendment is relatively straightforward. It is meant to address that situation. It simply defines the word “conviction” to include a guilty plea, a plea of nolo contendere, or when the court imposes sentence. So the simple intent of this amendment would be, if a member pleads guilty of one of the prescribed crimes or is sentenced or pleads no contest, the vacancy occurs at that moment; he is no longer a member at that moment.

So that is the amendment. I might add that this will not delay, for those of you with regard to the underlying issue, this will not delay that because this underlying bill, SB 211, has to be considered in two separate sessions, and this is just session one, so there will be no delay.

So I ask you to vote on the substance of the amendment so we do not repeat the situation we had, and I ask you to uphold, uphold our Pennsylvania Constitution, which clearly states, if you are convicted of several prescribed crimes, you no longer can serve.

So I ask for an affirmative vote. Thank you.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence, and the minority whip requests that the gentleman from Washington County, Mr. DALEY, be placed on leave of absence for the day. Without objection, the request is granted.

CONSIDERATION OF SB 211 CONTINUED

The SPEAKER pro tempore. On the amendment, the Chair recognizes the lady from Montgomery County, Mrs. Cohen.

Mrs. COHEN. Thank you, Madam Speaker.

Madam Speaker, I rise to oppose the amendment put forth by the Representative from Delaware County.

When we are elected to become members of this esteemed body, we are presented by the voters who send us here with a noble charge, with several noble charges, and one of those charges that is incumbent upon us to adhere to and to accept is to protect those citizens who are unable to protect themselves, and some of our most vulnerable citizens are our children. Our children are our most precious possessions. We must protect their rights, Madam Speaker.

And we now have a bill before us that has a long, long history

of protecting our children, and that is not—

The SPEAKER pro tempore. Would the lady cease for one moment.

Mrs. COHEN. Thank you, Madam Speaker.

POINT OF ORDER

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

Mr. VITALI. Point of order, Madam Speaker.

The issue at hand is my amendment 4770, which deals with the removal of House members upon conviction. That is what the amendment deals with. She is talking about the bill in chief.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The lady will be aware that this is on the amendment only. You may proceed.

Mrs. COHEN. Thank you, Madam Speaker.

If I can have your indulgence for just a moment concerning this, because we are talking about an issue that affects our children.

What this amendment does – and I am dealing, Madam Speaker, with this amendment – this particular amendment, Madam Speaker, will hurt our children. I am dealing with the amendment at hand, Madam Speaker—

Mr. VITALI. Madam Speaker, point of order. Madam Speaker, point of order.

The SPEAKER pro tempore. The gentleman will please—

Mrs. COHEN. Madam Speaker, this amendment will—

The SPEAKER pro tempore. Would the lady cease just one moment.

Mrs. COHEN. Thank you, Madam Speaker.

The SPEAKER pro tempore. She is speaking on the amendment. At least that is what she is saying. So we will at least give her a chance to speak.

The Chair thanks the gentleman.

Mr. VITALI. My point of order, Madam Speaker, is, she continually uses the word “children.” Children have nothing to do with the amendment at hand. Children involve the bill in chief. I would ask that the Speaker admonish the lady from Montgomery County not to continue to violate the rules of the House in your directions.

The SPEAKER pro tempore. The Chair thanks the gentleman, and until she finishes the sentence, it is impossible to know what she is going to say about the amendment, so I would allow her to continue to speak. Thank you.

Mrs. COHEN. Thank you, Madam Speaker.

This amendment has a direct bearing on hurting the process under which we have been charged. This is a constitutional amendment we are dealing with. It must be passed, as you know, we all know, by two successive sessions of the legislature. It has come to us from the Senate clean, because it is urgent that we pass this bill in two successive sessions of the legislature. By sending it back to the Senate with an amendment, we are delaying the protection of our children that before 1986 we granted them; that since 1986 we have been attempting to protect our children but the Supreme Court has denied us that right. We now have the opportunity to do what we have been sent here to do.

This particular amendment will destroy the sacred trust that we have been charged with by sending this bill unclean back to the Senate, where it will not pass, where it will be delayed, and we will pay the consequences with our children, with our voters, because we have not served the public by diluting a very, very

important constitutional amendment.

This is on our conscience, Madam Speaker. This amendment destroys our protection. So there is a direct relationship between this amendment and the sacred trust under which we have been enhanced.

I urge my fellow Representatives to vote “no” on this amendment, send this bill back to the Senate clean.

Thank you, Madam Speaker.

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

Mr. VEON. Thank you, Madam Speaker.

Madam Speaker, we understand the intense feeling of the previous speaker, and she talked about an oath of office that we all take, and certainly, as she did, she can make the case that the oath relates to SB 211 and the constitutional amendment that is proposed in that bill.

But I think the gentleman who has offered this amendment and authored the amendment also takes his oath very seriously and that he has, I think, very legitimately, very principled, time and time again, brought to the floor of the House this issue, and frankly, Madam Speaker, time and time again, the Republican leadership has tried to thwart his efforts to offer this amendment and in fact to have this language passed into law. And the oath that he refers to in his amendment is also a very sacred oath that we all take when we get sworn in to this job, and we all know that we had a very intense debate here just a couple of years ago where the Democrats were fighting for the removal of a member because of his conviction and the Republicans, frankly sometimes, I am sure, embarrassingly, had to defend his ability to stay in the House.

Madam Speaker, the fact is that the amendment process is a way to bring this issue to the floor, and in fact, it is this gentleman’s only way to have this issue seriously debated and voted on by the members of this House. And yes, this issue that the gentlelady talked about is important, but I do not think that anyone can argue that the amendment brought by the gentleman from Delaware County is also very important.

Madam Speaker, the gentleman has made his case. This is an amendment that we should have passed a long time ago. There is no question that this amendment ought to receive a unanimous vote. I am confident and comfortable it will pass by an overwhelming margin. Let us get on with the vote on this amendment so we can in fact address the important issues raised by the gentlelady from Montgomery County.

