

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, MARCH 25, 2002

SESSION OF 2002

186TH OF THE GENERAL ASSEMBLY

No. 22

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.s.t.

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

PRAYER

REV. JULIANN PUGH, Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

O God, hear us this morning as we pray for Your people: For all who labor with their hands, that they may enjoy the rewards of their industry;

For those who bear the responsibilities of leadership and administration, that they may not use their authority and power for selfish advantage but be guided to do justice and to love mercy;

For those who have suffered in the battles of life, through the inhumanity of their fellows, their own limitations, or the incomprehensible forces of evil, that they may contend against injustice without bitterness, overcome their weakness with diligence, and learn to accept with patience what cannot be altered;

For the rulers of the nations, that they may act wisely and without pride, may seek to promote peace among the peoples and establish justice in our common life;

For teachers and ministers of the word, for artists and interpreters of our spiritual life, that they may rightly divide the word of truth and not be tempted by any passion to corrupt the truth to which they are committed;

For prophets and saints, who awaken us from sloth, that they may continue to hold their torches high in a world darkened by prejudice and sin and ever be obedient to the heavenly vision.

O God, who has bound us together in this bundle of life, give us grace to understand how our lives depend upon the courage, the industry, the honesty, and the integrity of our fellow men, that we may be mindful of their needs, grateful for their faithfulness, and faithful in our responsibilities to them.

Hear this our common prayer. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of

Monday, March 18, 2002, will be postponed until printed. The Chair hears no objections.

JOURNAL APPROVED

The SPEAKER. Without objection, the approval of the Journal for Tuesday, December 11, 2001, will stand approved. The Chair hears no objections.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2443 By Representatives DAILEY, L. I. COHEN, BEBKO-JONES, BELARDI, BROWNE, BUNT, CASORIO, M. COHEN, CREIGHTON, CRUZ, DALEY, DiGIROLAMO, EGOLF, BROOKS, FEESE, FRANKEL, FREEMAN, GRUCELA, HARHAI, HARPER, HENNESSEY, McCALL, McGEEHAN, McGILL, McILHATTAN, McNAUGHTON, PETRARCA, SEMMEL, STEELMAN, R. STEVENSON, E. Z. TAYLOR, TRELLO, WALKO, WATSON, WILT, G. WRIGHT and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for domestic violence in the presence of a child.

Referred to Committee on JUDICIARY, March 25, 2002.

No. 2445 By Representatives BROOKS, BUNT, ALLEN, ARGALL, BARD, BASTIAN, BELARDI, BELFANTI, BROWNE, CAPPELLI, CASORIO, CLYMER, L. I. COHEN, DALEY, DALLY, DiGIROLAMO, DIVEN, FREEMAN, GEIST, HARHAI, HARPER, HENNESSEY, HERMAN, HORSEY, KAISER, KENNEY, LEH, LEWIS, MARKOSEK, McGEEHAN, R. MILLER, NAILOR, PHILLIPS, PIPPY, PISTELLA, READSHAW, ROSS, RUBLEY, SATHER, SAYLOR, SCHRODER, SEMMEL, SHANER, STABACK, STEELMAN, STEIL, STERN, R. STEVENSON, E. Z. TAYLOR, J. TAYLOR, TIGUE, TRICH, WATERS, WATSON, YOUNGBLOOD, BEBKO-JONES, WILT and LAUGHLIN

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

Referred to Committee on JUDICIARY, March 25, 2002.

**HOUSE RESOLUTION
INTRODUCED AND REFERRED**

No. 473 By Representatives CURRY, MANDERINO, GEORGE, READSHAW, BEBKO-JONES, BELFANTI, BISHOP, BUNT, M. COHEN, COLAFELLA, DAILEY, DiGIROLAMO, FRANKEL, FREEMAN, JAMES, JOSEPHS, KIRKLAND, LEVDANSKY, R. MILLER, MUNDY, MYERS, PRESTON, ROBINSON, ROEBUCK, SHANER, STEELMAN, STURLA, WALKO, WASHINGTON, WATERS, WOJNAROSKI and YOUNGBLOOD

A Resolution establishing and directing a select committee of the House of Representatives to study and investigate the integration of human rights standards in Pennsylvania's laws and policies.

Referred to Committee on RULES, March 25, 2002.

SENATE BILLS FOR CONCURRENCE

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

SB 206, PN 1801

Referred to Committee on PROFESSIONAL LICENSURE, March 25, 2002.

SB 1179, PN 1485

Referred to Committee on STATE GOVERNMENT, March 25, 2002.

SB 1325, PN 1822

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, March 25, 2002.

SENATE MESSAGE

HOUSE BILLS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1483, PN 1802**; and **HB 1520, PN 2684**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1923, PN 3463**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

HOUSE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 985, PN 1196**.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 820, PN 1798; SB 1089, PN 1799**; and **SB 1109, PN 1806**.

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

COMMUNICATIONS FROM GOVERNOR

APPROVAL OF HOUSE BILLS

The Speaker laid before the House communications in writing from the office of His Excellency, the Governor of the Commonwealth, advising that the following House bills had been approved and signed by the Governor:

HB 1157, HB 1758, and HB 1802.

ACTUARIAL NOTE

The SPEAKER. The Chair acknowledges receipt of an actuarial note for amendment A0902 to HB 2200, PN 2965.

(Copy of actuarial note is on file with the Journal clerk.)

BILLS REMOVED FROM TABLE

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

HB 221;
SB 1160; and
SB 1171.

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

BILLS ON SECOND CONSIDERATION

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

HB 221, PN 3231; SB 1160, PN 1451; and SB 1171, PN 1476.

BILLS RECOMMITTED

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

HB 221;
SB 1160; and
SB 1171.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 705 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 move that HB 705 be returned to the table.

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

BILLS SIGNED BY SPEAKER

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

HB 1483, PN 1802

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Environmental Protection, to sell and convey to the Edinboro Regional Community Services, Inc., a certain tract of land situate in Washington Township, Erie County, Pennsylvania.

HB 1520, PN 2684

An Act amending the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, extending benefits to certain National Guard members.

SB 985, PN 1196

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

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

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence for today and recognizes the majority whip, who requests a leave for the lady from Montgomery County, Mrs. DAILEY, for today's session; the gentleman from York County, Mr. MILLER, for today's session; and for the week, the gentleman from Lancaster, Mr. BARLEY, and the gentleman from Philadelphia, Mr. TAYLOR. The last two are for the week. Without objection, these leaves will be granted. The Chair hears no objection.

