

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, MARCH 13, 2002

SESSION OF 2002

186TH OF THE GENERAL ASSEMBLY

No. 20

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

The SPEAKER. Members, please report to the floor; members, please report to the floor.

The Chair is going to delay the opening prayer and the Pledge of Allegiance until some of the members appear on the floor. So please, members. Secretaries, tell your members to come to the floor now.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, March 12, 2002, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2411 By Representatives HERMAN, BENNINGHOFF, ADOLPH, ALLEN, M. BAKER, CAPPELLI, CLYMER, COLAFELLA, CORRIGAN, COSTA, COY, CREIGHTON, CURRY, DALLY, J. EVANS, FAIRCHILD, FICHTER, FLICK, GEORGE, GODSHALL, GRUCELA, HARHAI, HENNESSEY, HERSHEY, MANN, MICHLOVIC, R. MILLER, NAILOR, SAINATO, SATHER, SAYLOR, SCHULER, SHANER, B. SMITH, STABACK, TANGRETTI, TRELLO, TRICH, WILT, G. WRIGHT, YUDICHAK, TURZAI and THOMAS

An Act establishing requirements for persons acting as agents for athletes; and providing for licensure requirements, for power and duty of the Secretary of the Commonwealth and for civil and criminal penalties.

Referred to Committee on PROFESSIONAL LICENSURE, March 13, 2002.

No. 2412 By Representatives DeLUCA, BARRAR, BEBKO-JONES, BROWNE, CAPPELLI, M. COHEN, CORRIGAN, COY, CREIGHTON, CRUZ, GRUCELA, HERSHEY, HORSEY, JAMES, JOSEPHS, KELLER, KIRKLAND, LESCOVITZ, MANN, MARKOSEK, MELIO, PALLONE, PISTELLA, PRESTON, READSHAW, ROONEY, SAINATO, SHANER, SOLOBAY, STABACK, STEELMAN, TANGRETTI, E. Z. TAYLOR, THOMAS, TRICH, WALKO and WASHINGTON

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, defining "publicly funded health care program"; and further providing for temporary and automatic suspension and for reinstatement of license, certificate or registration.

Referred to Committee on PROFESSIONAL LICENSURE, March 13, 2002.

No. 2413 By Representatives McGEEHAN, ARMSTRONG, M. BAKER, BUNT, CASORIO, L. I. COHEN, CORRIGAN, CREIGHTON, CRUZ, DALEY, DeLUCA, EGOLF, FRANKEL, GEIST, GEORGE, GRUCELA, HANNA, HARHAI, HENNESSEY, HORSEY, KAISER, KELLER, KENNEY, KIRKLAND, LAWLESS, LEDERER, LEH, MARKOSEK, McCALL, MELIO, MICHLOVIC, O'BRIEN, PALLONE, PRESTON, FLICK, READSHAW, ROBINSON, SAINATO, SCHRODER, B. SMITH, STABACK, STEELMAN, R. STEVENSON, STURLA, TANGRETTI, E. Z. TAYLOR, J. TAYLOR, THOMAS, TIGUE, TRICH, WALKO, WATERS, WATSON, WILT, WOJNAROSKI, G. WRIGHT, YOUNGBLOOD and SAYLOR

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for offenses relating to theft of government information and identifying documents; and further providing for the offense of bribery.

Referred to Committee on JUDICIARY, March 13, 2002.

No. 2414 By Representatives McGEEHAN, ARMSTRONG, BUNT, CASORIO, L. I. COHEN, CORRIGAN, CRUZ, DALEY, DeLUCA, EGOLF, FRANKEL, GEIST, GEORGE, GRUCELA, HANNA, HARHAI, HENNESSEY, HORSEY, KELLER, KENNEY, KIRKLAND, LAWLESS, LEDERER, LEH, MARKOSEK, McCALL, MELIO, MICHLOVIC, O'BRIEN, PALLONE, PRESTON, READSHAW, ROBINSON, SAINATO, SCHRODER, B. SMITH, STABACK, R. STEVENSON, STURLA, TANGRETTI, E. Z. TAYLOR, J. TAYLOR, THOMAS, TRICH, WALKO, WATERS, WATSON, WOJNAROSKI, G. WRIGHT, YOUNGBLOOD, SAYLOR and FLICK

An Act amending the act of July 8, 1978 (P.L.752, No.140), known as the Public Employee Pension Forfeiture Act, further providing for forfeitures of pension.

Referred to Committee on JUDICIARY, March 13, 2002.

No. 2415 By Representatives McGEEHAN, ARMSTRONG, M. BAKER, BUNT, CASORIO, L. I. COHEN, CORRIGAN, CREIGHTON, CRUZ, DALEY, DeLUCA, FRANKEL, GEIST,

GEORGE, GRUCELA, HANNA, HARHAI, HENNESSEY, HORSEY, KELLER, KENNEY, KIRKLAND, LAWLESS, LEDERER, LEH, MARKOSEK, McCALL, MELIO, MICHLOVIC, O'BRIEN, PRESTON, READSHAW, ROBINSON, SAINATO, R. STEVENSON, STURLA, TANGRETTI, E. Z. TAYLOR, J. TAYLOR, THOMAS, TRICH, WALKO, WATERS, WILT, WOJNAROSKI, G. WRIGHT, YOUNGBLOOD and FLICK

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, further providing for the disclosure of records.

Referred to Committee on HEALTH AND HUMAN SERVICES, March 13, 2002.

No. 2416 By Representatives McGEEHAN, BUNT, CASORIO, L. I. COHEN, CORRIGAN, CREIGHTON, CRUZ, GEIST, GEORGE, GRUCELA, HANNA, HARHAI, HENNESSEY, HORSEY, KELLER, KENNEY, KIRKLAND, LAWLESS, LEDERER, LEH, MARKOSEK, McCALL, MELIO, MICHLOVIC, O'BRIEN, PALLONE, PRESTON, READSHAW, ROBINSON, SAINATO, STABACK, R. STEVENSON, STURLA, TANGRETTI, E. Z. TAYLOR, J. TAYLOR, THOMAS, TRICH, WALKO, WATERS, WOJNAROSKI, G. WRIGHT, YOUNGBLOOD and FLICK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for an identification system and database.

Referred to Committee on TRANSPORTATION, March 13, 2002.

No. 2417 By Representatives GANNON, ALLEN, BENNINGHOFF, BIRMELIN, BUNT, CAPPELLI, M. COHEN, CREIGHTON, CURRY, DONATUCCI, FLICK, McILHINNEY, R. MILLER, SATHER, SCHRODER, SCHULER, T. STEVENSON, TIGUE, M. WRIGHT and YOUNGBLOOD

An Act amending the act of October 15, 1975 (P.L.390, No.111), known as the Health Care Services Malpractice Act, authorizing certain health care providers to elect not to be insured or self-insured in the mandated amount.

Referred to Committee on INSURANCE, March 13, 2002.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 457 By Representatives COY, BELFANTI, LEDERER, DeWEESE, WALKO, LEH, SANTONI, YUDICHAK, DERMODY, LAUGHLIN, ROONEY, SOLOBAY, DeLUCA, KIRKLAND, McCALL, G. WRIGHT, STURLA, JOSEPHS, PISTELLA, WOJNAROSKI, BROWNE, JAMES, PETRARCA, WATERS, CURRY, PALLONE, CAPPELLI, TANGRETTI, D. EVANS, MANDERINO, SHANER, BEBKO-JONES, FRANKEL, MANN, YOUNGBLOOD, BELARDI, GEORGE, READSHAW, STABACK, BISHOP, GRUCELA, McGEEHAN, SURRA, DALEY, HARHAI, MELIO, STETLER, CALTAGIRONE, MICHLOVIC, VEON, CAWLEY, TRICH,

M. COHEN, THOMAS, MUNDY, COSTA, TRAVAGLIO, MYERS, WANSACZ, CORRIGAN, TRELLO and TIGUE

A Concurrent Resolution reaffirming the intent of the General Assembly that all funds received by this Commonwealth under the terms of the tobacco Master Settlement Agreement shall be used only for health-related purposes and programs specified by the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, and any amendments thereto.

Referred to Committee on RULES, March 13, 2002.

SENATE BILL FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bill for concurrence:

SB 106, PN 113

Referred to Committee on LABOR RELATIONS, March 13, 2002.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

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

In the Senate
March 11, 2002

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, March 18, 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, March 18, 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.

BILL REMOVED FROM TABLE

The SPEAKER. The majority leader is recognized.
Mr. PERZEL. Mr. Speaker, I move that HB 378 be taken from the table.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I now move that HB 378 be returned to the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

LEGISLATIVE FELLOWS INTRODUCED

The SPEAKER. I am going to take a moment to introduce a large number of guests, pretty special people. The Legislative Fellowship Program, which is sponsored by the entire House of Representatives through the Bipartisan Management Committee, has the largest class ever this year. Ten students have been assigned to either a committee chairman or a leadership office for a 13-week fellowship.

At this time I welcome to the hall of the House the 10 legislative fellows who began their internship in January. They are seated in the rear of the House. I am going to introduce them and ask that they rise as I mention their name; however, I would ask that applause be withheld until the end.

William Danowski, a political science major from King's College, who is working with the Democratic whip, Mr. Veon. Would the gentleman please rise? Thank you. Wade Ewing, a political science major from Grove City College, assigned to work with Representative Tom Gannon, the chairman of the Judiciary Committee. Would this gentleman please rise. Jessica Lynch, an anthropology/sociology major from the University of Pittsburgh, assigned to the gentleman, Mr. Cohen, the Democratic caucus chairman. Would the lady please rise. Andrew McManus, a public policy major from Penn State Harrisburg, assigned to Representative Argall's Republican caucus chairman post. Would he please rise. Travis Messenger, a public policy major from Penn State Harrisburg, assigned to Representative Belfanti's Labor Relations Committee. Would he please rise. Thank you. Kristen Murray, an education major from Lock Haven University, assigned to Representative Pistella's Aging and Older Adult Services Committee. Would she please rise. Jamie Orowitz, a policy studies major from Dickinson College, assigned to Representative Bud George's Environmental Resources and Energy Committee. Please rise. Julie Wilcox, an education major from Lock Haven University, assigned to Representative Stairs' Committee on Education. Would she please rise. Melissa Zorbaugh, a public policy major from Penn State Harrisburg, assigned to Mr. Raymond, Urban Affairs Committee. Please rise. Jaime Zurick, a public policy major from Penn State Harrisburg, assigned to Representative Clymer's State Government Committee. Would she please rise.

The students are here today with Susan Cohen and Peter Wambach, executive directors of the Bipartisan Management Committee, and Kristen Bernard, the fellowship coordinator.