Thank you, Madam Speaker.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and requests that the following gentlemen be placed on leave for the remainder of the day: the gentleman, Mr. ROBERTS, from Fayette County; the gentleman, Mr. SOLOBAY, from Washington County; the gentleman, Mr. SHANER, from Fayette; and the gentleman, Mr. HARHAI, from Westmoreland. Without objection, the leaves are granted.

CONSIDERATION OF SB 211 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the lady from Montgomery, Mrs. Cohen, for the second time.

Mrs. COHEN. Thank you, Madam Speaker.

Madam Speaker, we have received many letters from the Juvenile Law Center, from PCAR (Pennsylvania Coalition Against Rape), from the Pennsylvania District Attorneys Association, asking that this bill run without any amendments.

GERMANENESS QUESTIONED

Mrs. COHEN. I believe that this amendment and the gist of this amendment has absolutely nothing to do with the issue that is presented before us today.

Therefore, Madam Speaker, because it is totally irrelevant to what we are dealing with and what we have been dealing with since 1986, I would like to move that this amendment is not germane.

Thank you, Madam Speaker, and I would urge my fellow Representatives to agree with this position on this vital issue.

The SPEAKER pro tempore. The lady from Montgomery County raises the question of whether or not the amendment is germane. Under House rule 27, questions involving whether an amendment is germane is subject to be decided by the House.

On the question,

Will the House sustain the germaneness of the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Vitali, on the issue of germaneness.

Mr. VITALI. Thank you, Madam Speaker.

Madam Speaker, we as a body are governed by rules, and we stretch the rules on many occasions, but what the gentlelady from Montgomery County is suggesting stretches the rules to the degree of ridiculousness.

SB 211 is a constitutional amendment. The amendment I am suggesting also is a constitutional amendment. This House has held again and again that if a constitutional amendment is before us, any other amendment to the Constitution also comes under the category of germaneness.

Now, you can vote that this is not germane, but what that really means, Madam Speaker, is that you are avoiding the question of whether some House member who has committed bribery or perjury or has embezzled public moneys, whether they should be allowed to continue to proceed in this body, because that really is the question – our oath, the oath we have taken to uphold the Constitution, to remove convicted felons from serving and removing them when they are sentenced. That is really what this is about. The subterfuge attempted by the gentlelady from Montgomery County will be seen as transparent by our constituents.

SB 211 is a constitutional amendment. What I am proposing is an amendment to the Constitution. I do not think we can be more germane than the bill at hand. If you disagree with the amendment, vote “yes” on germaneness and then vote against it on its substance, but it is what it is.

So I would ask for a “yes” vote, holding this amendment to be germane. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Madam Speaker.

Madam Speaker, in addition to the points that the gentleman from Delaware County made very eloquently, I would add in support of the germaneness of this legislation that the underlying

bill deals with criminal procedure, and this also deals with criminal procedure and how the criminal law is to be enforced.

I think it is very clearly germane, and I would urge a “yes” vote on germaneness.

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

Mr. VEON. Thank you, Madam Speaker.

Madam Speaker, I want to join with the gentleman from Delaware County and also make it very clear that, in my judgment, this amendment he is offering is very germane.

And I would say to the gentlelady from Montgomery County and to the Republican members on this floor today that you can run but you cannot hide. This is an issue that needs to be dealt with. The gentleman has framed it very clearly and very easily. If you are convicted of the crimes enumerated here – embezzlement of public money, bribery, or perjury – this amendment that he is offering today makes it very clear that you cannot and you should not and you will not be able to serve in the House of Representatives.

So, Madam Speaker, a vote to remove this amendment from the floor of the House, to try to hide it in some corner somewhere, by a parliamentary maneuver of saying that it is not germane to a very germane bill is very transparent. It will be seen for what it is: an effort to hide from this issue.

Madam Speaker, this is an issue that has been brought to the floor of the House before. If you are convicted of these crimes, you should not serve in this body. This legislature needs to pass a law to put that into effect.

His amendment is clearly germane. Please do not run, and please do not hide. Vote “yes” on germaneness.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. S. SMITH. Thank you, Madam Speaker.

Madam Speaker, I certainly understand the concerns raised by some of the previous speakers, but as you know, things happen around this place and everything happens in due order and in due time. We are not running or hiding from the context of this particular amendment. But the history of the bill before us has a long history, and it has been through an arduous process, and I think at this point in time what we are faced with is because of the scrutiny of the court, we are stuck with looking at this to a higher degree, to a greater degree of germaneness. The court has basically been very picky about how we can enact this as legislation or as a constitutional amendment.

Because of the history of this whole process, I think it is important that we pass this bill in the singular version that it is. The gentleman’s amendment is a constitutional amendment, and I guess he has the right to argue that it is therefore germane to a bill that proposes to amend the Constitution, but I am asking you to vote that this amendment is not germane primarily because of the fact that the court has put us to a higher level of scrutiny relative to the intent of this particular amendment to the Constitution, and therefore, at that level this is nongermane, and I would urge your vote so.

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

Mr. COLAFELLA. Thank you, Madam Speaker.

Madam Speaker, I cannot believe my good friend, Sam Smith’s remarks. Every newspaper in this State over the last year or two, because of all of the experiences that we had with some members

in this General Assembly, have urged us to do something about this matter.

This is a very, very important matter, and Representative Smith is right that people in this State put us at a higher level and they expect more from us than a typical citizen, and at that level that they place us, we have an opportunity today to do something about it.

And I am going to tell you, you cannot hide behind this particular vote, because every newspaper in this State has urged us to do something about a member who commits embezzlement or perjury and so on.

So this is a very, very important piece of legislation. I ask you to vote for germaneness. It is the right thing to do, and I think you should do it. Thank you.