The Chair recognizes the gentleman, Mr. Veon, the Democratic whip, who requests a leave for the week's session for the gentleman from Philadelphia County, Mr. ROEBUCK; the lady from Philadelphia, Ms. JOSEPHS; and the gentleman from Philadelphia, Mr. CRUZ. Without objection, these leaves will be granted. The Chair hears no objection.

MASTER ROLL CALL

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

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and adds the gentleman, Mr. ROONEY, to leaves for the day. Without objection, leave will be granted.

MASTER ROLL CALL CONTINUED

The following roll call was recorded:

PRESENT—194

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

Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
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	Jadlowiec	Pippy	Walko
Coleman	James	Pistella	Wansacz
Cornell	Kaiser	Preston	Washington
Corrigan	Keller	Raymond	Waters
Costa	Kenney	Readshaw	Watson
Coy	Kirkland	Reinard	Williams, J.
Creighton	Krebs	Rieger	Wilt
Curry	LaGrotta	Roberts	Wojnarowski
Daley	Laughlin	Robinson	Wright, G.
Dally	Lawless	Rohrer	Wright, M.
DeLuca	Lederer	Ross	Yewic
Dermody	Leh	Rubley	Youngblood
DeWeese	Lescovitz	Ruffing	Yudichak
DiGiolamo	Levdansky	Sainato	Zimmerman
Diven	Lewis	Samuelson	Zug
Donatucci	Lucyk	Santoni	
Eachus	Lynch	Sather	Ryan,
Egolf	Mackereth	Saylor	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—8

Barley	Dailey	Miller, R.	Rooney
Cruz	Josephs	Roebuck	Taylor, J.

LEAVES ADDED—2

Trich	Yudichak
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LEAVES CANCELED—1

Yudichak

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2429, PN 3471 (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 defining “tangible personal property” and “telecommunications service”; defining “mobile telecommunications service”; further providing for rules relating to the sourcing of the sales and use tax relating to certain mobile telecommunications services; and providing for special rules for telecommunications services.

FINANCE.

SB 616, PN 1831 (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 special tax provisions for poverty; further defining “tangible personal property” and “telecommunications service”; defining “mobile telecommunications service”; further providing for rules relating to the sourcing of the sales and use tax relating to certain mobile telecommunications services; providing for special rules for telecommunications services; authorizing payment for school property tax increases to certain claimants who occupied homesteads; and providing for the powers and duties of the Department of Revenue.

FINANCE.

BILL REPORTED AND REREFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES

HB 831, PN 925 By Rep. BOYES

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

FINANCE.

WASHINGTON HIGH SCHOOL FOOTBALL TEAM PRESENTED

The SPEAKER. Will the gentleman, Mr. Trich, come to the desk.

Members, please take your seats. Members, please take your seats.

The gentleman, Mr. Trich, is recognized for the introduction of guests. Will the gentleman yield.

Sergeants at Arms, ask the members to be seated, please. The conference on the side aisle, please.

Mr. Trich.

Mr. TRICH. Thank you, Mr. Speaker.

Members of the House, it is an extreme pleasure and an extreme honor to welcome to the floor of the House today the PIAA Class AA State football championship team from Washington High School. This outstanding team, under the guidance of head coach Guy Montecalvo, went undefeated to capture the very first State football championship by a high school in Washington County. I have asked my colleagues, Representative Lescovitz and Representative Solobay, to join me here today in this welcoming. Also standing behind me are, in fact, Coach Montecalvo and the five team captains – Dan Mozes, Justin Gregula, Tom Sypula, D.J. Vallee, and P.J. Hughes.

It should also be noted that Coach Montecalvo is a product of Penn State University and that Washington High School graduates and students are not only dedicated on the field, but I would also like to point out to you that Washington High School is a national honor Blue Ribbon School academically.

Finally, Mr. Speaker, although my gray hair would tell you differently, my tenure in the legislature has been relatively short, just over a decade, and during that time, Washington High School has captured State championships in basketball, in track, in baseball, and now in football. So certainly as a proud alumni from

the class of '69, I am doubly honored to welcome the team here today.

In addition to the ball team, which we will ask to stand in just a moment, we have the superintendent, Dr. DiLorenzo; we have the principal, Mr. Ron Junko; members of the school board; the outstanding coaching staff of Washington High School, and at this time I would like to introduce them and ask them to all please stand to be recognized.

Thank you, Mr. Speaker.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. May I have your attention, please.

Over the past several years we have been honored to have a guest chaplain on a somewhat regular basis, Juliann Pugh. I am here today to proudly introduce her new fiance, Maj. William Whipple, a member of the Air Force Reserves and a pilot recently back from overseas. Bill and Juliann are to be married in May. So we congratulate them.

GUESTS INTRODUCED

The SPEAKER. The Chair neglected to introduce at the time that the high school football team was here Mayor Ken Westcott of the city of Washington, who is here seated to the left of the Speaker. Mr. Mayor, the guest of Tim Solobay and Representative Leo Trich.

Also – and Mr. Solobay did not send this notice up – his— Oh, here he did; indeed he did. He is saved. His wife, Karen – we are going to send you back to school to learn how to print – Mr. Solobay's wife, Karen, is here with us, and she is seated next to the coach in back of the football team. Would she please rise.

The Chair is pleased to introduce at this time Dave Pawlewicz, the president of Century Link America, which is the sponsor of Old Glory Travels America's Freedom Road Tour.

May I have the attention of the House, please.

Old Glory just returned from an inspiring 5-week visit in Salt Lake City. At the invitation of the Utah State Olympic Committee and the Governor's Office, Old Glory was on display at the Utah Capitol along with the Declaration of Independence traveling exhibit and the \$12-million painting, The Prayer at Valley Forge. On March 4 and 6 the traveling American flag was recognized by both the Utah House and Senate in separate ceremonies.

The gentleman who is doing this and responsible for this is seated to the left of the Speaker. Would you please rise.

STATEMENT BY MR. EACHUS

The SPEAKER. It seems particularly appropriate at this time to recognize the gentleman, Mr. Eachus, after having just introduced the prior guest. Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I rise to offer a gesture of Old Glory to Representative Robert Bastian from Somerset County. As you may remember, 2 weeks ago we passed HR 455, which a sixth grade class from the Drums Elementary School in my legislative district had requested us to pass on to the leaders of the Congress to designate the site in Somerset County as a national historic battlefield site. This commemorative flag was passed on and made by the

sixth grade class, and on the back it is inscribed with the signatures of the children from that class. It reads, "In memory of the heroes of Flight 93 – Sept. 11, 2001. 'You will not be forgotten.' From the 6th Grade students and teachers of Drums Elementary/Middle School, Drums, PA 3/20/02."

If Representative Bastian will offer this and accept this, so that when we have a historic battlefield site designated in Somerset County, that this could be part of a permanent exhibit.