Would the members please welcome these interns to Harrisburg.

**STATE SYSTEM OF HIGHER EDUCATION
INTERNS INTRODUCED**

The SPEAKER. In addition to the interns just mentioned, there are college interns who are participating in the State System of Higher Education's Harrisburg Internship Program this spring, and again, like before, I would ask that applause be withheld until I have introduced these various interns.

Heather Camp, a Lock Haven student, is interning with State Senator Jay Costa but is here with us today. Would Heather please rise. Is she here? Rosalind Deets, Clarion University of Pennsylvania, interning with the Department of Education. Would she please rise. Thank you. Desiree Fahlbush, Indiana University, interning with Senator Logan. Please rise. Gayle Funt, Millersville University, interning with the policy office of the Department of Health. Please rise. Brandon Ketchum, Edinboro University of Pennsylvania, interning with the Rural Development Council. Please rise. Thank you. Kendra Mohr, Millersville University, interning with the Bureau of Professional and Occupational Affairs, Department of State. Please rise. Wivine Ouapou, Cheney University of Pennsylvania, interning with the Department of Welfare. Thank you. Tiffany Panetta, Bloomsburg University, interning with the Pennsylvania Commission on Crime and Delinquency. Please rise. Thank you. Andrew Paris, Shippensburg University, interning with the Office of the Attorney General in the Bureau of Consumer Protection. Please rise. Thank you. Jennifer Perella, Bloomsburg University, interning with the Office of the Attorney General. Jennifer, please rise. Thank you. Joel Seelye, California University of Pennsylvania, also with the Office of the Attorney General. Joel, please rise. Thank you. Edward Shaffer, Jr., Mansfield University, interning with the Department of Conservation and Natural Resources. Ed. Thank you. Stephen Shukaitis, East Stroudsburg University of Pennsylvania, interning with the Center for Rural Pennsylvania. Stephen. Thank you. Franslee Thomany, East Stroudsburg University of Pennsylvania, interning with the Governor's Advisory Committee on Latino Affairs. Please rise. Thank you. John Callahan, West Chester University, interning with my office. John, please rise.

With these students is Dr. Mary Jo Campbell, the Harrisburg internship semester resident faculty director.

We have two other interns to introduce, both of them at the moment serving in my office: Ann Pierce from Dickinson College, and Amanda Carroll from Kutztown University. Would these interns please rise.

It is my pleasure to welcome all of these students to the House. Thank you.

The House will please come to order. Sergeants at Arms will close the doors of the House. Members will please take their seats. Sergeants at Arms will close the doors of the House.

PRAYER

MSGR. JOSEPH McFADDEN, Guest Chaplain of the House of Representatives, offered the following prayer:

Let us remember we are always in the presence of Almighty God, as we pray:

Almighty and eternal God, You have revealed Your glory to all

nations. God of power and might, wisdom and justice, through You authority is rightly administered, laws are enacted, and judgment is decreed.

Let the light of Your divine wisdom direct the deliberations of this House of Representatives of the Commonwealth of Pennsylvania and shine forth in all the proceedings and laws framed for our rule and government. May they seek to preserve peace, promote happiness, and continue to bring us the blessings of liberty and equality.

Lord, You are the source of all life and goodness. May we always appreciate and support the gift of life that has its origin in You and is sustained through Your goodness. During this week when we join with those in our Commonwealth of Irish descent in honoring their heritage, help us to appreciate the gift of this diversity in our midst. May the mosaic of our ethnicity always be a strength, calling forth the best traits from our cultural heritage.

May we, like St. Patrick, the great patron of
Ireland, take as our sureties:
The power of God to guide us,
The might of God to uphold us,
The wisdom of God to teach us,
The eye of God to watch over us,
The ear of God to hear us,
The word of God to give us speech,
The hand of God to protect us,
The way of God to go before us,
The shield of God to shelter us.

God be with us, God before us,
God behind us, God within us,
God beneath us, God above us,
God at our right, God at our left,
God in the heart of every person who thinks
of us,
God in the mouth of every person who speaks
to us,
God in every eye that sees us,
God in every ear that hears us.

God of all, be with us today, and may the road rise to meet us,
the wind be ever at our back, and may You forever hold us in the
hollow of Your hand.

Amen.

PLEDGE OF ALLEGIANCE

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2307, PN 3175

By Rep. CLYMER

An Act amending the act of October 30, 1987 (P.L.375, No.75), entitled "An act providing for the designation of certain trees and land on the grounds of the State Capitol in Harrisburg as 'Soldiers' Grove' in honor of war veterans; imposing duties upon the Department of General Services; and making an appropriation," further providing for the marking of trees.

STATE GOVERNMENT.

SB 1160, PN 1451

By Rep. CLYMER

An Act amending the act of June 25, 1999 (P.L.205, No.27), entitled, as amended, "An act authorizing the Department of General Services, with the approval of the Governor, to convey to East Allen Township, Northampton County, certain land situate in East Allen Township, Northampton County, and to convey to the trustees of the University of Pittsburgh certain land situate in the City of Pittsburgh, Allegheny County; authorizing and directing the State Armory Board of the Department of Military and Veterans Affairs and the Department of General Services, with the approval of the Governor, to convey to the Historical and Genealogical Society of Indiana County a tract of land situate in the Borough of Indiana, County of Indiana, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and Department of Transportation, to sell and convey to the Borough of Hollidaysburg certain land situate in the Borough of Hollidaysburg, Blair County, Pennsylvania; authorizing the Department of General Services, with the approval of the Governor, to convey a tract of land in the Borough of Selinsgrove, Snyder County, to the Eastern Snyder County Regional Authority in exchange for another tract of land in the Borough of Selinsgrove, Snyder County; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Snyder County certain lands situate in Penn Township," further providing for reversion of property.

STATE GOVERNMENT.

SB 1171, PN 1476

By Rep. CLYMER

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the City of Harrisburg tracts of land and a building situate in the City of Harrisburg, Dauphin County.

STATE GOVERNMENT.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence and recognizes the majority whip, who requests a leave of absence for today's session for the gentleman, Mr. JADLOWIEC, from McKean County and the gentleman, Mr. SCHULER of Lancaster County. Without objection, the leaves will be granted. The Chair hears no objection.

The Chair recognizes the gentleman, Mr. Veon, who requests a leave of absence for the gentleman from Allegheny County, Mr. PISTELLA. The leave will be granted, without objection. The Chair hears no objection.

VINCENT APPLEMAN INTRODUCED

The SPEAKER. The Chair at this time recognizes the gentleman, Mr. Pallone, for the purpose of making a brief remark. The gentleman will yield.

The House will please come to order. The House will please come to order.

Mr. Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

Mr. Speaker, it is my distinct honor and privilege today to

present to the chamber a special friend and resident from my district. You know, it has been said that everyone has a moment of fame in their life, and this individual deservingly has reached that moment of fame for himself.

About a year ago a young man and a young woman wrote an essay about their father, and they submitted it to the International Winter Olympics Committee under the topic heading of "Inspiration." This essay, together with thousands of others, was reviewed by the committee and approved to honor this gentleman by making him one of the hundreds of torchbearers throughout the country this year.

As you know, the Olympic torch traveled across America prior to the start of the Winter Olympics this year, and it went through the Greater Pittsburgh area. Vince Appleman proudly carried that torch for two-tenths of a mile through the East Liberty section of the Greater Pittsburgh area.

Vincent Appleman is married. His wife, Sandra, is with us this morning. He has one son and one daughter. They, of course, were the authors of the "Inspiration" essay that got him this opportunity. And he is also joined this morning with several friends, who traveled more than 200 miles this morning to be here and help us honor him. Bill and Rose Beebe and Anthony Antonacci are with us as well, and they are in the rear of the House.

This honor could not be bestowed upon any better person. Vince Appleman has dedicated his life to serving others. He is a community leader, a good husband, a great father, a friend, and has been an educator for more than 30 years at the Riverview School District. He is an avid runner. He coaches cross-country and track and has been a role model for students and children throughout his career.

One additional point worth noting that proves the distinction of Vincent Appleman, that he deserves this honor, not only because his children wrote an inspirational essay for him to carry the torch, but as a torchbearer, the Olympic Committee designates an alternate torchbearer for each of the carriers, and Vince Appleman voluntarily shared his opportunity of carrying the torch with his alternate, giving that individual the opportunity to share in the honor of carrying the Olympic torch.

Mr. Speaker, ladies and gentlemen, colleagues and friends, it gives me great pleasure to present to the House this morning Vincent Appleman, the torchbearer for the 2002 International Winter Olympics, and it should be noted that I have also presented Vince with a House citation as well.

Ladies and gentlemen, please join me in a round of applause for Vincent Appleman.

Thank you, Mr. Speaker.

ST. PATRICK'S DAY PROGRAM

The SPEAKER. May I have your attention.

This being the closest session day preceding St. Patrick's Day, Mr. Corrigan and Mr. Hennessey have made arrangements to entertain you somewhat. Yesterday Mr. McGeehan fed you; today you will participate in an exhibition of some Irish culture.

I am going to ask if any of you do not want to be present that you leave now rather than distract any of these participants in the course of their presentation.

Sergeants at Arms, I would ask that you clear the various aisles of those engaged in conversation.

NICOLE ECKLES PRESENTED

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

Mr. CORRIGAN. Thank you, Mr. Speaker.

I am proud today to have with me a student from Bensalem Township, which is Representative DiGirolamo's district. Gene was here a few minutes ago and had to run off the floor for something. Hopefully he will join us during this proceeding.

I have a student from Poquessing Middle School in Bensalem who took part in an essay contest some time ago sponsored by the Ancient Order of Hibernians. She was the eighth grade winner, and I would like you to listen to this essay. I think it is something very special, and I will introduce to you Nicole Eckles in a moment. But first we have with Nicole her father, Shawn, who is seated to the left, and her grandmother, Judith Thomas, who is with us on the podium.

I would like to introduce to you Nicole Eckles from Bensalem Township.

Miss ECKLES. (Reading): Leaving Ireland.