The SPEAKER pro tempore. The Chair recognizes the lady from Montgomery County, Ms. Harper.

Ms. HARPER. Thank you, Madam Speaker.

I would like to speak in favor of urging that the members vote against germaneness. I do believe that the amendment is a subject worthy of consideration, and certainly, no one believes that anyone convicted of bribery should serve in this House. However, Pennsylvania’s Constitution already provides for that. What Pennsylvania’s Constitution does not provide for is to allow a child victim of sexual abuse or other abuse to testify by video camera when it is much too painful for that child to be in the same room as the abuser.

This is an important issue for the children of Pennsylvania. Let us not cloud the issue by adding something that is already taken care of into this. My purpose is simple: Eventually this amendment will end up on a ballot that our voters will read. We want them to understand clearly the nature of the constitutional amendment that we are proposing, which is to allow child victims a way to testify in court.

The gentleman from Delaware County can offer his amendment on a separate bill, on a separate day, and surely this body will consider it just as seriously as we are considering the amendment which is before us now.

But I would urge all of us to remember the child victims of sexual abuse and to vote that this amendment is not germane. Let us get this on the ballot, and let us take care of those children. Thank you.

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

Mr. DeLUCA. Madam Speaker, I was not going to speak on this, but the previous speaker says that our Constitution does address this. But let me just say that I find this amendment very germane to this subject.

Now, if you want to vote “no” against this amendment, let us not use germaneness; let us put the amendment up there and vote “no.” If you feel it is going to cloud SB 211 – and that is all I have been hearing for the last 18 years, is how the Senate will not pass anything in this House – well, let us put it in there and let us see the Senators strip it out or vote against it. If they believe it is not a good amendment, take it out.

Now, let us quit hiding behind these Senate bills and saying, we cannot put anything in; the Senate will only pass it unless it is a clean bill. We were sent up here to do the people’s business. We were not sent up here to do the Senate’s business; we were sent up here to do the people’s business. We represent 60,000 people who depend on us in this House, and we should vote this amendment germane, and let us put the chips where they fall, Madam Speaker.

If you are against the amendment, vote “no.” Thank you.

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

Mr. VEON. Thank you, Madam Speaker, and I will be brief.

I just did not want to let the comments by the other gentlelady from Montgomery County to stand, and I realize that she is a relatively new member here in the chamber and was not here when we had the intense debate over a member.

The law does not allow, does not provide, for us to remove that convicted member from this chamber, and in fact, the Republican Caucus here on the floor of the House stood up time and time again to defend that member’s right to be here. And this is very important. The gentleman has brought it to the floor of the House before, and every time he brings it to the floor of the House, the Republicans have another reason that we should not vote it that day, that we should not bring it up, that it is not germane, that it can be attached to another bill, that there is another time to deal with it.

The gentleman’s amendment is simple and clear and straightforward: If you are convicted of these crimes enumerated here, you cannot serve in the House of Representatives. He deserves a right to have this amendment voted here in this House. It deserves to become law. We need to make it law. It is in fact germane. Please do not run, and please do not hide. Let us deal with it today, not another day.

Thank you, Madam Speaker.

The SPEAKER pro tempore. Is the gentleman, Mr. Smith, seeking recognition? The gentleman may proceed.

Mr. S. SMITH. Thank you, Madam Speaker.

I just want to reiterate one basic point.

The history of this issue, this particular issue of children testifying in court, has put us in a position that if we want it to ultimately be approved by the voters of Pennsylvania and accepted as a change to the Constitution, it must go on the ballot in the very simplified form that it is today. The debate is not about the Senate doing what they want to do or anybody else. The debate is about, does this bill need to run dealing with one single subject or can we run a constitutional amendment that deals with multiple subjects? The second subject, the amendment, is one worthy of consideration, but if we want to do the amendment that is in the bill, then we need to pass it by itself, without any other changes in the Constitution, and therefore, I am arguing that it is not germane to this bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Vitali, for the second time. The gentleman waives off.

The Chair recognizes the gentleman from Chester County, Mr. Hennessey.

Mr. HENNESSEY. Thank you, Madam Speaker.

We heard from a previous speaker just moments ago that we were sent here to do the people’s business. It would seem to me that if we would take a look at the history of this bill as it stands unamended, the people of Pennsylvania have told us they want us to create a constitutional protection for children. We have been told recently by the Supreme Court that you cannot do that in a compound question. If we do not find this not germane, we end up creating a compound question and delaying the very protection that the people of Pennsylvania, we believe, want us to provide for those children.

So I ask that we vote that this is not germane so this bill can go to the voters, have them vote on it in a simple fashion, as we just heard from our majority whip, and it seems to me that a vote for nongermaneness moves that process along.

I ask that we vote that it is not germane.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland County, Mr. Pallone.

Mr. PALLONE. Madam Speaker, as a student of the law, I am appalled at this chamber in that we stand behind germaneness when clearly none of the prior speakers have been able to identify how this particular amendment is not germane to the bill that is before us.

What we have here this morning is an opportunity to place into this bill an opportunity to vote and allow us to have a criminal removed from this chamber, which offends the swearing of our oath of office. What we have to look at is not whether or not this bill is germane, because clearly it is.

Those of you who are opposed to the bill or the amendment as proposed, leave it germane and vote “no” when the amendment is voted on; do not hide behind the germaneness issue when in fact clearly it is germane. If you are opposed to the gentleman’s amendment, then vote “no,” but do not hide behind some procedural gamesmanship because you do not have the wherewithal to be able to vote the particular language of the amendment as it has been presented.

I encourage you all to vote in favor of germaneness in this particular amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Ms. Manderino.

Ms. MANDERINO. Thank you, Madam Speaker.

There is a lot of clouding of the issue going on, and I would like to try to bring some clarity to that.