So to our friend with Old Glory, I think that Old Glory lives on in the hearts of our children in Pennsylvania today. Thank you, Mr. Speaker.

The SPEAKER. Very good. Thank you very much.

FILMING PERMISSION

The SPEAKER. The Chair advises the members that permission has been granted to Jim Romeo of station WGAL to videotape part of the proceedings today for the next 15 minutes.

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

RESOLUTION PASSED OVER

The SPEAKER. The Chair turns to page 4 of today's calendar, a series of resolutions pursuant to rule 35.

HR 465 is over.

* * *

Mr. SOLOBAY called up **HR 466, PN 3429**, entitled:

A Resolution honoring the Borough of Canonsburg in Washington County, on its 200th anniversary.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

Adolph	Evans, D.	Maher	Schroder
Allen	Evans, J.	Maitland	Schuler
Argall	Fairchild	Major	Scrimenti
Armstrong	Feese	Manderino	Semmel
Baker, J.	Fichter	Mann	Shaner
Baker, M.	Fleagle	Markosek	Smith, B.
Bard	Flick	Marsico	Smith, S. H.
Barrar	Forcier	Mayernik	Solobay
Bastian	Frankel	McCall	Staback
Bebko-Jones	Freeman	McGeehan	Stairs
Belardi	Gabig	McGill	Steelman
Belfanti	Gannon	McIlhattan	Steil
Benninghoff	Geist	McIlhinney	Stern
Birmelin	George	McNaughton	Stetler
Bishop	Godshall	Melio	Stevenson, R.
Blaum	Gordner	Metcalfe	Stevenson, T.
Boyes	Grucela	Michlovic	Strittmatter
Brooks	Gruitza	Micozzie	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
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	Jadlowiec	Pippy	Walko
Coleman	James	Pistella	Wansacz
Cornell	Kaiser	Preston	Washington
Corrigan	Keller	Raymond	Waters
Costa	Kenney	Readshaw	Watson
Coy	Kirkland	Reinard	Williams, J.
Creighton	Krebs	Rieger	Wilt
Curry	LaGrotta	Roberts	Wojnaroski
Daley	Laughlin	Robinson	Wright, G.
Dally	Lawless	Rohrer	Wright, M.
DeLuca	Lederer	Ross	Yewcic
Dermody	Leh	Rubley	Youngblood
DeWeese	Lescovitz	Ruffing	Yudichak
DiGirolamo	Levdansky	Sainato	Zimmerman
Diven	Lewis	Samuelson	Zug
Donatucci	Lucyk	Santoni	
Eachus	Lynch	Sather	Ryan,
Egolf	Mackereth	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—8

Barley	Dailey	Miller, R.	Rooney
Cruz	Josephs	Roebuck	Taylor, J.

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

* * *

Mr. PIPPY called up **HR 467, PN 3430**, entitled:

A Resolution designating the month of April 2002 as "Good Chemistry Month" in Pennsylvania and recognizing the business of chemistry for its dynamism and innovation.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

Bishop	Godshall	Melio	Stevenson, R.
Blaum	Gordner	Metcalfe	Stevenson, T.
Boyes	Grucela	Michlovic	Strittmatter
Brooks	Gruitza	Micozzie	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
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	Jadlowiec	Pippy	Walko
Coleman	James	Pistella	Wansacz
Cornell	Kaiser	Preston	Washington
Corrigan	Keller	Raymond	Waters
Costa	Kenney	Readshaw	Watson
Coy	Kirkland	Reinard	Williams, J.
Creighton	Krebs	Rieger	Wilt
Curry	LaGrotta	Roberts	Wojnaroski
Daley	Laughlin	Robinson	Wright, G.
Dally	Lawless	Rohrer	Wright, M.
DeLuca	Lederer	Ross	Yewcic
Dermody	Leh	Rubley	Youngblood
DeWeese	Lescovitz	Ruffing	Yudichak
DiGirolamo	Levdansky	Sainato	Zimmerman
Diven	Lewis	Samuelson	Zug
Donatucci	Lucyk	Santoni	
Eachus	Lynch	Sather	Ryan,
Egolf	Mackereth	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—8

Barley	Dailey	Miller, R.	Rooney
Cruz	Josephs	Roebuck	Taylor, J.

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

* * *

Mr. HASAY called up **HR 468, PN 3431**, entitled:

A Resolution commemorating the work and accomplishments of the Pennsylvania Housing Finance Agency and honoring it on the occasion of its 30th anniversary.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

Bard	Flick	Marsico	Smith, S. H.
Barrar	Forcier	Mayernik	Solobay
Bastian	Frankel	McCall	Staback
Bebko-Jones	Freeman	McGeehan	Stairs
Belardi	Gabig	McGill	Steelman
Belfanti	Gannon	McIlhattan	Steil
Benninghoff	Geist	McIlhinney	Stern
Birmelin	George	McNaughton	Stetler
Bishop	Godshall	Melio	Stevenson, R.
Blaum	Gordner	Metcalfe	Stevenson, T.
Boyes	Grucela	Michlovic	Strittmatter
Brooks	Gruitza	Micozzie	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
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	Jadlowiec	Pippy	Walko
Coleman	James	Pistella	Wansacz
Cornell	Kaiser	Preston	Washington
Corrigan	Keller	Raymond	Waters
Costa	Kenney	Readshaw	Watson
Coy	Kirkland	Reinard	Williams, J.
Creighton	Krebs	Rieger	Wilt
Curry	LaGrotta	Roberts	Wojnaroski
Daley	Laughlin	Robinson	Wright, G.
Dally	Lawless	Rohrer	Wright, M.
DeLuca	Lederer	Ross	Yewcic
Dermody	Leh	Rublely	Youngblood
DeWeese	Lescovitz	Ruffing	Yudichak
DiGirolamo	Levdansky	Sainato	Zimmerman
Diven	Lewis	Samuelson	Zug
Donatucci	Lucyk	Santoni	
Eachus	Lynch	Sather	Ryan,
Egolf	Mackereth	Saylor	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-8

Barley	Dailey	Miller, R.	Rooney
Cruz	Josephs	Roebuck	Taylor, J.