It is a warm sunny day in late October 1851, as I look at my beloved Ireland for the last time. I am leaving Sligo and traveling down to Tralee. There I will board a ship bound for America. I am 18 years old. I am scared of leaving my Mom, Dad and five younger brothers and sisters. I have no choice. My Dad cannot find work and we are hungry all the time. If I can make it to America and find work, I will be able to help my family survive this God-forsaken famine. My oldest brother Pat will make the trip with me to Tralee, and stay with me until I board the ship. I look long and hard at my family's faces, knowing that I might not ever see them again. We arrive at the port of Tralee at sunset. I have three hours before I board the big three-mast ship. I will start my long journey across the North Atlantic. With all of my worldly possessions in a small canvas bag, I said a tearful goodbye to my brother Pat. I asked him to tell my family how much I will miss them. As I walked up the gangplank of this old cargo ship, I never felt so alone in my life. The ship was crowded with a few hundred people. They were all poor like me. The trip was long and rough. The waves were splashing over the rails. Everyone felt sick, many were throwing up. The stench was sickening. Many had disease and some died. Babies were crying, there was no privacy. Some tried hard to pass the time, by singing old songs, to remind them of home. We thought our trip would never end. After weeks of sailing our long journey was almost over. We could see the Statue of Liberty, in the harbor, welcoming us. All of our emotions were mixed; we were excited, scared, happy and sad all at the same time. After going through immigration, where they checked us for disease or sores, we were permitted to enter. The great land of America, where everyone was equal, was ours. I soon found a cheap boarding house, where many immigrants lived. After a hot meal and a little rest, I went out to purchase a newspaper. I had such high hopes of getting work and helping my family, back home in Ireland. To my surprise, so many jobs in the want ads read, "NO IRISH NEED APPLY."

The SPEAKER. The date of that letter was 1851, incidentally. Things have changed dramatically since that time.

JAMES GAFGEN PRESENTED

The SPEAKER. Mr. Corrigan.

Mr. CORRIGAN. Yes; they have, fortunately. Thank you.
The SPEAKER. Some of us are employed now.

Mr. CORRIGAN. I also have with me this morning and I am proud to introduce to you a gentleman from my district, from Morrisville Borough, who is an accomplished tenor, and he is going to entertain us this morning with two songs. His name is James Gafgen.

He is accompanied by Barbara Wayman this morning and also his mom and dad. Jim Gafgen, Sr., and his mother, Doris, are in the back. I would like to recognize them, if they would stand.

Jim and I put 30 years together in the steel mill, and we will not go any further with that.

At this time I would like to introduce Jim Gafgen, Jr., who will entertain you briefly. Jim, would you come forward, please? Thank you.

(“Molly Malone” and “Danny Boy” were sung by James Gafgen, Jr.)

Mr. GAFGEN. At this time I would like to thank Speaker Ryan and Mr. Corrigan for the opportunity to be here today. God bless. Thank you.

QUITTAPAHILLA HIGHLANDERS PRESENTED

The SPEAKER. The gentleman, Mr. Lynch.

The House will please come to order. Conferences on the floor, please cease. Members, take your seats, please.

Mr. Lynch.

Mr. LYNCH. Thank you, Mr. Speaker.

I was admonished on the way up here to not even try it. Believe me, not even in the shower will I come close to that. That was an outstanding performance. I never heard a voice like that in here.

The SPEAKER. That is a blessing, those remarks that you are not going to try it.

Mr. LYNCH. Believe me, those that know me would agree with you as well.

The Irish caucus is proud to once again bring to this chamber some constituents of Representative Ed Krebs and Representative Pete Zug from Lebanon County – the Quittapahilla Highlanders Bagpipe and Drum Band. They were founded in Annville in 1994. The Quittapahilla Creek, which flows to the Swatara Creek and then to the Susquehanna River, is the source of the Algonquin Native American name of the band.

The band provides entertainment, both Scottish and Celtic, to a large number of military, community, private, business, and cultural events in the south-central Pennsylvania region, and today they are going to perform for us “Danny Boy,” “Minstrel Boy,” and “Green Hills.” Let us hear it for the Quittapahilla pipe band.

The SPEAKER. Would the majority and minority leaders turn their microphones on so that the sound is available throughout the Capitol.

(“Danny Boy,” “Minstrel Boy,” and “Green Hills of Tyrol” were presented by the Quittapahilla Highlanders Bagpipe and Drum Band.)

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—197

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Jadlowiec	Pistella	Schuler
Dermody			

LEAVES ADDED—1

Steil

LEAVES CANCELED—2

Schuler Steil

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 1974, PN 3375, entitled:

An Act authorizing the release of Project 70 restrictions on certain lands owned by Northumberland County, in return for imposition of Project 70 restrictions on other lands owned by the Northumberland County Development Corporation.

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?

(The bill analysis was read.)

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

Table listing names of members who voted 'YEAS' (197 total). Includes names like Adolph, Allen, Argall, Armstrong, Baker, J., Baker, M., Bard, Barley, Barrar, Bastian, Belardi, Belfanti, Benninghoff, Birmelin, Bishop, Blaum, Boyes, Brooks, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappelli, Casorio, Cawley, Civera, Clark, Clymer, Cohen, L. I., Evans, D., Evans, J., Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Godshall, Gordner, Grucela, Gruitza, Habay, Haluska, Hanna, Harhai, Harhart, Harper, Hasay, Hennessey, Herman, Hershey, Hess, Horsey, Maitland, Major, Manderino, Mann, Markosek, Marsico, Mayernik, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Michlovic, Micozzie, Miller, R., Miller, S., Mundy, Myers, Nailor, Nickol, O'Brien, Oliver, Pallone, Perzel, Petrarca, Petrone, Phillips, Schroder, Scrimenti, Semmel, Shaner, Smith, B., Smith, S. H., Solobay, Staback, Stairs, Steelman, Steil, Stern, Stetler, Stevenson, R., Stevenson, T., Strittmatter, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Travaglio, Trello, Trich, Tulli, Turzai, Vance, Veon.

Table listing names of members who did not vote 'YEAS'. Includes names like Cohen, M., Colafella, Coleman, Cornell, Corrigan, Costa, Coy, Creighton, Cruz, Curry, Dailey, Daley, Dally, DeLuca, DeWeese, DiGirolamo, Diven, Donatucci, Eachus, Egolf, Hutchinson, James, Josephs, Kaiser, Keller, Kenney, Kirkland, Krebs, LaGrotta, Laughlin, Lawless, Lederer, Leh, Lescovitz, Levdansky, Lewis, Lucyk, Lynch, Mackereth, Maher, Pickett, Pippy, Preston, Raymond, Readshaw, Reinard, Rieger, Roberts, Robinson, Roebuck, Rohrer, Rooney, Ross, Rubley, Ruffing, Sainato, Samuelson, Santoni, Sather, Saylor, Vitali, Walko, Wansacz, Washington, Waters, Watson, Williams, J., Wilt, Wojnarowski, Wright, G., Wright, M., Yewcic, Youngblood, Yudichak, Zimmerman, Zug, Ryan, Speaker.

NAYS—0

NOT VOTING—0

EXCUSED—5

Table listing names of members who were excused: Bebk-Jones, Dermody, Jadlowiec, Pistella, Schuler.

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

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

BILLS PASSED OVER

The SPEAKER. HB 19 and HB 50 are over.

ANNOUNCEMENT BY MR. CORRIGAN

The SPEAKER. Mr. Corrigan, do you desire recognition?

Mr. CORRIGAN. Thank you, Mr. Speaker.

I would like to take this opportunity—

The SPEAKER. Will the gentleman yield.

The Chair has recognized the gentleman, Mr. Corrigan. The House will please come to order.

Mr. CORRIGAN. I would like to take this opportunity to invite everyone down for lunch at 60 East Wing. We are having an Irish lunch of corned beef and cabbage, ham and cabbage, and, of course, boiled potatoes – you have to do that – and Jim Gafgen will entertain at lunch.

If you would like to join us, we would like to have you. Thank you.

The SPEAKER. The Chair thanks the gentleman.

BILLS ON THIRD CONSIDERATION

BILLS PASSED OVER

The SPEAKER. Page 2 of today's calendar is over.

* * *

The House proceeded to third consideration of **HB 944, PN 3373**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, exempting ex-prisoners of war from paying any fees for titling or registration of vehicles.

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

Mr. **HANNA** offered the following amendment No. **A0869**:

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

; and further providing for scope and application of Chapter 49.

Amend Bill, page 4, by inserting between lines 27 and 28

Section 2. Section 4901(c) of Title 75 is amended and the section is amended by adding a subsection to read:

§ 4901. Scope and application of chapter.

* * *

(c) Permit authorizing prohibited movement.—If an overweight or oversize movement cannot be made in any other feasible manner, the permit may authorize the movement to be made in contravention to any provision of this title provided that:

(1) the department or local authority determines that the movement is in the public interest; and

(2) the movement is escorted by the Pennsylvania State Police, extra-duty Pennsylvania State Police or department personnel [while any provision of this title is being contravened]. If the movement is escorted by extra-duty Pennsylvania State Police or department personnel, the following shall apply:

(i) Approval must be obtained from the Pennsylvania State Police.

(ii) The permittee shall bear the expense of escorting the movement.

(iii) Extra-duty Pennsylvania State Police and department personnel shall be immune from civil or criminal liability arising from escorting a movement in accordance with this paragraph.

* * *

(e) Definition.—As used in this section, the term “extra-duty Pennsylvania State Police” means sworn members of the Pennsylvania State Police assigned, on a voluntary basis, to perform work outside of their regularly scheduled shift on an overtime basis, to a detail that is the exclusive activity to be performed during the shift assignment.

Amend Sec. 2, page 4, line 28, by striking out “2” and inserting
3

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

The following roll call was recorded:

YEAS—197

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Scrimenti
Argall	Fairchild	Manderino	Semmel
Armstrong	Feese	Mann	Shaner
Baker, J.	Fichter	Markosek	Smith, B.

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Jadlowiec	Pistella	Schuler
Dermody			

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

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

Mr. **WILT** offered the following amendment No. **A0871**:

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

; and further providing for refunds.

Amend Bill, page 4, by inserting between lines 27 and 28

Section 2. Section 9017(d) of Title 75 is amended and the section is amended by adding a subsection to read:
§ 9017. Refunds.

* * *

(d) Off-highway recreational vehicles.—

(1) When the tax imposed by this chapter has been paid on fuel used in off-highway recreational vehicles within this Commonwealth, an amount equal to the revenue generated by the tax, but not derived therefrom, may be appropriated through the General Fund to the Department of Conservation and Natural Resources. It is the intent of this chapter that all proceeds from the tax paid on fuel used in off-highway recreational vehicles within this Commonwealth be paid without diminution of the Motor License Fund.

(2) The Department of Conservation and Natural Resources shall biennially calculate the amount of liquid fuel consumed by off-highway recreational vehicles and furnish information relating to its calculations and data as may be required by the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives.

(3) The General Assembly shall review the fuel consumption calculations of the Department of Conservation and Natural Resources to determine the amount of liquid fuels tax paid on liquid fuels consumed in the propulsion of off-highway recreational vehicles in this Commonwealth and may annually appropriate to the Department of Conservation and Natural Resources the amount so determined.