Yes, this question has gone before the Pennsylvania voters before, and they approved it, and it was struck down because the question with regard to child witnesses was written as a compound question. It is now being rewritten as a noncompound question. That is the bill in chief.

The amendment before us is a separate constitutional question that if approved will go on the ballot as a separate, singular constitutional question. It will not be rolled into the language of a same constitutional question on child witnesses. It will not make the child witness question one singular, compound, double question for voters to decide, to risk being struck down again. That is not what this amendment will do, and it is simply incorrect to imply that that will be the result of this vote. The result of this vote will be a separate question on the ballot, and we have gone to the ballots before and voted on separate constitutional questions on the ballot. This is not making anything a compound question, risking anything else being struck down by the court.

Vote on the merits, vote the way you think, but do not cloud the issue, because it is crystal clear.

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

Mr. COLAFELLA. Thank you, Madam Speaker.

I just want to repeat what Representative Manderino said, and quite frankly, what we are saying on the other side is that the people that we represent cannot vote for two amendments; when they go to vote, they will only be able to vote for one; if they have to vote for two, it is going to be so difficult and so confusing. This is a very simple amendment. If you vote that this is not germane, what you are telling the people that you represent is that if

someone has committed perjury here, it is okay; they can continue to serve. People do not want that.

Every newspaper in this State said that we have got to do something about this issue. This is our opportunity to say we are going to finally do something about this issue. All of us in here were embarrassed by things that have happened, and we had to do certain things and vote a certain way with some of our members who have had problems. This takes us not only off the spot, but in addition to that, we are doing the right thing.

Do the right thing, and do not make excuses, and do not say that our people cannot vote for this amendment with another amendment. Believe me, they are brighter than that. Thank you.

LEAVES OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair recognizes the presence of the gentleman, Mr. Roberts, from Fayette County and the gentleman, Mr. Solobay, from Washington County on the floor of the House, and they will be added to the master roll.

The Chair also recognizes the presence of the gentleman, Mr. Harhai, on the floor of the House. He will also be added to the master roll, and the gentleman, Mr. Shaner, will also be added to the master roll.

CONSIDERATION OF SB 211 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin County, Mr. McNaughton.

Mr. McNAUGHTON. Thank you, Madam Speaker.

I, too, was not going to speak on this issue, and then I heard some of the cloudiness that was going on, and so I wanted to provide some further clarification.

If this amendment would be attached to this bill, it would not go to the ballot and it would not be a separate constitutional question; it would go back to the Senate. So as is, when the bill is written without this amendment, it will go to the voters in the Commonwealth of Pennsylvania for a vote.

I would suggest to this chamber – and I think this is the issue that is really getting clouded – I would suggest that child molestation occurs daily in the Commonwealth of Pennsylvania, and I think we should truly do something for the victims of child molestation. That is an issue that occurs on a daily basis.

The amendment has tremendous merit, and I, too, would be fully supportive of this amendment, but I do not think it deserves the pressure it is receiving today in this chamber when we have victims as we speak happening in the Commonwealth of Pennsylvania. Children need to be protected in this Commonwealth, and I cannot believe that we will put our own feelings about an issue that happens once in my 6-year term here so far over the victims that are occurring daily in this Commonwealth.

Let us get on with the issue, let us move this forward to the voters, and let us truly do something for our constituency and protect our children.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lebanon County, Mr. Zug.

POINT OF ORDER

Mr. COY. Madam Speaker?

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

Mr. COY. Point of order.

Madam Speaker, I just want to call respectfully your attention to the speakers. The question before the Assembly is germaneness, and I do believe, respecting the rights of previous speakers, that we have strayed severely from that point, and I would hope that we could settle the question of germaneness. Is this issue, is the amendment that the gentleman, Mr. Vitali, has raised, germane to the bill? That is the question at the moment, I believe.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes again the gentleman from Lebanon County, Mr. Zug.

Mr. ZUG. Thank you, Madam Speaker.

Several sessions ago I had introduced a bill very similar to SB 211, which ultimately was taken over by the Senate and passed and put on as a constitutional amendment. The court has chosen to say that that was unconstitutional because it was coupled with another constitutional amendment. So we are really today asking this chamber to address this issue, SB 211, with one singular issue so that we can help the children of Pennsylvania.

This ultimate videotaping started in Lebanon County. It is a county that I represent and would like, ultimately, to see this bill passed and, ultimately, pass again by an overwhelming vote of the citizens of the Commonwealth so that we can move ahead and protect the citizens and the children of our Commonwealth.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Franklin County, Mr. Coy.

Mr. COY. Thank you, Madam Speaker.

Madam Speaker, I rise simply to add what I believe is further clarity to the remarks of the gentlelady from Philadelphia County, Ms. Manderino.

When a previous speaker indicated that she was on target, they were absolutely correct. This matter contains two important provisions of law. They are both important to the voters and the people of Pennsylvania. I think it is very hard to say that one is more important than the other, but the fact is, it is germane. The fact is that if this amendment is attached to the bill, it goes to the State Senate. If the State Senate votes “yes,” it goes to the Governor for his signature, and it follows that constitutional process, and the questions would appear separately on the ballot.

Now, I certainly think that the voters of Pennsylvania are intelligent enough to read two ballot questions on two issues that are constitutional amendments but both of which are important to the people of Pennsylvania. The question that we will vote on next is, are the matters germane one to the other? Can they be dealt with in the same bill? I do not think there is any doubt that the answer is yes, they can be dealt with in the same bill, and that is the matter before us.

It is not a matter of whether you are for one or against the other; it is a matter of whether you believe the process can accommodate both matters. Most of us feel that it can, and that is why a vote on germaneness is the most acceptable way to proceed and hope that the voters of Pennsylvania can realize that both of these questions need to be addressed as a constitutional amendment. Germaneness

accomplishes that end, passage of the bill accomplishes that end, and I urge the Assembly to move in that direction.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Juniata County, Mr. Clark. The gentleman waives off.