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

* * *

Mrs. COHEN called up **HR 469, PN 3432**, entitled:

A Resolution commemorating March 2002 as "Mental Retardation Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:
YEAS-194

Adolph	Evans, D.	Maher	Schroder
Allen	Evans, J.	Maitland	Schuler
Argall	Fairchild	Major	Scrimenti
Armstrong	Feese	Manderino	Semmel
Baker, J.	Fichter	Mann	Shaner
Baker, M.	Fleagle	Markosek	Smith, B.
Bard	Flick	Marsico	Smith, S. H.
Barrar	Forcier	Mayernik	Solobay
Bastian	Frankel	McCall	Staback
Bebko-Jones	Freeman	McGeehan	Stairs
Belardi	Gabig	McGill	Steelman
Belfanti	Gannon	McIlhattan	Steil
Benninghoff	Geist	McIlhinney	Stern
Birmelin	George	McNaughton	Stetler
Bishop	Godshall	Melio	Stevenson, R.
Blaum	Gordner	Metcalfe	Stevenson, T.
Boyes	Grucela	Michlovic	Strittmatter
Brooks	Gruitza	Micozzie	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
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	Jadlowiec	Pippy	Walko
Coleman	James	Pistella	Wansacz
Cornell	Kaiser	Preston	Washington
Corrigan	Keller	Raymond	Waters
Costa	Kenney	Readshaw	Watson
Coy	Kirkland	Reinard	Williams, J.
Creighton	Krebs	Rieger	Wilt
Curry	LaGrotta	Roberts	Wojnaroski
Daley	Laughlin	Robinson	Wright, G.
Dally	Lawless	Rohrer	Wright, M.
DeLuca	Lederer	Ross	Yewcic
Dermody	Leh	Rublely	Youngblood
DeWeese	Lescovitz	Ruffing	Yudichak
DiGirolamo	Levdansky	Sainato	Zimmerman
Diven	Lewis	Samuelson	Zug
Donatucci	Lucyk	Santoni	
Eachus	Lynch	Sather	Ryan,
Egolf	Mackereth	Saylor	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-8

Barley	Dailey	Miller, R.	Rooney
Cruz	Josephs	Roebuck	Taylor, J.

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

* * *

Mr. KAISER called up **HR 470, PN 3452**, entitled:

A Resolution designating April 6, 2002, as "Tartan Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

Adolph	Evans, D.	Maher	Schroder
Allen	Evans, J.	Maitland	Schuler
Argall	Fairchild	Major	Scrimenti
Armstrong	Feese	Manderino	Semmel
Baker, J.	Fichter	Mann	Shaner
Baker, M.	Fleagle	Markosek	Smith, B.
Bard	Flick	Marsico	Smith, S. H.
Barrar	Forcier	Mayernik	Solobay
Bastian	Frankel	McCall	Staback
Bebko-Jones	Freeman	McGeehan	Stairs
Belardi	Gabig	McGill	Steelman
Belfanti	Gannon	McIlhattan	Stell
Benninghoff	Geist	McIlhinney	Stern
Birmelin	George	McNaughton	Stetler
Bishop	Godshall	Melio	Stevenson, R.
Blaum	Gordner	Metcalfe	Stevenson, T.
Boyes	Grucela	Michlovic	Strittmatter
Brooks	Gruitza	Micozzie	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
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	Jadlowiec	Pippy	Walko
Coleman	James	Pistella	Wansacz
Cornell	Kaiser	Preston	Washington
Corrigan	Keller	Raymond	Waters
Costa	Kenney	Readshaw	Watson
Coy	Kirkland	Reinard	Williams, J.
Creighton	Krebs	Rieger	Wilt
Curry	LaGrotta	Roberts	Wojnaroski
Daley	Laughlin	Robinson	Wright, G.
Dally	Lawless	Rohrer	Wright, M.
DeLuca	Lederer	Ross	Yewcic
Dermody	Leh	Rubley	Youngblood
DeWeese	Lescovitz	Ruffing	Yudichak
DiGirolamo	Levdansky	Sainato	Zimmerman
Diven	Lewis	Samuelson	Zug
Donatucci	Lucyk	Santoni	
Eachus	Lynch	Sather	Ryan,
Egolf	Mackereth	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—8

Barley	Dailey	Miller, R.	Rooney
Cruz	Josephs	Roebuck	Taylor, J.

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

MOUNT LEBANON HIGH SCHOOL VARSITY RIFLE TEAM INTRODUCED

The SPEAKER. The Chair recognizes the gentleman, Mr. Stevenson, for the purpose of making an announcement. Will the gentleman yield.

Please. Conferences on the floor, please. Members, please take your seats.

Mr. Stevenson.

Mr. T. STEVENSON. Thank you, Mr. Speaker.

We get to welcome a lot of champions into this House year in and year out, but this team really hits the mark. Literally, the esteemed varsity rifle team of the Mount Lebanon High School is here in the balcony, and this year they won the western Pennsylvania interscholastic team rifle championship. Like any sport, it involves a lot of practice, skill, precision, and dedication. The rifle team is the oldest sport at Mount Lebanon High School, and it is the only coed sport.

This rifle team demands perfection as well as physical and mental discipline. In fact, the team scored 798 points, just 2 points shy of a maximum of 800. Most of the rifle team are also honor students.

I have with me here today head coach George Dietz, as well as cocaptains Meghan Williams and Aaron Steinberg and the entire championship team. Please rise.

Thank you, Mr. Speaker.

GUEST INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guest of Representative Geist, Corrie Dillen, the People to People student ambassador. Corrie, would you please rise.

The Chair has a number of announcements to make, and then the Chair is going to recognize the gentleman, Mr. Lawless, under unanimous consent.

REPUBLICAN CAUCUS

The SPEAKER. On the announcements, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Upon the announcement of the recess, House Republicans will caucus downstairs. I am told we need about an hour and 10 minutes.

The SPEAKER. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

The SPEAKER. Mr. Cohen.

Mr. COHEN. Mr. Speaker, there also will be a Democratic caucus immediately upon the recess.

The SPEAKER. The Chair thanks the gentleman.

Mr. Cohen, how much time do you need? Is 3 o'clock all right?

Mr. COHEN. I think 3 o'clock sounds reasonable.

The SPEAKER. All right. Thank you.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. There will be an immediate meeting of the

Appropriations Committee in the Appropriations conference room on the declaration of the recess.

GAME AND FISHERIES COMMITTEE MEETING

The SPEAKER. Mr. Smith.

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

Immediately upon the recess there will be a meeting of the Game and Fisheries Committee, North Office Building, hearing room 1. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY MR. LAWLESS

The SPEAKER. Members, take your seats or vacate the chamber. Do not stand around talking. The gentleman, Mr. Lawless, has the floor.

Mr. Lawless.

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, these comments are mostly addressed to the Republican Caucus. As they go to caucus today, I want them to consider what I am about to say, especially the Commonwealth caucus.

Mr. Speaker, in today's paper, my home paper, the Norristown Times Herald, the front page has an article of an issue that was addressed, about 10 months ago it was brought to my attention. It is in an area that I grew up in. Forty years I lived there; I could walk to school right across the street from this country club.