(4) Money appropriated under paragraph (3) shall be used for the benefit of motorized and nonmotorized recreational trails by the Department of Conservation and Natural Resources as provided in the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240, 105 Stat. 1914.)

(d.1) Motorized recreational vehicles.—An amount equal to 50% of the tax imposed by section 9004(a) (relating to imposition of tax, exemptions and deductions) on fuel consumed in the operation of motorized recreational vehicles within this Commonwealth, but not to exceed \$1,000,000, shall be refunded out of the Liquid Fuels Tax Fund to the Department of Conservation and Natural Resources in the following manner:

(1) There is hereby established a special nonlapsing restricted receipts account in the State Treasury to be known as the Recreational Trails Trust Fund.

(2) One-half of the tax revenues, not to exceed \$1,000,000, generated by the tax imposed by section 9004(a) on fuel used in motorized recreational vehicles used within this Commonwealth, as determined by the Department of Conservation and Natural Resources, shall be annually refunded to the department through the Recreational Trails Trust Fund.

(3) All moneys in the fund are hereby appropriated on a continuing nonlapsing basis to the Department of Conservation and Natural Resources for the activities referred to in paragraph (5).

(4) All interest earned by the fund and refunds or repayments shall be credited to the fund and are hereby appropriated in the same manner as paragraph (3).

(5) All money in the fund shall be used by the Department of Conservation and Natural Resources in accordance with the recommendations of the Snowmobile and ATV Advisory Committee for the acquisition, creation and maintenance of trails used by motorized recreational vehicles and for enforcement in State forests and State parks.

* * *

Amend Sec. 2, page 4, line 28, by striking out “2” and inserting

3

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

The SPEAKER. On the question of the Wilt amendment, Mr. Vitali, do you have a question?

Mr. VITALI. No; I wish to speak on the amendment, Mr. Speaker.

The SPEAKER. Indeed you may. You are recognized.

Mr. VITALI. Thank you, Mr. Speaker.

I just want to remind the members, this is the same amendment we considered yesterday, which involves providing additional funding for, among other things, expansion of ATV (all-terrain vehicle) trails. I mean, since the discussion I had with Mr. Wilt yesterday, I did have an opportunity to discuss this with at least one environmental group, the Sierra Club, who does not support this amendment.

I think that those of you who are concerned about, one, the use of ATVs in State parks and forests should consider strongly voting against this amendment, and there are many reasons for that, such as the fact that ATVs detract from the enjoyment of others, of hikers and fishermen and others who want the solitude to enjoy our State parks and forests without the rattle of the engines of ATVs.

There is also another reason for concern as I read the language in this amendment, because it directs the money to be used in accordance with the recommendations of an advisory committee, in accordance with the recommendations of an advisory committee, which leads me to believe that you have to follow the recommendations in accord with the recommendations. So if this six-person advisory committee, if the State has to direct money in accord with their recommendations, we are in effect ceding money, ceding the direction of Commonwealth money, to their direction, and I think we as legislators ought to be uncomfortable with that. I have been told that this six-person committee is stacked four to two in favor of motorized uses. There are two environmental members but four representing the motorized-use community.

Again, I would be very concerned with this legislation. I mean, and finally another reason to oppose this, in my view, is the fact that this diverts money from our maintenance and repair of our State highway system. There may be—

The SPEAKER. The gentleman, Mr. Vitali, has the floor. Please.

Mr. VITALI. Thank—

The SPEAKER. The gentleman will yield.

Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

There may be members who in their districts have highways which are in need of repair, which are in need of maintenance, in fact in need of expansion, but have been given the reason “lack of funding” as the reason this is not being done. This amendment will divert more moneys away from that fund.

So, Mr. Speaker, I would, for those of you who have concerns about ATV expansion in our State parks and forests, I would ask for a “no” vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Wilt. The gentleman will yield.

Please. We are going to break for lunch shortly. These members deserve your attention and courtesy. The conference to the left of the Chair—

Mr. Wilt.

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

And by the way, I empathize with my colleagues, the members

on the floor. I think they are getting a little tired, as we all are, of hearing the same arguments every time this amendment comes up. This is the same amendment we addressed yesterday with only one negative vote. With all due respect to Mr. Vitali, I would like to set the record straight on a couple of different issues.

Number one, this amendment, again, is the same language we had yesterday. It does not mandate that any trails be built in any State forest lands or any State parks. That is completely untrue.

Secondly, as far as the trail advisory committee goes, that committee is formulated by a group at the Department of Conservation and Natural Resources. The fact that it is stacked one way or the other, simply untrue. They look at every trail project as it comes through this State. They weigh in on it. It is an apolitical group, and I think this is a blatant attempt to politicize that group. It is an apolitical group that serves all of us in the Commonwealth in a very capable capacity. There are good projects that come out of these funds.

And finally, this is not a diversion of any funds. These are dollars that the off-road users pay in to the Motor License Fund. We are not asking for all of it. There are \$7 1/2 million that go into the Motor License Fund. This is simply a transfer of \$1 million of that \$7 1/2 million. It is not a diversion. There will not be one highway project in any of our districts that will go without needed funds as a result of this amendment. I think it is disingenuous to the members of the floor to infer that, and I would just like to remind the members that this is the same thing that we passed unanimously yesterday and with one negative vote yesterday.

Thank you very much, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Hanna, from Clinton.

Mr. HANNA. Thank you, Mr. Speaker.

Would the gentleman, Mr. Vitali, stand for interrogation?

The SPEAKER. He would. You may begin.

Mr. HANNA. Mr. Speaker, you suggested that this advisory committee is stacked. Could you tell us who is on that advisory committee?

Mr. VITALI. I have been advised by the Sierra Club this morning that of the six members, Sierra Club is one of those six and another one is a conservation group, and the four others are snowmobile and trail-user groups. I cannot tell you, in fact I was never told what the four were, but this is information relayed to me by the Sierra Club this morning.

Mr. HANNA. Thank you, Mr. Speaker.

On the amendment?

The SPEAKER. The gentleman is in order.

Mr. HANNA. Mr. Speaker, I rise in support of the amendment, and as many of you know, I am an ATV owner and an ATV user, and I am in regular contact with a great number of ATV users, and I would advise the gentleman from Delaware that most of the ATV organizations across this Commonwealth believe that committee is stacked against them. I do not honestly know who he thinks are the four motorized community representatives on that committee, but I certainly have a great number of ATV enthusiasts who are asking me why the Sierra Club and why the Audubon Society and why these other environmental groups who do not contribute any dollars to this fund are participating on the committee that is deciding where the moneys are to be spent.

So I would agree with the Representative, Mr. Wilt, that the committee is doing a good job of appropriating these funds where they ought to be. As I said yesterday when we dealt with this amendment, this is something that I thought all groups agreed, in order for ATVs to be used effectively in this State, to be used in a

way that is environmentally sound, we need more money for enforcement and trail development. I thought all of us agreed on that, and I would suggest to the members that all of us that are looking at it rationally do agree on that and that this is a good way to get those funds so that we can have better enforcement and we can have trails that are developed in an environmentally sound fashion.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, would the sponsor of the amendment stand to answer a couple of questions?

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

Mr. LEVDANSKY. Mr. Speaker, I think the most critical language in this amendment is in the last section, section (5), where it says that "All money in the fund shall be used by the Department...in accordance with the recommendations of..." this advisory committee "for the acquisition, creation and maintenance of trails used by motorized recreational vehicles and for enforcement..." on State property. If this advisory committee were to advise the department that they think that we ought to construct more trails on State forest property, then that would be permitted under your amendment to do that?

Mr. WILT. Mr. Speaker, nothing is permitted in terms of the expansion of the trail network in Pennsylvania without the approval of the advisory committee. It is an apolitical group. I believe one of the members in this chamber has a bill that would specify that DCNR (Department of Conservation and Natural Resources) build a certain number of miles of trails in our State forest lands, not in our State parks but in our State forest lands. One of the oppositions to that bill is that it usurps power from the advisory committee.

So I think your hypothetical question is best answered by saying that under any circumstance, where there is an approval for the construction of a new trail in Pennsylvania, nothing in this amendment would pull any power away from that advisory committee. It would have to be approved by the members of that committee, and for me to stand here today and project what they might do under a scenario that you have prescribed would not be prudent on my part and it is not part of what this debate is all about. This debate is about how we put dollars in the fund for the advisory group to drive those dollars out.

Mr. LEVDANSKY. Okay. I would just like to speak on the amendment, Mr. Speaker.

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

Mr. LEVDANSKY. Mr. Speaker, I mean, I understand that we have more ATVs being used in Pennsylvania and we need to do something about that. I understand the damage to the environment that they sometimes cause with irresponsible use. And I also know that we are not going to make ATVs go away, so we have got to do something about it in terms of providing some recreational opportunity for the people that own these vehicles.

That said, you know, over the course of this session, there have been other pieces of legislation that the sponsor of the amendment and others here that are interested in the subject have articulated that we need to do something, and I agree with that, but I happen to think that the thing that we ought to do is we ought to be working with the department and with the ATV Advisory Committee to open up some recreational opportunities on private land in the Commonwealth for ATV users. I happen to think that

public lands are sensitive properties that may need to be kept in as wild and pristine condition as possible.

So we have plenty of private land out there. Chairman George from Clearfield County, I think, has introduced some legislation pointing out that there are all sorts of abandoned strip mines in the Commonwealth that would be a really logical and environmentally appropriate place to put these kinds of trails.

So while I understand the need to construct these trails, because so many people own ATVs, I just do not happen to think that public land is where we ought to be constructing these trails, and there is no language in this amendment to prohibit— I mean, if this advisory committee decides to advise that we ought to put a trail on public property, then that would happen, and I do not happen to think that we ought to delegate our ability to appropriate money and to decide where it ought to be spent to any advisory group. I mean, that is the role of the General Assembly and the Secretary of DCNR in this case to decide where and when moneys ought to be appropriated, and we ought not give that authority to any advisory group. Whether or not it is stacked one way or the other is irrelevant. I think that is a public policy decision that we ought to make.

So, Mr. Speaker, my concern is that this amendment will in fact enable moneys to be spent from this fund to develop trails on public properties – in our State forests and in our State parks – and I am concerned about that, and you know, unless there was a strict prohibition on that— I mean, if there was a prohibition on that in this amendment, I would support it, but absent that requirement that this money not be spent on public lands, I am going to oppose the amendment and ask my colleagues to do the same. Thank you.

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

Mr. WILT. Thank you very much, Mr. Speaker, and if the previous speaker would pay attention to this, I think it is going to answer a lot of his concerns.