The Chair recognizes the lady from Montgomery County, Mrs. Cohen.

Mrs. COHEN. Thank you, Madam Speaker.

Madam Speaker, we have heard several prior speakers use the word “clarity,” and I find that to be absolutely fascinating, because indeed the reason, one of the major reasons why this amendment is not germane is because of the language specifically used in the amendment. The Bergdoll case, decided on June 15, 1999, specifically talks about the ballot question, the constitutional amendment, affecting criminal defendants’ rights to confront witnesses. The court said that the electorate was not permitted to vote separately on each of the amendments, and that is a violation of the Constitution of this good Commonwealth. The court in the Bergdoll case specifically said that these issues must be separated and must be argued and voted upon by the electorate separately.

What the Representative’s amendment says very specifically is that he is withdrawing the word “separate” and inserting the word “integrated.” He himself is integrating this provision with and into the child witness protection provision. It will go back to the Senate. If it ever reaches the voters and the Supreme Court of Pennsylvania, the same thing will happen. It is not separate.

We have heard the word “separate.” We have heard the word “clarity” used. It is not clear. What is very clear is that we are muddying the waters; we are not protecting our children, because the Representative, the sponsor of this amendment, is saying that all of these provisions are integrated. We cannot integrate them because the court will not accept it.

Please, I urge you, this is not germane. You are not doing your constituents any good. There are murderers walking the streets. Seven years ago the Cumberland County prosecutor persuaded a 12-year-old child to testify against her stepfather who was accused of sexually molesting her, and when she began to cry, the court—

Mr. COY. Madam Speaker?

Mrs. COHEN. —dismissed her, dismissed the case—

Mr. COY. Madam Speaker?

Mrs. COHEN. —and we have an abuser walking the streets—

The SPEAKER pro tempore. Will the lady please—

Mrs. COHEN. —we have murderers walking the streets.

The SPEAKER pro tempore. —stick to the issue of germaneness, please.

Mrs. COHEN. This is not germane because the maker of the amendment himself has taken the word “separate” out and used the word “integrated.” The courts have rejected this theory. This amendment is not germane. Please vote “yes” that it is not germane.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Vitali, for the second time on the issue of germaneness.

Mr. VITALI. Madam Speaker, the fact of the matter is very simple. We have a constitutional amendment proposed with regard to SB 211. This is also a constitutional amendment, my amendment A4770. They both deal with the Crimes Code.

The reality is this: If you vote “no” on this issue, you are essentially voting to allow convicted felons to serve, continue to

serve in the General Assembly. That is about as clear as you can make it. A “no” vote allows convicted felons to continue to serve in the General Assembly. A “yes” vote allows, allows this issue to proceed. There is no delay involved because this is only the first of two consecutive sessions that this needs to be considered in. So the delay arguments are not valid, because this issue has to be considered next session as required by our Constitution.

So I would ask again for a “yes” vote on germaneness and allow this issue to proceed. Thank you.

The SPEAKER pro tempore. Those who believe the amendment is germane will vote “yes”; those who believe the amendment is not germane will vote “no.”

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS—81

Bebko-Jones	George	Mundy	Staback
Belardi	Grucela	Myers	Steelman
Belfanti	Gruitza	Oliver	Sturla
Bishop	Haluska	Pallone	Surra
Blaum	Hanna	Petrarca	Tangretti
Butkovitz	Harhai	Petrone	Thomas
Caltagirone	James	Pistella	Tigue
Casorio	Josephs	Preston	Travaglio
Cawley	Kaiser	Readshaw	Trello
Cohen, M.	Kirkland	Rieger	Veon
Colafella	Laughlin	Roberts	Vitali
Costa	Lawless	Robinson	Walko
Coy	Lescovitz	Roebuck	Wansacz
Curry	Levdansky	Rooney	Washington
DeLuca	Lucyk	Ruffing	Waters
Dermody	Manderino	Samuelson	Williams, J.
Donatucci	Mann	Santoni	Wojnaroski
Eachus	McCall	Scrimenti	Wright, G.
Evans, D.	Melio	Shaner	Yewwic
Frankel	Michlovic	Solobay	Yudichak
Freeman			

NAYS—110

Adolph	Egolf	Lynch	Sainato
Allen	Evans, J.	Mackereth	Sather
Argall	Fairchild	Maitland	Saylor
Armstrong	Feese	Major	Schroder
Baker, J.	Fichter	Markosek	Schuler
Baker, M.	Fleagle	Marsico	Semmel
Bard	Flick	Mayernik	Smith, B.
Barley	Forcier	McGeehan	Smith, S. H.
Barrar	Geist	McGill	Stairs
Bastian	Godshall	McIlhattan	Steil
Benninghoff	Gordner	McIlhinney	Stern
Birmelin	Habay	McNaughton	Stevenson, R.
Boyes	Harhart	Metcalfe	Stevenson, T.
Browne	Harper	Micozzie	Strittmatter
Bunt	Hasay	Miller, R.	Taylor, E. Z.
Buxton	Hennessey	Miller, S.	Taylor, J.
Cappelli	Herman	Nailor	Tulli
Civera	Hershey	Nickol	Turzai
Clark	Hess	O’Brien	Vance
Clymer	Hutchinson	Perzel	Watson
Cohen, L. I.	Jadlowiec	Phillips	Wilt
Cornell	Keller	Pickett	Wright, M.
Creighton	Kenney	Pippy	Youngblood
Cruz	Krebs	Raymond	Zimmerman
Dailey	LaGrotta	Reinard	Zug
Dally	Lederer	Rohrer	

DiGirolamo Diven	Leh Lewis	Ross Rubley	Ryan, Speaker
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NOT VOTING—3

Corrigan	Horsey	Stetler
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EXCUSED—7

Coleman Daley	DeWeese Gabig	Gannon Maher	Trich
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Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was declared not germane.