Mr. Speaker, in a time when we have a Governor who comes before this General Assembly and tells us about how difficult times are and that we are approaching \$800 million or whatever the deficit is at this point in our State budget, I think it is very important that I can send this article to the folks on the Republican side as you go to caucus today, because, Mr. Speaker, about 10 months ago I was approached by Mr. Sam Katz, the mayoral candidate of Philadelphia, the former mayoral candidate, the former Republican mayoral candidate. I was also approached by a lobbyist from Delaware County, who also works in Harrisburg, in order to get \$1 million for a country club in my district. Mr. Speaker, I voted against stadiums, I voted against Kvaerner shipyard, and I firmly believe that private industry should be exactly what it is – private industry.

Mr. Speaker, this week, on the front page today, it has been announced that with the help of the majority leader of this House, a country club in my district will be receiving \$1 million. Mr. Speaker, we talk about not having enough money in this State budget for our children, for our schools, for our approved private schools. Mr. Speaker, I am no Star of Bethlehem like the woman who served in the House who is now a Senator that was made because of this type of money and type of shenanigans, but I can tell you that I am consistent. I will be consistent against the wasting of taxpayer dollars. I am interested to see what the Commonwealth caucus does with this, knowing that as we struggle through hard times, that our own Governor, Governor Schweiker, is stating that his Department of Community and Economic Development is handing out \$1-million WAMs (walking-around moneys) to Republican officials.

Mr. Speaker, let us just say this: It is time we all tighten our

belt, it is time we get rid of the rhetoric, and it is time that the Republicans who control this House understand that you just cannot talk the rhetoric, because there are going to be people like me, there are going to be people in the Commonwealth, who are going to start asking questions why, when we cannot fund our schools appropriately, and why school property taxes continue to rise, and why we continue to send rhetoric out there that we are going to change the way, we are going to study new ways of funding schools and we are going to study them again and we are going to study them a third time, the fact of the matter is, we are handing out \$1 million for a country club.

Mr. Speaker, I hope that the Republicans discuss if all their country clubs in their districts are receiving \$1 million so that the majority leader can take care of his friends in the city of Philadelphia, because that is all this is, is inside politics in Philadelphia at the expense of the taxpayers of this Commonwealth.

Thank you, Mr. Speaker.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence. Without objection, the gentleman, Mr. YUDICHAK, will be placed on the leave list for the balance of today's session. The Chair hears no objection.

RECESS

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

This House will stand in recess until 3 p.m., unless extended by the Chair.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

BILLS REREPORTED FROM COMMITTEE

HB 391, PN 2614

By Rep. FLEAGLE

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for safety committee certification.

APPROPRIATIONS.

HB 930, PN 3310

By Rep. FLEAGLE

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for definitions relating to consolidation or merger, for initiative of electors seeking consolidation or merger without home rule; providing for initiative of electors seeking consolidation or merger with a new home rule charter; further providing for conduct of referenda and for consolidation or merger agreement; and making editorial changes.

APPROPRIATIONS.

HB 959, PN 1100 By Rep. FLEAGLE

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for additional services for medically needy recipients.

APPROPRIATIONS.

HB 1114, PN 3313 By Rep. FLEAGLE

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for sales disclosure forms.

APPROPRIATIONS.

HB 1281, PN 3316 By Rep. FLEAGLE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driving while operating privilege is suspended or revoked.

APPROPRIATIONS.

HB 1326, PN 3270 By Rep. FLEAGLE

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for township and special tax levies.

APPROPRIATIONS.

HB 1327, PN 3271 By Rep. FLEAGLE

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for tax levy; and making an editorial change.

APPROPRIATIONS.

HB 1328, PN 3272 By Rep. FLEAGLE

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

APPROPRIATIONS.

HB 2100, PN 3183 By Rep. FLEAGLE

An Act amending the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, further providing for definitions, for examination and inspection and for extracts, copies or photostats; providing for denial of access to public records, for redaction, for response to requests for access and for final agency determinations; further providing for appeal from denial of right; and providing for court costs and attorney fees, for penalty and for immunity.

APPROPRIATIONS.

HB 2200, PN 2965 By Rep. FLEAGLE

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, imposing penalties for submitting a false affidavit.

APPROPRIATIONS.

HB 2223, PN 3032 By Rep. FLEAGLE

An Act amending the act of June 12, 1919 (P.L.476, No.240), referred to as the Second Class County Recorder of Deeds Fee Law, providing for additional fees; and establishing a County Records Improvement Fund.

APPROPRIATIONS.

HB 2296, PN 3317 By Rep. FLEAGLE

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

APPROPRIATIONS.

HB 2302, PN 3314 By Rep. FLEAGLE

An Act amending the act of May 20, 1993 (P.L.38, No.11), known as the Department of Environmental Resources Agricultural Advisory Board Act, further providing for establishment of board; and making editorial changes.

APPROPRIATIONS.

HB 2305, PN 3171 By Rep. FLEAGLE

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for elected officers.

APPROPRIATIONS.

SB 218, PN 224 By Rep. FLEAGLE

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for monthly meetings, quorum and voting.

APPROPRIATIONS.

SB 219, PN 225 By Rep. FLEAGLE

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for monthly meetings, quorum and voting.

APPROPRIATIONS.

SB 220, PN 226 By Rep. FLEAGLE

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for organization of council, quorum, voting, compensation and eligibility.

APPROPRIATIONS.

SB 1011, PN 1258 By Rep. FLEAGLE

An Act amending the act of October 10, 1975 (P.L.383, No.110), known as the Physical Therapy Practice Act, adding a definition of "mobilization/manual therapy."

APPROPRIATIONS.

SB 1012, PN 1259

By Rep. FLEAGLE

An Act amending the act of December 16, 1986 (P.L.1646, No.188), known as the Chiropractic Practice Act, adding a definition of "manipulation/adjustment."

APPROPRIATIONS.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the minority whip, who asks that the gentleman, Mr. TRICH, from Washington County be placed on leave for the remainder of the day.

BILL RECOMMITTED

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

Mr. PERZEL. Madam Speaker, I move that HB 1114 be recommitted to the Rules Committee.

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

SUPPLEMENTAL CALENDAR B

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 2223, PN 3032, entitled:

An Act amending the act of June 12, 1919 (P.L.476, No.240), referred to as the Second Class County Recorder of Deeds Fee Law, providing for additional fees; and establishing a County Records Improvement Fund.

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

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

The question is, shall the bill pass finally?

(The bill analysis was read.)