In the last round of trail grants that were approved by DCNR at the advice of the advisory group, there was over \$750,000 driven out of this pool of funds. Every one of those dollars was to construct trails on private property, every dollar, so for us to stand here and try and micromanage how they are going to do that I do not think is our role. Ultimately, the decision is going to be made based on the recommendation of the trail advisory group and DCNR, and I have yet to see in my 6 years here DCNR modify what the recommendation is, but I want to be clear to every member here that they are already approving – in fact, last round the only projects that were approved for construction were on private property. What this fund is also used for is for repair and enforcement, which are the two major issues, the two major issues confronting our trail users in Pennsylvania today.

So I think this amendment is constructed properly. I think your concerns are well founded, but I think they should be alleviated by looking at the previous practice of developing trails on private property, and I think you will find that your idea is being well heard at the department right now and that those who are driving out dollars understand what you just said, and so they are looking at private property owners who are willing to have trails constructed on their property, and that is where they are targeting these funds.

So I think that your concerns are already being listened to, and I think the proof has been in the pudding. Earlier this year three-quarters of a million dollars went in that direction.

The SPEAKER. Mr. Pippy, on the question.

Mr. PIPPY. Thank you, Mr. Speaker.

Representative Wilt actually said the majority of the comments I wanted to bring up.

I am a member of the Transportation Committee. This is an issue that we have been looking at and addressing over a long period of time, and the two things I want to emphasize, once again, are the repair and the enforcement sides. Anyone who has looked at the issue in an objective manner understands that there will always be two sides to an issue, but this is the most balanced way, the best funded way, to approach the trail issue, and it will give us the best opportunity to allow mixed use and allow as many organizations to take advantage of the wonderful natural resources we have in Pennsylvania.

And my colleague on the other side has every right and has done a good job speaking his mind. It makes me think of the remark by the great gentleman, Mr. Lewis, “The world is a stage, baby.” I mean, they have the opportunity to speak, but if you look at this in a very objective manner, if you look at it and try to find a perfect balance between allowing different groups to enjoy our natural resources, I think the Wilt amendment is that approach, and I would ask my colleagues to support Representative Wilt in his efforts. Thank you.

The SPEAKER. Mr. Haluska.

Mr. HALUSKA. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment, please?

The SPEAKER. The gentleman, Mr. Wilt, indicates he will stand for interrogation. Keep in mind Mr. Corrigan’s invitation to lunch. You do not want cold ham and cabbage or whatever.

Mr. HALUSKA. We will be swift.

The SPEAKER. Mr. Wilt.

Mr. HALUSKA. Mr. Speaker, this amendment that you are offering today basically is a funding mechanism and has really nothing to do with the legislation that we passed in this House previously that allows the registration fees from the snowmobiles, from the ATVs, to build trails in private or public lands. Am I correct in assuming that?

Mr. WILT. Yes, you are, Mr. Speaker. In fact, this bill does two things. It clearly defines what a recreational trail is, which is something that we have not done a very good job of in this General Assembly over the years, so we have taken care of that in the amendment. And we also, not to be redundant, but we also are replacing \$1 million that we take out of the General Fund every year to match the Federal funds and replacing it with this \$1-million transfer from the Motor License Fund.

Mr. HALUSKA. Thank you, Mr. Speaker.

May I speak on the amendment?

The SPEAKER. You may indeed. You may proceed.

Mr. HALUSKA. I rise to support the Wilt amendment for the simple reason that it is a funding mechanism. We already have the legislation in place to take care of where we are going to build trails, and we have the advisory council to guide us along that line,

so I would hope that all the people in the House would support this amendment, and I would ask for a positive vote.

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

Mr. HANNA. Thank you, Mr. Speaker.

Just two quick points.

In earlier debate a question came up about the trail advisory committee. I would point out to everybody that that advisory committee is not created under this amendment. If you have issue with that advisory committee, you should have issue with what we passed last June, which is now law, and that is what needs to be

changed if you take issue with the advisory committee.

The second issue is about trail development on public ground. Although I may not agree with the current Secretary of the Department of Conservation and Natural Resources, he has issued a moratorium on the development of trails on public ground. Neither this amendment nor anything that we do can develop a trail on public ground as long as the Secretary has this moratorium on trail development on public ground.

I would suggest to you that it is my read that you will not see one new foot of ATV trail on public ground during the coming 12 months, at the very least, as long as this Secretary is in charge of DCNR. So I do not think it is an issue as to whether these moneys will be used on public ground. A moratorium has been issued, and there will not be that use.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Evans.

Mr. J. EVANS. Thank you, Mr. Speaker.

I would like to make a few brief remarks, standing in support of the Wilt amendment.

I have had an opportunity to meet in my district with some ATV groups who have been formed. One of them is called ATV Traction in northwestern Pennsylvania. They have expressed some concerns to me. These are responsible individuals in our community, responsible sports men and women, who sometimes have to travel up to hundreds of miles to find areas to enjoy their sport.

This also is an economic impact for our area, for northwestern Pennsylvania. These types of groups can help to bring in lots of dollars through tourism. They are often traveling now into Canada to find places where they are warmly embraced in communities that understand the economic spinoff that can occur from responsible ATV users.

And I might add that the ATV groups I have met with are trying to change the image. The ATV users have been saddled with some poor image over the last few years because of some people who are irresponsible. They are trying to police their own ranks, and I believe the Wilt amendment will help to encourage them in the future.

So I encourage my colleagues for a “yes” vote.

Thank you, Mr. Speaker.

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

Mr. LEVDANSKY. Briefly, Mr. Speaker, I just want to respond to a couple of the comments that were made as a result of the points—

The SPEAKER. Will the gentleman yield.

Please. Mr. Levdansky deserves your attention. Members.

Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, you know, I supported the legislation, as I think most of the people did here obviously last year, to put the law in place and created the advisory committee and created the fund, and things seem to be working well. I mean, you know, Representative Wilt is correct. I assume that all the money is being spent to develop trails on private property, and that is good, and that is appropriate, and that is what we ought to further encourage, but this amendment does in fact open up, you know, this does put a crack in that policy. It does enable— I mean, the language says that the money in the fund shall be spent for the purposes that the advisory committee recommends. If that advisory committee comes back and recommends that we construct more trails on public land, this amendment would bind the department to spend

money to do that. And you could have all the policies or all the moratoriums in the world by a Cabinet Secretary, but law supersedes a department’s policy. And this would in fact enable, this amendment, if the advisory council recommended spending money to develop trails on public land, this amendment would require that to happen, and I just think that is very dangerous language to put in an amendment to those of us that want to support trail development on private land but want to protect public land from such development.

So I would urge a negative vote. Thank you.

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

The following roll call was recorded:

YEAS—179

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

NAYS—18

Bard	Kirkland	Nailor	Steelman
Casorio	Levdansky	Rubley	Steil
Curry	McIlhinney	Sather	Vitali
Hasay	Melio	Scrimenti	Wright, G.

Josephs Mundy

NOT VOTING—0

EXCUSED—5

Bebko-Jones Jadlowiec Pistella Schuler
 Dermody

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?

(The bill analysis was read.)

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

Cruz	LaGrotta	Robinson	Wojnaroski
Curry	Laughlin	Roebuck	Wright, G.
Dailey	Lawless	Rohrer	Wright, M.
Daley	Lederer	Rooney	Yewcic
Dally	Leh	Ross	Youngblood
DeLuca	Lescovitz	Rubley	Yudichak
DeWeese	Levdansky	Ruffing	Zimmerman
DiGirolamo	Lewis	Sainato	Zug
Diven	Lucyk	Samuelson	
Donatucci	Lynch	Santoni	Ryan,
Eachus	Mackereth	Sather	Speaker
Egolf	Maher	Saylor	

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones Jadlowiec Pistella Schuler
 Dermody

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.

RULES COMMITTEE MEETING

The SPEAKER. The majority leader calls for an immediate meeting of the Rules Committee.

RESOLUTION REPORTED FROM COMMITTEE

HR 454, PN 3392

By Rep. PERZEL

A Resolution urging the Congress of the United States to sustain the President's affirmative decision on the United States Department of Energy's recommendation on a Federal repository for used nuclear fuel at Yucca Mountain, Nevada.

RULES.

BILL REREPORTED FROM COMMITTEE

SB 985, PN 1196

By Rep. PERZEL

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for classification of counties, for expenses of elected county officers attending the annual meetings of their associations and for other meeting expenses paid by the counties.

RULES.

**BILL ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 1402, PN 3035

By Rep. PERZEL

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the definition of “public utility” and for telecommunications services provided to State correctional institutions; and providing for limousine service in counties of the second class.

RULES.

SUPPLEMENTAL CALENDAR C

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1402, PN 3035**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the definition of “public utility” and for telecommunications services provided to State correctional institutions; and providing for limousine service in counties of the second class.

On the question,
Will the House concur in Senate amendments?

The SPEAKER. The gentleman, Mr. Maher, on concurrence.

Mr. MAHER. Mr. Speaker, I am curious if there is someone who would stand for interrogation on the amendments inserted by the Senate.

The SPEAKER. Any volunteers?

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

Mr. MAHER. Thank you, Mr. Speaker.

I have a series of questions about this amendment, but I thought I would start off simply with, what constitutes a limousine that is going to be subject to this new regulation in Allegheny County?

Mr. PIPPY. Thank you, Mr. Speaker.

First, this actually is not a new regulation; this is more clarifying language.

The PUC, the Public Utility Commission, currently is responsible for the regulations of limousines in the entire Commonwealth of Pennsylvania, absent Allegheny County. In Allegheny County’s case, there was a jurisdictional question between the PUC and the Port Authority of Pittsburgh. Because of that, there were a few years where there was no one in essence overriding. So the description of a limousine would be consistent with whatever the PUC currently determines to be a limousine, so this in essence would be the same rules applying to the entire Commonwealth.

Mr. MAHER. Mr. Speaker, could you amplify that for me, though? I am curious, what constitutes a limousine in this case? Would it be something as simple as a four-door sedan that happens to be driven from point to point by someone with a passenger? Is it that simple, or are we only dealing with the stretch limousines and all the glamour kind of cars? Are we dealing with very simple vehicles as well?

Mr. PIPPY. Mr. Speaker, once again I will repeat that the

definition of a limousine would be consistent to what the Public Utility Commission is currently regulating. This is a Senate amendment, so I do not have the breakdown in front of me, but this is not a new regulation. It is consistent with what the PUC currently regulates in the other 66 counties.

I would be more than happy to call the maker of the amendment, Senator Murphy in this case, and get the actual definition of “limousine” as regulated by the Pennsylvania Public Utility Commission.

Mr. MAHER. Mr. Speaker, can you educate us on when was the PUC last responsible for regulating these passenger trips in Allegheny County.

Let me rephrase that. Has the PUC ever been responsible for regulating these trips in Allegheny County?