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

The SPEAKER pro tempore. Does the gentleman, Mr. Vitali, have additional amendments he wishes to offer?

Mr. VITALI. One more amendment, Madam Speaker.

The SPEAKER pro tempore. And the number of that is what, please?

Mr. VITALI. That would be amendment 4857.

The SPEAKER pro tempore. This amendment will be read by the clerk.

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

Mr. VITALI offered the following amendment No. **A4857**:

Amend Title, page 1, line 1, by striking out “separate” and inserting integrated

Amend Sec. 1, page 1, line 7, by striking out “separate” and inserting

integrated

Amend Sec. 1 (Sec. 9), page 1, line 12, by inserting brackets before and after “In” and inserting immediately thereafter

Subject to section 10(c) of Article V. in

Amend Sec. 1 (Sec. 9), page 1, line 14, by striking out the bracket before “meet”

Amend Sec. 1 (Sec. 9), page 1, line 15, by striking out “[be confronted with the witnesses against him”

Amend Sec. 1 (Sec. 10), page 2, line 27, by inserting after “of”

section 9 of Article I or

Amend Sec. 2, page 3, line 21, by striking out “separate” and inserting

integrated

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Madam Speaker.

This amendment, I believe, can almost be considered an amendment that is technical in nature; at least I would argue such. It is very uncontroversial and, in my mind, simply just clarifies what the intent of SB 211 is. Essentially, the intent of SB 211 is to allow children to testify from a remote location and not be in the same courtroom as an alleged perpetrator. What this amendment does is clarify that language by removing the language that one

could argue would make this applicable to all, to all court cases and all categories of defendants, mature adults of full competence also.

What we are dealing with here, Madam Speaker, is a very serious constitutional provision, a very basic constitutional provision which has stood for over 200 years and was put in there by our original Founding Fathers, which is the right to confront your witnesses, confront those who accuse you of a crime, to have that in-court face-to-face confrontation, and that is a very important right, because the face-to-face in-court confrontation is an instrument, an instrument of truth-finding, and we should not be eroding that without due consideration, without very serious thought.

The reason for the importance of the in-court face-to-face confrontation is it is much more difficult to lie about someone when you are in their presence; that is why the Founding Fathers put it in. The thinking is you do not want innocent people wrongfully convicted, and that is what this provision attempts and that is what the Constitution attempts to do.

Now, I believe that this chamber has made and will make a policy decision to create an exception for children. I do not agree with that, but I understand that.

What this amendment simply attempts to do is delete some language which would appear to make this applicable to all classes of defendant. If this amendment does not pass and the Senate bill passes as is, I believe that we are risking allowing the removal of that in-court face-to-face confrontation with all categories of accused. So this, I believe, if you just simply work through the language – it is not apparent on its face – but if you simply work through the language, that is simply what it does by making a couple of changes. Thank you.

So I would ask for an affirmative vote here. Thank you.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the lady from Montgomery County, Mrs. Cohen.

Mrs. COHEN. Thank you, Madam Speaker.

Madam Speaker, I rise to oppose this amendment.

On the one hand I do agree with the sponsor of the amendment. This is a very important amendment, and there are several reasons, but I think the primary reason that this amendment is so vital, because it affects all 203 of us directly.

This amendment is a direct diminution of our powers here in the Pennsylvania House of Representatives. We are asking the citizens of Pennsylvania and the sponsor of this is asking us as Representatives to give away our rights to the whim of the Pennsylvania Supreme Court. We have seen what happens before when we have done that. We have powers. We cannot give away our powers.

Now, the reason that I say that is, what this amendment does is, number one, it talks about, again, the issues of separate and integrated. I dealt with that in the last amendment. I will not bore you with that topic now, but that is a very considerable and important issue that we must face if we want this bill to pass and pass muster in the Supreme Court.

What this amendment does is it is taking away certain rights of the citizens of the Commonwealth; for example, the right to be heard in court by yourself and by counsel, the right to know the accusations against you, the right to confront witnesses against you, the right to a speedy public trial, the right not to be forced to give evidence against yourself. The effect is to say that all rights can be done away with by court rule. We are giving away constitutional rights. The language may look simple in this

amendment – it is not a multipage amendment – but it diminishes our powers in this House and it takes away fundamental constitutional rights that for 200 years the people in this country and the people of this Commonwealth have had.

The effect is to say all rights can be done away with by court rule. We cannot permit that to happen – the right that each citizen has to rely to make sure that innocent people do not go to jail, the same rights that our Founding Fathers made sure of in the United States Constitution and our Pennsylvania founders made sure, and they reiterated it in the 1968 Constitution of Pennsylvania. Right now there are men and women in Afghanistan dying to protect these rights, and in one fell swoop this amendment will take those rights away.

I urge you to vote “no” on this dreadful, dreary amendment. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the lady from Montgomery County, Ms. Harper.

Ms. HARPER. Thank you, Madam Speaker.

Will the maker of the amendment stand for interrogation?

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Ms. HARPER. Madam Speaker, as I have stated before, my concern is to allow child victims to be able to testify by television if necessary. When I read Mr. Vitali’s amendment, I do not think it is a technical amendment, and I want to ask him whether the amendment to section 1 would take out the language of the Senate bill and reinsert the existing language in the Pennsylvania Constitution, which would not permit video testimony by a child victim. Is that the intent of this amendment?

Mr. VITALI. Madam Speaker, this amendment leaves, if you look at SB 211 and you look at the substantive language on page 2, line 27, where it talks about child victims testifying by video, my amendment leaves that totally alone, and if the lady, either of the ladies from Montgomery County can point to language in my amendment that affects that in any way, I would be glad to hear those arguments and I would withdraw the amendment. It simply does not do that.