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

The following roll call was recorded:

YEAS-189

Adolph Evans, D. Maitland Schroder

Table listing names of legislators: Allen, Argall, Armstrong, Baker, J., Baker, M., Bard, Barrar, Bastian, Bebko-Jones, Belardi, Belfanti, Benninghoff, Birmelin, Bishop, Blaum, Boyes, Brooks, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappelli, Cawley, Civera, Clark, Clymer, Cohen, L. I., Cohen, M., Colafella, Coleman, Cornell, Corrigan, Costa, Coy, Creighton, Curry, Daley, Dally, DeLuca, Dermody, DeWeese, DiGirolamo, Diven, Donatucci, Eachus, Egolf, Evans, J., Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Godshall, Gordner, Grucela, Gruitza, Haluska, Hanna, Harhai, Harhart, Harper, Hasay, Hennessey, Herman, Hershey, Hess, Horsey, Hutchinson, Jadlowiec, James, Kaiser, Keller, Kenney, Kirkland, Krebs, LaGrotta, Laughlin, Lawless, Lederer, Leh, Lescovitz, Levdansky, Lewis, Lucyk, Lynch, Mackereth, Major, Manderino, Mann, Markosek, Marsico, Mayernik, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Michlovic, Micozzie, Miller, S., Mundy, Myers, Nailor, Nickol, O'Brien, Oliver, Pallone, Perzel, Petrarca, Petrone, Phillips, Pickett, Pippy, Pistella, Preston, Raymond, Readshaw, Reinard, Rieger, Roberts, Robinson, Rohrer, Ross, Rubley, Ruffing, Sainato, Samuelson, Santoni, Sather, Saylor, Schuler, 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., Thomas, Tighe, Travaglio, Trello, Tulli, Turzai, Vance, Veon, Vitali, Walko, Wansacz, Washington, Waters, Watson, Williams, J., Wilt, Wojnarowski, Wright, G., Wright, M., Yewcic, Youngblood, Zimmerman, Zug, Ryan, Speaker

NAYS-3

Casorio Habay Maher

NOT VOTING-0

EXCUSED-10

Barley Josephs Rooney Trich Cruz Miller, R. Taylor, J. Yudichak Dailey Roebuck

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.

SUPPLEMENTAL CALENDAR D

RESOLUTION PURSUANT TO RULE 35

Mr. BROWNE called up HR 475, PN 3470, entitled:

A Resolution designating the month of April 2002 as "CPAs Industry Month" in Pennsylvania.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS-192

Table listing names of members who voted 'YEAS' for the resolution, including Adolph, Allen, Argall, etc.

NAYS-0

NOT VOTING-0

EXCUSED-10

Table listing names of members who were excused: Barley, Cruz, Dailey, Josephs, Miller, R., Roebuck, Rooney, Taylor, J., Trich, Yudichak.

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

SUPPLEMENTAL CALENDAR C

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 1011, PN 1258, entitled:

An Act amending the act of October 10, 1975 (P.L.383, No.110), known as the Physical Therapy Practice Act, adding a definition of "mobilization/manual therapy."

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

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

(The bill analysis was read.)

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

The following roll call was recorded:

YEAS-192

Table listing names of members who voted 'YEAS' for the bill, including Adolph, Allen, Argall, etc.

Cohen, L. I.	Horsey	Phillips	Veon
Cohen, M.	Hutchinson	Pickett	Vitali
Colafella	Jadlowiec	Pippy	Walko
Coleman	James	Pistella	Wansacz
Cornell	Kaiser	Preston	Washington
Corrigan	Keller	Raymond	Waters
Costa	Kenney	Readshaw	Watson
Coy	Kirkland	Reinard	Williams, J.
Creighton	Krebs	Rieger	Wilt
Curry	LaGrotta	Roberts	Wojnaroski
Daley	Laughlin	Robinson	Wright, G.
Dally	Lawless	Rohrer	Wright, M.
DeLuca	Lederer	Ross	Yewcic
Dermody	Leh	Rubley	Youngblood
DeWeese	Lescovitz	Ruffing	Zimmerman
DiGirolamo	Levdansky	Sainato	Zug
Diven	Lewis	Samuelson	
Donatucci	Lucyk	Santoni	
Eachus	Lynch	Sather	Ryan,
Egolf	Mackereth		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—10

Barley	Josephs	Rooney	Trich
Cruz	Miller, R.	Taylor, J.	Yudichak
Dailey	Roebuck		

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

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

* * *

The House proceeded to third consideration of **SB 1012, PN 1259**, entitled:

An Act amending the act of December 16, 1986 (P.L. 1646, No. 188), known as the Chiropractic Practice Act, adding a definition of "manipulation/adjustment."

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

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

(The bill analysis was read.)

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Phillips.

Mr. PHILLIPS. Thank you, Madam Speaker.

Just for the record, I was going to speak on the bill, but what I will do is I have remarks to be spread upon the record, and I would like to present them to you at this time.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

What is Chiropractic Care?

Chiropractic care is neither new nor experimental and enjoys a long history of providing relief and promoting health. The main therapeutic procedure performed by doctors of chiropractic (D.C.s) is known as manipulation. These chiropractic adjustments restore joint mobility by manually applying a controlled force into joints that have become fixated due to tissue injury. These injuries can be sustained by a single traumatic event, such as improperly lifting a heavy object, or through repetitive stresses, such as sitting in an awkward position with poor spinal posture for an extended period of time. In either case, injured tissues undergo chemical and biomechanical changes that can cause both inflammation and pain for the sufferer. Manipulation of the joint restores mobility, thereby alleviating pain and allowing tissues to heal.

Chiropractic: A Cost-Effective Health-Care Alternative

The high cost of back injuries poses a threat to every health plan and causes insurance costs to skyrocket. Because D.C.s are specially trained in the most appropriate means of diagnosis, clinical managements, and prevention of these disorders, they can help contain costs and get workers back on the job in less time. Through examination and corrective adjustments, D.C.s treat the abnormally fixated or displaced vertebrae to normalize the body and return it to healthy function. In most cases, this can be done with minimal or no time off in an outpatient setting typically provided in the doctor's office. In addition, since chiropractic procedures do not include the use of drugs or surgery, time off for treatment or recuperation is reduced. Likewise, the high cost of medication is eliminated.

Chiropractors in Pennsylvania

The Pennsylvania Chiropractic Association represents over 3,500 doctors in a profession that continues to provide quality health care to millions of patients. Since 1974, standards for chiropractic education have been monitored by the Council on Chiropractic Education (CCE) and the practice of chiropractic is now licensed and regulated in all 50 States and in over 30 countries. In Pennsylvania, chiropractors complete a rigorous training program that includes a minimum of 2 years of undergraduate study, oral examination on specific subjects, written examination on State laws, and all four parts of the prescribed NBCE (National Board of Chiropractic Examiners) testing.