Mr. PIPPY. Once again, Mr. Speaker, I believe I mentioned that earlier, that the Port Authority of Allegheny County – and we would have to go back to the original legislation – was the organization, the body, who was responsible. However, they did not take up that enforcement authority, and there was a jurisdictional question, and when deregulation of limousines had passed or was written out by the PUC, it was struck down and this issue was never properly addressed. So what we had basically was one county that did not have any oversight. The body that potentially could have had that oversight, the port authority, did not take that responsibility, nor did they have the capacity or want to take that responsibility. So we have had in Allegheny County a situation where we have had numerous complaints, concerns, and issues that had nowhere to go, other than, of course, as any individual could have, legal right to sue an operator, but there was no type of regulation. What this does is it says that every county has the same regulation and has the same minimal standards.

Mr. MAHER. Now, Mr. Speaker, if I am understanding correctly, this amendment would serve to displace the free market in Allegheny County and institute regulation that has never been present for these vehicles since the time that vehicles have existed.

Mr. PIPPY. No. I think that obviously it depends on your perspective. What this regulation does is not institute any new regulation—

The SPEAKER. Will the gentleman please yield.

Please. Conferences down in the vicinity of the gentleman with the Irish St. Patrick’s Day suspenders on, please break up.

I want to congratulate you, Mr. DeWeese, on your outfit. It is very nice. I will borrow them someday.

Mr. Pippy.

Mr. PIPPY. Thank you, Mr. Speaker.

Getting back to the comment, what this does is not institute a new regulation; it says that the existing safety requirements that apply to all limousines, absent Allegheny County limousines, so if you are a Representative in Washington, Beaver, Butler County, the limousine operators in your county have basic standards – insurance requirements, safety inspections, required that you have a driver’s license – and if a consumer uses one of those limousines and has a complaint, they can go to the Public Utility Commission and make a complaint, at which time the Public Utility Commission can be the advocate for that consumer.

Now, you take that situation and bring it to Allegheny County. For example, let us just take a wedding party. The limousine breaks down or the limousine does not show up; it is your wedding day. Right now what you can do, you can sue them. Absent that, if you call the PUC, which most people will do, they will tell you that we do not have the regulatory authority over Allegheny

County; we have it over all the other 66, but we do not have it over Allegheny County. So what we are asking is that Allegheny County – and I am from Allegheny County – is regulated in the same way, and this is based on the number of complaints, and we need an even playing field.

Mr. MAHER. Mr. Speaker, I have seen this informal list of complaints – I realize there was some archeological effort undertaken to try to create the list – and it included an example of why this new regulation and elimination of the free market would be appropriate in Allegheny County, that a limousine had lost a wheel or—

The SPEAKER. The gentleman, Mr. Maher, it sounds like you are debating the amendment rather than under interrogation. Would you restrict your remarks—

Mr. MAHER. Thank you, Mr. Speaker.

The SPEAKER. —to interrogation in deference to the time?

Mr. MAHER. Yes, Mr. Speaker.

Of the items that were cited as historic complaints against limousines in Allegheny County, one of them was an occasion when a car lost a tire. Do you believe that PUC regulation can introduce some magical qualities so that a vehicle will not have a flat tire?

Mr. PIPPY. Mr. Speaker, is that the question?

No, I do not feel it is under the purview of the PUC to fix or try to come up with a supertire, but what I do say is that if you have an operator who, for example – and that is one – if you have an operator who does continually have flat tires and fails to perform that service, then it is expected that the PUC should, and I mentioned earlier the ability, which is a normal ability for any business, to have a safety inspection, to have a registration, and to carry insurance.

So, no, specific to one tire incident, no, but however, if you have situations like we did where an operator may have 12 vehicles and only have 6 plates registered and then switch the plates between vehicles and you have situations where 12- or 14-passenger vehicles are carrying over 20 people, where do the people, the consumers, go when they have a concern or complaint? Right now if you live in Allegheny County, you can go nowhere. If you live everywhere else, if you live in Washington, Beaver, Butler, you can go to the PUC and they can review that individual. This is strictly a consumer protection issue.

I would mention that 34 good carriers in Allegheny County already voluntarily are registered with the PUC.

Mr. MAHER. Mr. Speaker, is it not correct that the airport authority in Allegheny County already requires limousines which are using their commercial curbs, as a condition of having the

medallion, to do this so-called voluntary, subject themselves to the regulation of the PUC?

Mr. PIPPY. Yes, and I will tell you, I am a board member on the airport authority and, because of the consumer issues, support that, and I am glad to see, in a very limited case, if you are a limo operator at the airport, that you have to do this.

What we are saying is that the port authority is asking for this; the Pittsburgh Chamber of Commerce is asking for this; the Office of the Chief Executive, Mr. Roddey, supports this. This is an issue that is a consumer-friendly issue. We spent a lot of money and a lot of effort on building a world-class convention center, trying to market. We were at a dinner last night talking about marketing our area. Two of the biggest complaints in Allegheny County right now are taxi service and limousine service. This

looks at putting everyone on the same minimal standard, but it protects the consumers who live in Allegheny County.

Mr. MAHER. Mr. Speaker, that would conclude my interrogation. If I might speak briefly on the bill.

The SPEAKER. The gentleman is in order to speak briefly on the amendment.

Mr. MAHER. Thank you, Mr. Speaker.

This is a fascinating amendment inserted by the Senate. This amendment purports and was characterized as to protect people arriving at the airport in Pittsburgh from some poor-quality limousine service, and in fact, the airport authority already requires those doing business at the airport to have that.

What this amendment serves to do is introduce what is purported to be an unintended consequence, and that is that limousine service, typically four-door sedans, simple cars, have risen up throughout Allegheny County as an option in the free market to shuttle individuals from point to point. The woman or man who has passed their driving age and wants to visit a friend who may be across town or in a nursing home, unfortunately, under the regulated system, can call and wait and wait and is uncertain if they will ever be picked up and uncertain if they will ever get home.

Instead, the limousine business in Allegheny County, perhaps because it has been unfettered since the inception of the automobile, is vibrant; the cars are clean; they are inexpensive; they are competitive forces. And if someone has a bad experience, they deal with the limousine the same way you deal with, if you go to your drycleaner and they screw up your shirts, you go somewhere else; if you go to a grocery store and you do not like the way they are displaying their produce, you go somewhere else. We already have the ultimate check and balance in Allegheny County, and that is the free market, which has served so well.

But beyond that, those that will die under this bill are the mom-and-pop operations, the retired steelworkers who have sought out an alternative way to make a living and have found that with a low overhead operation, they can make a legitimate living. The requirements that have been characterized as modest on this bill easily amount to a month's worth of earnings for a limousine driver operating a small limousine, and before we vote to take a month's worth of earnings out of the pocket of an independent limousine operator and regulate this market, I would suggest that if the real concern is visitors to Pittsburgh, there is a solution that does not entail squashing all the little guys.

MOTION TO RECOMMIT

Mr. MAHER. And I would ask my colleagues to join me as I make a motion to refer this bill to the Consumer Affairs Committee.

The SPEAKER. The gentleman, Mr. Maher, moves that HB 1402, PN 3035, before us on concurrence in Senate amendments be recommitted to the Committee on Consumer Affairs. Is that correct?

Mr. MAHER. Yes, sir, Mr. Speaker.

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

The SPEAKER. On the question of recommitment, Mr. Pippy.
Mr. PIPPY. Mr. Speaker, I would ask, of course, that we do not

recommit.

This is an issue that we have gone through. There are House bills that address this issue. And I will say that when this amendment came from the Senate, it was a few months ago. The gentleman at that time was concerned about the amendment and said he did not have the opportunity to look at it, so we withdrew the bill and the amendment so that he had the opportunity. We in essence have a difference of opinion. I will get into that in my closing remarks. But this is a bill that can go to the Governor, and I am not sure if the gentleman, Mr. Oliver, would like to speak on it, but this is an issue that is important to the chamber, that is important to the port authority, that is important to the airport, but we already institute these safety requirements. But most importantly, I think it is a consumer issue.

So I would ask for a “no” vote on the recommittal.

The SPEAKER. The Chair thanks the gentleman.

Mr. Preston, do you desire recognition on this point? Recommittal.

Mr. PRESTON. Mr. Speaker, on the issue of recommittal, I also would ask all of the members not to vote for recommittal, as minority chairman of the Consumer Affairs Committee.

The SPEAKER. The Chair thanks the gentleman.

Mr. Veon, then Mr. Michlovic.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I would also ask for a “no” vote on the motion to recommit.

I understand that the gentlemen have been debating a particular part of this bill, but I would hope that most of the members here will keep in mind that the underlying bill, HB 1402, is sponsored by our chairman, Mr. Oliver, who has, I think, done a very good job of finally getting this bill to this point, and that if in fact this bill were to be recommitted to a committee, because it is on concurrence from the Senate, you are effectively killing the bill, because the committee does not have the ability, under our rules, to amend this bill in committee, because it is on a concurrence vote.

So you are essentially killing the bill, for all intents and purposes, and I would for all of those reasons ask for a “no” vote on the motion to recommit.

The SPEAKER. The Chair thanks the gentleman.

Mr. Michlovic. Will the gentleman yield, please.

The conferences in the aisle, please break up. There are staff people on the floor that should not be on the floor.

Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

I, too, ask for a “no” vote on the motion to recommit.

As a member of the Greater Pittsburgh Convention and Visitors Bureau, we have been attempting to get this legislation passed for some time. As the gentleman, Mr. Pippy, stated, we have provided ample opportunity for adjustments and changes to be made, and we need to get this thing passed.

I ask for a “no” vote on the motion to recommit. Thank you, Mr. Speaker.

The SPEAKER. Mr. O’Brien, do you seek recognition on recommittal?

Mr. O’BRIEN. Thank you, Mr. Speaker.

I would also ask, as chairman of Consumer Affairs, for a “no” vote.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence. I have been requested to put the gentleman, Mr. STEIL, on leave. Without objection, he will be placed on leave. The Chair hears no objection.

CONSIDERATION OF HB 1402 CONTINUED

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

The following roll call was recorded:

YEAS—17

Armstrong	Clark	Maher	Roebuck
Benninghoff	Corrigan	McGill	Rohrer
Birmelin	Fairchild	McIlhinney	Scrimenti
Bunt	Habay	Miller, S.	Taylor, J.
Buxton			

NAYS—179

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

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Jadlowiec	Schuler	Steil
Dermody	Pistella		

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

On the question recurring,
Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

Addressing the issue of the Senate amendments and also several statements made from one of the gentlemen from Allegheny County, first in dealing with the issue of "limousine," I would be more than happy for the record to be able to help him with the definition once this is passed. It would be in the Pennsylvania Code, 29.333, "Limousine service may be operated only in luxury type vehicles with seating capacities of ten passengers or less, excluding the driver."