What it does is deal with page 1 of the amendment that deals with the issue of face-to-face confrontation, and it just adjusts the language, because it appears, in the initial language around page 1, lines 12 through 14, it appears that initial language applies to all defendants. So it attempts to clarify that. It does nothing with regard to the language on page 2, line 27. This, frankly, was drafted by our Legislative Reference Bureau, and these are the adjustments they have suggested to effectuate this, but it simply clarifies the fact.

I am, frankly, mystified of hearing somehow this amendment is negating our Bill of Rights. Apparently one of the ladies holds that. It simply just clarifies that it only deals with children witnesses, period.

Ms. HARPER. Madam Speaker, I am afraid that the gentleman from Delaware County did not understand my question. I will ask it again and try to be more clear. My question is directed to the amendments to section 1. The present Constitution uses the language “meet the witnesses face to face” and is therefore construed to mean that the child must be in the same courtroom as the abuser. Mr. Vitali’s amendment affects that section, reinserts the “meet face to face” language, I believe, and appears to take out the alternate language to “confront.” I am asking him, what does his amendment to section 1 do?

Mr. VITALI. Well, I thought I answered that, but let me try

again.

First your question goes to intent. Intent is this: leaving children to have the right to testify from a remote location, period. Okay; that is the intent.

Now, the second time I think the question was asked, what does the amendment do? Let me try to answer that. What the amendment does is deletes the language that removes this right of face-to-face confrontation for everybody, removes that language completely, because we do not want it to apply to everybody, but leaves page 2, line 27, and through the next page, line 1. So it leaves in, it leaves in that language, and that language it leaves in, if the gentlelady might want to look at that, leaves in the language that says “...the General Assembly may by statute provide for the manner of testimony of child. . .including the use of videotaped. . .” It leaves the language “...including the use of videotaped. . .” in there. So I think it is pretty clear, since the Constitution, if this passes, since the Constitution will have the language “...including the use of videotaped depositions or testimony by closed-circuit television,” since that will remain here, I think it is pretty clear that we can do that, because that language remains.

What we are doing is simply removing the broader, more general language at the beginning of the amendment that generally removes the language of in-court face to face. This has nothing to do with negating the Bill of Rights, as our gentlelady from Montgomery County would suggest, and if given the opportunity, I would like to interrogate her on where she gets that.

Thank you, Madam Speaker.

Ms. HARPER. Thank you, Madam Speaker.

I appreciate that the gentleman from Delaware County has attempted to answer my question. I am forced to say that I think I disagree with his analysis and therefore would urge a “no” vote on the amendment. Thank you.

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

The following roll call was recorded:

YEAS—44

Bebko-Jones	Gruitza	Petrone	Tangretti
Belfanti	Harhai	Pistella	Travaglio
Casorio	James	Preston	Trello
Cohen, M.	Josephs	Rieger	Veon
Colafella	Kirkland	Robinson	Vitali
Corrigan	Laughlin	Roebuck	Washington
Curry	Levdansky	Rooney	Waters
Dermody	Lucyk	Ruffing	Williams, J.
Donatucci	Melio	Scrimenti	Wojnaroski
Evans, D.	Myers	Stetler	Wright, G.
Frankel	Pallone	Sturla	Yewcic

NAYS—150

Adolph	Egolf	Mackereth	Santoni
Allen	Evans, J.	Maitland	Sather
Argall	Fairchild	Major	Saylor
Armstrong	Feese	Manderino	Schroeder
Baker, J.	Fichter	Mann	Schuler
Baker, M.	Fleagle	Markosek	Semmel
Bard	Flick	Marsico	Shaner
Barley	Forcier	Mayernik	Smith, B.
Barrar	Freeman	McCall	Smith, S. H.
Bastian	Geist	McGeehan	Solobay
Belardi	George	McGill	Staback
Benninghoff	Godshall	McIlhattan	Stairs

Birmelin	Gordner	McIlhinney	Steelman
Bishop	Grucela	McNaughton	Steil
Blaum	Habay	Metcalfe	Stern
Boyes	Haluska	Michlovic	Stevenson, R.
Browne	Hanna	Micozzie	Stevenson, T.
Bunt	Harhart	Miller, R.	Strittmatter
Butkovitz	Harper	Miller, S.	Surra
Buxton	Hasay	Mundy	Taylor, E. Z.
Caltagirone	Hennessey	Nailor	Taylor, J.
Cappelli	Herman	Nickol	Thomas
Cawley	Hershey	O'Brien	Tigue
Civera	Hess	Oliver	Tulli
Clark	Horsey	Perzel	Turzai
Clymer	Hutchinson	Petrarca	Vance
Cohen, L. I.	Jadlowiec	Phillips	Walko
Cornell	Kaiser	Pickett	Wansacz
Costa	Keller	Pippy	Watson
Coy	Kenney	Raymond	Wright, M.
Creighton	Krebs	Readshaw	Youngblood
Cruz	LaGrotta	Reinard	Yudichak
Dailey	Lawless	Roberts	Zimmerman
Dally	Lederer	Rohrer	Zug
DeLuca	Leh	Ross	
DiGirolamo	Lescovitz	Rubley	
Diven	Lewis	Sainato	Ryan,
Eachus	Lynch	Samuelson	Speaker

NOT VOTING—0

EXCUSED—7

Coleman	DeWeese	Gannon	Trich
Daley	Gabig	Maher	

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?
Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—190