The average education at the 16 chiropractic colleges includes over 4,800 hours of basic and clinical science ranging from biochemistry and anatomy to diagnosis and chiropractic procedures. This extensive academic and medical training is in line with all other primary-care physicians.

Working with the State Board of Chiropractic, the PCA (Pennsylvania Chiropractic Association) has constantly enhanced its standards and has worked to improve the educational foundations and services of the profession.

SBs 1011 and 1012

Previously, the General Assembly has enacted legislation which specified that licensed doctors of chiropractic are permitted to perform "manipulation" of human spine and other articulations, and that licensed physical therapists are empowered to perform a number of different therapies including "mobilization." Confusion remains in some circles as to the precise difference between manipulation on the one hand and mobilization on the other. Quite simply, SB 1011 now provides an amendment to the Physical Therapy Practice Act defining precisely that

which constitutes “mobilization/manual therapy.” SB 1012 amends the Chiropractic Practice Act by defining expressly “manipulation/adjustment.”

What is the Difference Between “Manipulation/Adjustment” and “Mobilization/Manual Therapy”?

The critical distinction between the two definitions lies in the fact that, in manipulation procedure, the joint complex is carried beyond the normal physiological range of motion wherein the intent is to secure a cavitation of the joint or to reduce subluxation. In contrast, “mobilization/manual therapy” is defined so as to comprise a continuum of passive movements to the joints and related soft tissues throughout the normal physiological range of motion. The “without limitation” reference in SB 1011 makes clear that physical therapists may perform mobilization/manual therapy to any part of the human body; it is not intended to equate manual therapy with the manipulation/adjustment procedure.

Some Professional Distinctions

Manual therapy, as defined in SB 1011, is not intended as encompassing manipulation as the term is defined in SB 1012 and which is intended to be reserved for the doctors of chiropractic. Again, the “without limitation” reference in SB 1011 makes clear that physical therapists may perform mobilization/manual therapy to any part of the human body; it is not “manipulation/adjustment.”

Some Other Fine Points

Reference to “joint complex” in SB 1012 includes any part of the vertebral column joint complex or any joint complex in the body. The term “manual” maneuver includes contact by hand or instrument with the intent of restoring normal joint function and position. And while “manipulation” is intended to result in cavitation of the joint, it may or may not have that effect.

Chiropractors and Physical Therapists Agree

SBs 1011 and 1012 have been endorsed by both the Pennsylvania Chiropractors and Physical Therapists Associations. Passage of these bills should bring clarity to an issue, which has been murky to date.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—192

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

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Barley	Josephs	Rooney	Trich
Cruz	Miller, R.	Taylor, J.	Yudichak
Dailey	Roebuck		

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

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

SUPPLEMENTAL CALENDAR B CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 930, PN 3310**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for definitions relating to consolidation or merger, for initiative of electors seeking consolidation or merger without home rule; providing for initiative of electors seeking consolidation or merger with a new home rule charter; further providing for conduct of referenda and for consolidation or merger agreement; and making editorial changes.

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

Mr. HANNA offered the following amendment No. **A0884**:

Amend Title, page 1, line 7, by striking out “and” and inserting a comma

Amend Title, page 1, line 8, by inserting after “agreement” and for definitions relating to municipal police education and training

Amend Bill, page 20, by inserting between lines 18 and 19

Section 5. The definitions of “college,” “police department” and “university” in section 2162 of Title 53 are amended to read: § 2162. Definitions.

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

* * *

“College.” A college which has a campus police department, as used in section 2416 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, certified by the Office of Attorney General as a criminal justice agency under the definition of “criminal justice agency” in 18 Pa.C.S. § 9102 (relating to definitions). [The term does not include the State System of Higher Education and its member institutions.]

* * *

“Police department.” Any of the following:

(1) A public agency of a political subdivision having general police powers and charged with making arrests in connection with the enforcement of the criminal or traffic laws. This paragraph includes the sheriff’s office in a county of the second class.

(2) A campus police or university police department, as used in section 2416 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, certified by the Office of Attorney General as a criminal justice agency under the definition of “criminal justice agency” in 18 Pa.C.S. § 9102 (relating to definitions). [This paragraph does not include a campus police or university police department of the State System of Higher Education and its member institutions.]

(3) A railroad or street railway police department formed with officers commissioned under 22 Pa.C.S. Ch. 33 (relating to railroad and street railway police) or any prior statute providing for such commissioning.

* * *

“University.” A university which has a campus police department, as used in section 2416 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, certified by the Office of Attorney General as a criminal justice agency under the definition of “criminal justice agency” in 18 Pa.C.S. § 9102 (relating to definitions). [The term does not include the State System of Higher Education and its member institutions.]

Amend Sec. 5, page 20, line 19, by striking out “5” and inserting 6

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

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. The gentleman, Mr. Hanna, says that he is withdrawing that amendment. The Chair thanks the gentleman.

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

The SPEAKER pro tempore. The Chair understands that Mr. Metcalfe has withdrawn his amendment.

There are no other amendments listed.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Barley	Josephs	Rooney	Trich
Cruz	Miller, R.	Taylor, J.	Yudichak
Dailey	Roebuck		

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

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

* * *

The House proceeded to third consideration of **HB 2100, PN 3183**, entitled:

An Act amending the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, further providing for definitions, for examination and inspection and for extracts, copies or photostats; providing for denial of access to public records, for redaction, for response to requests for access and for final agency determinations; further providing for appeal from denial of right; and providing for court costs and attorney fees, for penalty and for immunity.

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

Mr. **MAHER** offered the following amendment No. **A1089**:

Amend Sec. 1 (Sec. 1), page 3, by inserting between lines 3 and 4 “Record.” Any document maintained by an agency, in any form, whether public or not.

Amend Sec. 1 (Sec. 1), page 3, line 5, by striking out “requests”

Amend Sec. 1 (Sec. 1), page 3, line 5, by striking out “INFORMATION” and inserting is a resident of, or does business in, the Commonwealth and requests a record

Amend Sec. 1 (Sec. 2), page 4, lines 29 and 30; page 5, lines 1 through 7, by striking out “ACT OF AUGUST 14, 1963 (P.L.839)” in line 29 and all of line 30, page 4, and all of lines 1 through 7, page 5 and inserting

law.

Amend Sec. 3 (Sec. 3.3), page 7, line 11, by striking out “The specific reasons for the denial.” and inserting A determination that the record requested is not a public record and the specific reasons for the agency’s determination that the record is not a public record.