In relationship to his comments when he said mom-and-pop and plain cars, maybe his luxury car must be a lot more than the Lincolns and some of the stretch models that I see. I am not going to speak in addressing the type of car that the gentleman may be able to drive, but I question that because that is what I am seeing on the road right now.

The other issue that if he is talking about some old cars, maybe he is talking about what we call in Pittsburgh the jitney drivers, which basically the PUC tries to address those issues through respective enforcement.

But part of the issue that we have in dealing with this, since 1956 the port authority thought that they had some jurisdiction. That has been clarified somewhat by the court. But basically this bill makes it clear for public safety issues, for health issues, and for transportation issues that the jurisdiction will fall under the Public Utility Commission to be able to regulate it. Currently taxis and buses are regulated as far as transportation, and this is more, Mr. Speaker, than just the airport. This has an awful lot to do with inside and outside of the hotels, affecting an awful lot of the other independent taxicab companies. But not only that, it also deals with a certain amount of insurance and bonding that they may have to be able to protect the many customers that they have to call for.

So if you want to talk about helping the economy, improving the economy, and dealing with health and safety, we should be voting for 1402, and let us get on with the business of the House. Thank you.

BILL PASSED OVER TEMPORARILY

The SPEAKER. Without objection, HB 1402 will be passed over temporarily.

The Chair notes that there are an additional six members wishing to speak on concurrence.

Under the circumstances, after a brief discussion with the leaders, the Chair is going to recess the House now until 1:30.

REPUBLICAN CAUCUS

The SPEAKER. The Republican Caucus will meet at 1:30.

DEMOCRATIC CAUCUS

The SPEAKER. Mr. Cohen, are you going to call for a caucus during this break?

Mr. COHEN. Yes.

The SPEAKER. Is 1:30 all right with you? That is what the Republicans are doing.

Mr. Cohen.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. The Republican caucus commences at 1:30?

The SPEAKER. Yes.

Mr. DeWEESE. Thank you.

Mr. COHEN. Mr. Speaker, in order that the members may go to the Irish luncheon, we also will have a caucus at 1:30; 1:30 Democratic caucus on medical malpractice. There also will be informal discussions in the Democratic caucus room before the caucus.

The SPEAKER. The Chair thanks the gentleman.

The Chair does not know what the subject matter of the caucuses will be. I suspect it may be an important bill that we are all interested in. We are coming back into session at 2 o'clock, so I am asking the members to promptly go to their caucuses so that they can return to the floor.

Mr. Geist has reminded me that the bill for truck and work zone safety is still awaiting any sponsors that care to join on that bill. They should do that immediately, because the bill is going to be introduced today.

HEALTH AND HUMAN SERVICES COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Kenney, calls a committee meeting. Mr. Kenney.

Mr. KENNEY. Thank you, Mr. Speaker.

There will be a brief committee meeting at the rear of the House of the Health and Human Services Committee at the break.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

RECESS

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

Hearing none, this House will stand in recess until 2 o'clock. Both caucuses will meet at 1:30.

RECESS EXTENDED

The time of recess was extended until 2:30 p.m.; further extended until 2:45 p.m.

AFTER RECESS

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

SENATE MESSAGE

AMENDED HOUSE 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 to Senate amendments by further amending House amendments to Senate amendments to **HB 1802, PN 3420**.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair turns to page 9 of today's tabled calendar and recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that SB 1011 on page 9 be taken from the table and SB 1012 on page 10 be taken from the table.

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:

SB 1011, PN 1258; and SB 1012, PN 1259.

BILLS RECOMMITTED

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

Mr. BARLEY. Mr. Speaker, I move that SB 1011 and SB 1012 be recommitted to the Committee on Appropriations.

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

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

HB 1448, PN 1720 By Rep. KENNEY

An Act amending the act of February 13, 1970 (P.L.19, No.10), entitled "An act enabling certain minors to consent to medical, dental and health services, declaring consent unnecessary under certain circumstances," further providing for consent to treatment.

HEALTH AND HUMAN SERVICES.

HB 1987, PN 2607 By Rep. B. SMITH

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for exemptions from fishing license requirements.

GAME AND FISHERIES.

HB 2098, PN 2809 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, further providing for financial program.

EDUCATION.

HB 2363, PN 3422 (Amended) By Rep. BOYES

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the definition of "maintaining a place of business in this Commonwealth," for collection of tax and for seizure of property.

FINANCE.

SB 705, PN 1787 (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 integrated pest management programs in schools.

EDUCATION.

LEAVES OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman, Mr. Schuler, and the gentleman, Mr. Steil, and instructs the clerk to remove them from the leave list and place them on the master roll call.

SUPPLEMENTAL CALENDAR A

RESOLUTIONS PURSUANT TO RULE 35

Mr. CORRIGAN called up **HR 456, PN 3408**, entitled:

A Resolution supporting the right to education of the children of Holy Cross Girls' Primary School in Belfast, Ireland, and condemning the violence that has erupted there.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.

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

NAYS-0

NOT VOTING-1

Stairs

EXCUSED-4

Bebko-Jones	Dermody	Jadlowiec	Pistella
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

* * *

Mr. BAKER called up **HR 458, PN 3410**, entitled:

A Resolution designating March 16, 2002, as "Liberty Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-198

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Belardi	Gabig	McIlhattan	Steelman
Belfanti	Gannon	McIlhinney	Steil
Benninghoff	Geist	McNaughton	Stern
Birmelin	George	Melio	Stetler
Bishop	Godshall	Metcalfe	Stevenson, R.
Blaum	Gordner	Michlovic	Stevenson, T.
Boyes	Grucela	Micozzie	Strittmatter
Brooks	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Turzai
Cohen, L. I.	Horsey	Phillips	Vance
Cohen, M.	Hutchinson	Pickett	Veon
Colafella	James	Pippy	Vitali
Coleman	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
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-4

Bebko-Jones	Dermody	Jadlowiec	Pistella
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

SUPPLEMENTAL CALENDAR B

RESOLUTIONS PURSUANT TO RULE 35

Mrs. LEDERER called up **HR 459, PN 3418**, entitled:

A Resolution recognizing the week of March 3 through 9, 2002, as “Newspaper in Education Week” in Pennsylvania and encouraging the use of newspapers in the classroom.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Belardi	Gabig	McIlhattan	Steelman
Belfanti	Gannon	McIlhinney	Steil
Benninghoff	Geist	McNaughton	Stern
Birmelin	George	Melio	Stetler
Bishop	Godshall	Metcalfe	Stevenson, R.
Blaum	Gordner	Michlovic	Stevenson, T.
Boyes	Grucela	Micozzie	Strittmatter
Brooks	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O’Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Turzai
Cohen, L. I.	Horsley	Phillips	Vance
Cohen, M.	Hutchinson	Pickett	Veon
Colafella	James	Pippy	Vitali
Coleman	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
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Bebko-Jones Dermody Jadlowiec Pistella

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

* * *

Mr. FRANKEL called up **HR 460, PN 3419**, entitled:

A Resolution observing March 9, 2002, as “International Day of Service” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Belardi	Gabig	McIlhattan	Steelman
Belfanti	Gannon	McIlhinney	Steil
Benninghoff	Geist	McNaughton	Stern
Birmelin	George	Melio	Stetler
Bishop	Godshall	Metcalfe	Stevenson, R.
Blaum	Gordner	Michlovic	Stevenson, T.
Boyes	Grucela	Micozzie	Strittmatter
Brooks	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O’Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Turzai
Cohen, L. I.	Horsley	Phillips	Vance
Cohen, M.	Hutchinson	Pickett	Veon
Colafella	James	Pippy	Vitali
Coleman	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
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Bebko-Jones Dermody Jadlowiec Pistella

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

CALENDAR CONTINUED**RULES SUSPENDED**

The SPEAKER. The Chair turns to today's calendar, page 3, HR 455.

The gentleman, Mr. Eachus, is recognized.

Mr. EACHUS. Mr. Speaker, I move that the rules of the House be suspended to permit for the immediate consideration of HR 455.

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

The following roll call was recorded:

YEAS—198

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Belardi	Gabig	McIlhattan	Steelman
Belfanti	Gannon	McIlhinney	Steil
Benninghoff	Geist	McNaughton	Stern
Birmelin	George	Melio	Stetler
Bishop	Godshall	Metcalfe	Stevenson, R.
Blaum	Gordner	Michlovic	Stevenson, T.
Boyes	Grucela	Micozzie	Strittmatter
Brooks	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Turzai
Cohen, L. I.	Horsey	Phillips	Vance
Cohen, M.	Hutchinson	Pickett	Veon
Colafella	James	Pippy	Vitali
Coleman	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	Wojnarowski
Dailey	Lawless	Rohrer	Wright, G.
Daley	Lederer	Rooney	Wright, M.
Dally	Leh	Ross	Yewcic
DeLuca	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Bebko-Jones Dermody Jadlowiec Pistella

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

RESOLUTION

Mr. EACHUS called up **HR 455, PN 3391**, entitled:

A Resolution petitioning the Congress of the United States to enact legislation designating the September 11, 2001, United Airlines Flight 93 crash site in Somerset County, Pennsylvania, as a National Historic Battlefield.

On the question,
Will the House adopt the resolution?

The SPEAKER. On the question of the adoption of the resolution, the Chair recognizes the gentleman, Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I rise to ask my colleagues to support HR 455, and I am joined today by my colleague from Somerset, Mr. Bastian.

This resolution is an occurrence of a sixth grade class in my district who felt strongly that the first blow struck in the war against terrorism was the act on Flight 93 by the passengers of that flight. What this resolution does is to ask our colleagues in the Congress to enact and allow the Somerset site to be a national battlefield site, similar to that of Gettysburg and Pearl Harbor.