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

Bishop	Gruitza	Miller, R.	Stevenson, R.
Blaum	Habay	Miller, S.	Stevenson, T.
Boyes	Haluska	Mundy	Strittmatter
Browne	Hanna	Myers	Sturla
Bunt	Harhai	Nailor	Surra
Butkovitz	Harhart	Nickol	Tangretti
Buxton	Harper	O'Brien	Taylor, E. Z.
Caltagirone	Hasay	Oliver	Taylor, J.
Cappelli	Hennessey	Pallone	Thomas
Casorio	Herman	Perzel	Tigue
Cawley	Hershey	Petrarca	Travaglio
Civera	Hess	Petrone	Trello
Clark	Horsey	Phillips	Tulli
Clymer	Hutchinson	Pickett	Turzai
Cohen, L. I.	Jadlowiec	Pippy	Vance
Cohen, M.	Kaiser	Pistella	Veon
Colafella	Keller	Preston	Walko
Cornell	Kenney	Raymond	Wansacz
Corrigan	Kirkland	Readshaw	Washington
Costa	Krebs	Reinard	Waters
Coy	LaGrotta	Rieger	Watson
Creighton	Laughlin	Roberts	Williams, J.
Cruz	Lawless	Robinson	Wilt
Curry	Lederer	Roebuck	Wojnarowski
Dailey	Leh	Rohrer	Wright, M.
Dally	Lescovitz	Rooney	Yewcic
DeLuca	Levdansky	Ross	Youngblood
Dermody	Lewis	Rubley	Yudichak
DiGirolamo	Lucyk	Ruffing	Zimmerman
Diven	Lynch	Sainato	Zug
Donatucci	Mackereth	Samuelson	
Eachus	Maitland	Santoni	Ryan,
Egolf	Major	Sather	Speaker

NAYS—3

James	Josephs	Vitali
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NOT VOTING—1

Wright, G.

EXCUSED—7

Coleman	DeWeese	Gannon	Trich
Daley	Gabig	Maher	

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

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

The SPEAKER pro tempore. There will be no further votes today.

STATEMENT BY MR. LAWLESS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery County, Mr. Lawless, on unanimous consent.

Mr. LAWLESS. Madam Speaker, I rise today on behalf of a constituent of mine, Rick and Trish Jacobs. Madam Speaker, it is time we talk about what this House does to the people of Pennsylvania. HB 1573 was a bill of mine that passed in June. It passed this House with unanimous consent.

Madam Speaker, may I have order.

The SPEAKER pro tempore. The gentleman deserves to be heard. Could we have some order, please. There will be no further votes, so if you do not wish to be quiet, you should leave the floor. The gentleman has a right to be heard.

Mr. LAWLESS. Madam Speaker, again, we passed HB 1573 dealing with E. coli bacteria. Over 50 children in Montgomery County were ill as of this bacteria back in October of 2000. Madam Speaker, today little Erin Jacobs is in duPont Hospital having a kidney transplant that her father gave her yesterday. The Philadelphia Inquirer has reported this incident, an incident that, again, this House passed unanimously. The bill would make E. coli a reportable disease—

Madam Speaker, order, please.

The SPEAKER pro tempore. Again, could we ask the members, if you do not wish to listen, please leave the floor of the House. The gentleman does deserve quiet.

Mr. LAWLESS. Madam Speaker, the bill would require cases of E. coli bacteria reported to the Department of Health and also set standards by the Centers for Disease Control. This bill was known when it left the House as Erin's Law. It passed here, again, last June. It has sat in the Agriculture Committee in the Senate since that time. Rick Jacobs has visited York, Pennsylvania, to urge Senator Waugh to move this legislation.

You know, previous speakers today from the Republican side of this chamber talked about our children are our most precious resource. The gentleman from Dauphin County said that we need to protect our children, yet the Senate refuses to move this bill for one reason: the reason is that I am the prime sponsor. Again, it passed the House unanimously. It sits in the Senate, but yet the Republicans time and time again talk to themselves and talk to the media about being compassionate Republicans.

Madam Speaker, you have a young four-year-old in a hospital, a Pennsylvanian in a hospital today as a result of something that occurred in Pennsylvania, where Pennsylvania and Indiana are the only two States in this country that do not make E. coli a reportable disease and set sanitary standards for petting zoos and farms in this Commonwealth.

It should also be noted, it should also be noted that Sam Hayes, the Republican Secretary of Agriculture, has signed off on this legislation.

You know, Madam Speaker, I joined the Democratic Caucus a few weeks ago, and the reason was because compassionate Republicans are nothing but rhetoric; it is nothing but rhetoric handed out by the Republican side of the aisle for no other reason – for political purposes.

Again, we have a four-year-old whose father had to come to her aid. She has had 10 surgeries. She was in the hospital just before Christmas to have her kidneys, which are no longer functional, removed because of high blood pressure and because of death, yet she sits in a hospital and the Republican leadership in both the House and Senate do nothing to protect our children in this Commonwealth, and yet they call themselves compassionate.

Madam Speaker, I urge the Republican leadership to eat their own words, to stand as two Republicans stood today, the lady from Montgomery County, and say our children are our most precious resource. Where is that lady when it comes to E. coli and children being ill in Pennsylvania? How about the gentleman from Dauphin who stands and says we need to protect our children? Where are these folks? It is nothing but rhetoric from the Republican side.

Thank you, Madam Speaker.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, for the purpose of a caucus announcement.

Mr. COHEN. Thank you, Madam Speaker.

Madam Speaker, there will be a Democratic caucus upon the call of the recess. There will be formal and informal discussions. We are going to be spending most of the caucus discussing medical malpractice, and there will be some other subjects as well.

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. James. For what purpose does the gentleman rise?

Mr. JAMES. Thank you, Madam Speaker.

A correction of the record.

The SPEAKER pro tempore. The Chair thanks the gentleman. You may proceed.

Mr. JAMES. Madam Speaker, my switch showed me voting on final passage on SB 211 in the negative. I would like to be voted in the affirmative. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman, and your vote will be cast upon the record.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the lady from York County, Mrs. Mackereth.

Mrs. MACKERETH. Madam Speaker, I move that this House do now adjourn until Monday, January 28, 2002, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 12:39 p.m., e.s.t., the House adjourned.