So I ask all members, with the 6-month anniversary of this terrible September 11 act, to join me in recognition of the efforts of the children of Pennsylvania and their wishes.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—198

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler

Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Belardi	Gabig	McIlhattan	Steelman
Belfanti	Gannon	McIlhinney	Steil
Benninghoff	Geist	McNaughton	Stern
Birmelin	George	Melio	Stetler
Bishop	Godshall	Metcalfe	Stevenson, R.
Blaum	Gordner	Michlovic	Stevenson, T.
Boyes	Grucela	Micozzie	Strittmatter
Brooks	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Turzai
Cohen, L. I.	Horsey	Phillips	Vance
Cohen, M.	Hutchinson	Pickett	Veon
Colafella	James	Pippy	Vitali
Coleman	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
DeWeese	Levdansky	Ruffing	Yudichak
DiGiolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS-0
NOT VOTING-0

EXCUSED-4

Becko-Jones	Dermody	Jadlowiec	Pistella
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

SUPPLEMENTAL CALENDAR D

RESOLUTION PURSUANT TO RULE 35

Mrs. LEDERER called up **HR 462, PN 3421**, entitled:

A Resolution recognizing the week of March 17 through 23, 2002, as "National Inhalants and Poisons Awareness Week" in Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS-198

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Belardi	Gabig	McIlhattan	Steelman
Belfanti	Gannon	McIlhinney	Steil
Benninghoff	Geist	McNaughton	Stern
Birmelin	George	Melio	Stetler
Bishop	Godshall	Metcalfe	Stevenson, R.
Blaum	Gordner	Michlovic	Stevenson, T.
Boyes	Grucela	Micozzie	Strittmatter
Brooks	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Turzai
Cohen, L. I.	Horsey	Phillips	Vance
Cohen, M.	Hutchinson	Pickett	Veon
Colafella	James	Pippy	Vitali
Coleman	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
DeWeese	Levdansky	Ruffing	Yudichak
DiGiolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-4

Becko-Jones	Dermody	Jadlowiec	Pistella
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

SUPPLEMENTAL CALENDAR C CONTINUED

RULES SUSPENDED

The SPEAKER. The Chair turns to House calendar supplemental C, page 2, HR 454.

The Chair recognizes the gentleman, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, I move that the rules of the House be suspended to permit the immediate consideration of HR 454.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—198

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Belardi	Gabig	McIlhattan	Steelman
Belfanti	Gannon	McIlhinney	Steil
Benninghoff	Geist	McNaughton	Stern
Birmelin	George	Melio	Stetler
Bishop	Godshall	Metcalfe	Stevenson, R.
Blaum	Gordner	Michlovic	Stevenson, T.
Boyes	Grucela	Micozzie	Strittmatter
Brooks	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Turzai
Cohen, L. I.	Horsey	Phillips	Vance
Cohen, M.	Hutchinson	Pickett	Veon
Colafella	James	Pippy	Vitali
Coleman	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	Ruble	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereith	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Bebko-Jones Dermody Jadowiec Pistella

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

RESOLUTION

Mr. PERZEL called up **HR 454, PN 3392**, entitled:

A Resolution urging the Congress of the United States to sustain the President's affirmative decision on the United States Department of Energy's recommendation on a Federal repository for used nuclear fuel at Yucca Mountain, Nevada.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Belardi	Gabig	McIlhattan	Steelman
Belfanti	Gannon	McIlhinney	Steil
Benninghoff	Geist	McNaughton	Stern
Birmelin	George	Melio	Stetler
Bishop	Godshall	Metcalfe	Stevenson, R.
Blaum	Gordner	Michlovic	Stevenson, T.
Boyes	Grucela	Micozzie	Strittmatter
Brooks	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Turzai
Cohen, L. I.	Horsey	Phillips	Vance
Cohen, M.	Hutchinson	Pickett	Veon
Colafella	James	Pippy	Vitali
Coleman	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
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-4

Bebko-Jones	Dermody	Jadlowiec	Pistella
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 985, PN 1586**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for classification of counties, for expenses of elected county officers attending the annual meetings of their associations and for other meeting expenses paid by the counties.

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

**BILL REVERTED TO
PRIOR PRINTER'S NUMBER**

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that, with respect to SB 985, the House revert to a prior printer's number, being 1196.

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

The following roll call was recorded:
YEAS-198

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Belardi	Gabig	McIlhattan	Steelman
Belfanti	Gannon	McIlhinney	Steil
Benninghoff	Geist	McNaughton	Stern
Birmelin	George	Melio	Stetler
Bishop	Godshall	Metcalfe	Stevenson, R.
Blaum	Gordner	Michlovic	Stevenson, T.
Boyes	Grucela	Micozzie	Strittmatter
Brooks	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti

Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Turzai
Cohen, L. I.	Horsey	Phillips	Vance
Cohen, M.	Hutchinson	Pickett	Veon
Colafella	James	Pippy	Vitali
Coleman	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
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-4

Bebko-Jones	Dermody	Jadlowiec	Pistella
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The majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

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

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

(The bill analysis was read.)

The SPEAKER. On the question, Mr. Vitali. Mr. VITALI. Just looking for an explanation of the changes between the printer's number we reverted from to the printer's number we reverted to.

The SPEAKER. Mr. Perzel, are you prepared to answer that for the gentleman?

Mr. PERZEL. Mr. Speaker, Act 17 of the year 2002 already had the provisions of the language that we just struck out of the Senate bill.

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—198

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Belardi	Gabig	McIlhattan	Steelman
Belfanti	Gannon	McIlhinney	Steil
Benninghoff	Geist	McNaughton	Stern
Birmelin	George	Melio	Stetler
Bishop	Godshall	Metcalfe	Stevenson, R.
Blaum	Gordner	Michlovic	Stevenson, T.
Boyes	Grucela	Micozzie	Strittmatter
Brooks	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Turzai
Cohen, L. I.	Horsey	Phillips	Vance
Cohen, M.	Hutchinson	Pickett	Veon
Colafella	James	Pippy	Vitali
Coleman	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
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Bebko-Jones	Dermody	Jadlowiec	Pistella
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

RULES COMMITTEE MEETING

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

BILL ON CONCURRENCE
REPORTED FROM COMMITTEE

HB 1802, PN 3420

By Rep. PERZEL

An Act reforming the law on medical professional liability; providing for patient safety and reporting; establishing the Patient Safety Authority and the Patient Safety Trust Fund; abrogating regulations; providing for medical professional liability informed consent, damages, expert qualifications, limitations of actions and medical records; establishing the Interbranch Commission on Venue; providing for medical professional liability insurance; establishing the Medical Care Availability and Reduction of Error Fund; providing for medical professional liability claims; establishing the Joint Underwriting Association; regulating medical professional liability insurance; providing for medical licensure regulation; providing for administration; imposing penalties; and making repeals.

RULES.

SUPPLEMENTAL CALENDAR E

BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS
TO SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to House amendments to Senate amendments to **HB 1802, PN 3420**, entitled:

An Act reforming the law on medical professional liability; providing for patient safety and reporting; establishing the Patient Safety Authority and the Patient Safety Trust Fund; abrogating regulations; providing for medical professional liability informed consent, damages, expert qualifications, limitations of actions and medical records; establishing the Interbranch Commission on Venue; providing for medical professional liability insurance; establishing the Medical Care Availability and Reduction of Error Fund; providing for medical professional liability claims; establishing the Joint Underwriting Association; regulating medical professional liability insurance; providing for medical licensure regulation; providing for administration; imposing penalties; and making repeals.

On the question recurring,

Will the House concur in Senate amendments to House amendments to 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—196

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

NAYS-1

Michlovic

NOT VOTING-1

Evans, J.

EXCUSED-4

Bebko-Jones

Dermody

Jadlowiec

Pistella

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments to Senate amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

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 1802, PN 3420

An Act reforming the law on medical professional liability; providing for patient safety and reporting; establishing the Patient Safety Authority and the Patient Safety Trust Fund; abrogating regulations; providing for medical professional liability informed consent, damages, expert qualifications, limitations of actions and medical records; establishing the Interbranch Commission on Venue; providing for medical professional liability insurance; establishing the Medical Care Availability and Reduction of Error Fund; providing for medical professional liability claims; establishing the Joint Underwriting Association; regulating medical professional liability insurance; providing for medical licensure regulation; providing for administration; imposing penalties; and making repeals.

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

The SPEAKER. There will be no further votes.
Happy St. Patrick's Day.

VOTE CORRECTION

The SPEAKER. The gentleman, Mr. Evans, desires recognition. His switch was inoperative. He intended to vote in the affirmative on HB 1802, but apparently the Speaker closed the machines before he had an opportunity to do so.

Mr. J. EVANS. Yes, Mr. Speaker.

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

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

HB 2359, PN 3424 (Amended)

By Rep. STAIRS

An Act establishing the Office of Community, Business and Education Partnerships and its powers and duties.

EDUCATION.

The SPEAKER. May I have your attention, please.
We shortly will adjourn the House until Monday at 1 p.m.
It will be a token session day, nonvoting day.

STATEMENT BY MR. MICHLOVIC

The SPEAKER. Mr. Michlovic.

Mr. MICHLOVIC. Mr. Speaker, I would like to speak on unanimous consent when it is appropriate.

The SPEAKER. This would be an appropriate time. I do not know how much attention we are going to get for you right now. Let me try.

Please, members of the House, Mr. Michlovic has the floor under unanimous consent. Will the House please come to order. We will shortly adjourn, but Mr. Michlovic has the floor.

Mr. Michlovic, try.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I voted against HB 1802 for a number of reasons, and had I been a little quicker at the draw, I would have made these comments prior to final passage.

As everybody knows, this bill received support from all of the various parties who were lobbying intensely over the last several weeks; some of them perhaps not enthusiastically, but nevertheless, they relented and all supported the legislation.

I think the legislation falls short on a number of counts. As I said in our caucus and I will repeat it here, that I have been here for 24 years, and we have had in that time three medical malpractice crises – in the early '80s, in the early '90s, and now in the early 2000s. I will not be here for the next medical malpractice crisis, but I assure you there will be one, because this bill will not solve the problem.

The last time we debated the bill before it went over to the Senate, we talked a great deal about the problems with the bill, and one of the main ones being that there has not been any responsibility on the part of the doctors to reveal or disclose who is creating the problem. As we noted from testimony in the hearings, 2 percent of the doctors cause 40 percent of the problem, yet that problem was not addressed in this legislation, and because of that, that problem still persists.

In addition, we have taken \$40 million and shifted it from the auto CAT Fund (Catastrophic Loss Trust Fund), which has now been paid off, and those fines and fees are now going to a separate group that has no connection to them, and we are paying off a bill for medical malpractice for doctors, and not all the doctors either, and many of the doctors in Pennsylvania do not understand this. There are only a few categories of doctors that will receive the benefit of that \$40-million infusion of fines and fees, and so that problem is not solved in this legislation.

I just, before we left town and before we left this issue today, wanted to make note of that, and that I, for one, do not believe that it solves the problem, and that until we begin addressing the sources of the problem – those doctors and those institutions that create the high medical malpractice premiums with their behavior and poor procedures – we are not going to solve the problem, and that is why I voted “no,” and I thank the members for the indulgence to say that.

Thank you, Mr. Speaker.

BILL AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, the remaining bill and resolutions 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?

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

Ms. HARPER. Mr. Speaker, I move that this House do now adjourn until Monday, March 18, 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 3:27 p.m., e.s.t., the House adjourned.