Amend Sec. 3 (Sec. 3.4), page 7, line 26, by inserting after “denied” or deemed denied

Amend Sec. 4 (Sec. 4), page 8, line 27, by striking out “THE AGENCY” and inserting

an agency other than a Commonwealth agency

Amend Sec. 4 (Sec. 4), page 8, line 29, by striking out “other” and inserting

such

Amend Sec. 5 (Sec. 6), page 10, lines 22 and 23, by striking out “the release”

Amend Sec. 5 (Sec. 6), page 10, line 29, by striking out all of said line and inserting

compliance or failure to comply with this act.

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

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

Mr. MAHER. Madam Speaker, I believe we might actually have a need to suspend the rules to consider this amendment.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notices the presence on the House floor of the gentleman, Mr. Yudichak, and he will be added to the voting calendar.

CONSIDERATION OF HB 2100 CONTINUED

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Maher, for the purpose of a motion.

Mr. MAHER. Thank you, Madam Speaker.

I would like to move that the rules of the House be suspended for the immediate consideration of amendment 1089.

The SPEAKER pro tempore. The gentleman moves that the rules of the House be suspended in order to offer amendment 1089.

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

The following roll call was recorded:

YEAS—192

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

Corrigan	Keller	Raymond	Waters
Costa	Kenney	Readshaw	Williams, J.
Coy	Kirkland	Reinard	Wilt
Creighton	Krebs	Rieger	Wojnaroski
Curry	LaGrotta	Roberts	Wright, G.
Daley	Laughlin	Robinson	Wright, M.
Dally	Lawless	Rohrer	Yewcic
DeLuca	Lederer	Ross	Youngblood
Dermody	Leh	Rubley	Yudichak
DeWeese	Lescovitz	Ruffing	Zimmerman
DiGirolamo	Levdansky	Sainato	Zug
Diven	Lewis	Samuelson	
Donatucci	Lucyk	Santoni	
Eachus	Lynch	Sather	Ryan,
Egolf	Mackereth		Speaker

NAYS—0

NOT VOTING—1

Watson

EXCUSED—9

Barley	Josephs	Roebuck	Taylor, J.
Cruz	Miller, R.	Rooney	Trich
Dailey			

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

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

Mr. MAHER offered the following amendment No. A1089:

Amend Sec. 1 (Sec. 1), page 3, by inserting between lines 3 and 4
“Record.” Any document maintained by an agency, in any form, whether public or not.

Amend Sec. 1 (Sec. 1), page 3, line 5, by striking out “requests”

Amend Sec. 1 (Sec. 1), page 3, line 5, by striking out
“INFORMATION” and inserting

is a resident of, or does business in, the Commonwealth and requests a record

Amend Sec. 1 (Sec. 2), page 4, lines 29 and 30; page 5, lines 1 through 7, by striking out “ACT OF AUGUST 14, 1963 (P.L.839)” in line 29 and all of line 30, page 4, and all of lines 1 through 7, page 5 and inserting

law.

Amend Sec. 3 (Sec. 3.3), page 7, line 11, by striking out “The specific reasons for the denial.” and inserting

A determination that the record requested is not a public record and the specific reasons for the agency’s determination that the record is not a public record.

Amend Sec. 3 (Sec. 3.4), page 7, line 26, by inserting after “denied”
or deemed denied

Amend Sec. 4 (Sec. 4), page 8, line 27, by striking out “THE AGENCY” and inserting

an agency other than a Commonwealth agency

Amend Sec. 4 (Sec. 4), page 8, line 29, by striking out “other” and inserting

such

Amend Sec. 5 (Sec. 6), page 10, lines 22 and 23, by striking out

“the release”

Amend Sec. 5 (Sec. 6), page 10, line 29, by striking out all of said line and inserting

compliance or failure to comply with this act.

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

The SPEAKER pro tempore. On the amendment, the Chair now recognizes the gentleman, Mr. Maher.

Those in favor of the amendment will vote “aye”; those opposed— The Chair recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Madam Speaker.

Will the gentleman stand for brief interrogation?

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

Mr. VITALI. Thank you, Madam Speaker.

This definition differs from the definition agreed to by the State Government Committee, because it, as I understand it, among other things restricts those afforded the protection of this act to residents of the Commonwealth or those doing business with the residents of the Commonwealth. In committee we did not have that restriction. It was afforded any citizen. Could you tell me what the rationale for that change was?

Mr. MAHER. The original language was amended in committee to “person” and further amended by this proposed amendment to recognize that there need not be an affirmative obligation of our local government units – our local constabulary, the townships, the commissioners, the school boards – to respond to inquiries that come from far and away, that our duty is to our fellow Pennsylvanians, and that the affirmative duty will rest for every Pennsylvanian and anybody doing business in the State but to not hamstring our local governments with an obligation to those that lie beyond our borders.

Mr. VITALI. Okay. Thank you, Madam Speaker.

The bill as it came out of State Government Committee required if an agency denied a request for public record, to state specific reasons for the denial, and that is what the State Government Committee after compromise agreed upon. But this looks like it changes that only to require that the agency state why it is not a public record, which seems narrower. Why is that?

Mr. MAHER. Well, I think because if it is a public record, it must be provided, except for the other exceptions there. So what we are recognizing is that the reason there would be a bona fide denial for access would be that the record in its entirety or in part were not a public record, and the rationale for that conclusion by the government would need to be spelled out, which is a considerably greater hurdle for the governments than currently exists.

Mr. VITALI. Would it not be possible that the reason for denial could be summaries and other than it is a public record though?

Mr. MAHER. Not ultimately. Initially there is a provision where, you may be thinking about a provision that within 5 days the government unit must either provide the record or they can start a second clock running for up to 30 days if they have a shortage of staff or certain other conditions. But ultimately, public records will belong to the public, and the public will have access to those records under this bill.

Mr. VITALI. Thank you, Madam Speaker.

That concludes my interrogation. May I speak on the

amendment?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. VITALI. First of all, I would like to compliment Representative Maher on the fine work that he has done on this bill. I know he has been struggling with competing considerations. But I think the reality is, with regard to this amendment, it does in fact weaken the bill by limiting, for example, the people offered the protection of this act. For example, you know, if the University of Chicago or some other institution wanted records from the Commonwealth and then perhaps could shed some light, they would not be covered by this, as I understand it. Perhaps even NCSL (National Conference of State Legislatures), it might be an open question. Clearly, though, this limits the people afforded protection of this act, and I am not sure if I have heard a satisfactory explanation of it. It seems to me we should err on the side of open government, sunshine being the best antiseptic. And secondarily, it also seems to narrow the reasons that the Commonwealth has to give for denial, which also concerns me.

I, frankly, think that the bill before us is better without this amendment than with it, so I would ask for a “no” vote. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington County, Mr. Lescovitz, on the amendment.

Mr. LESCOVITZ. Thank you, Madam Speaker.

Will the gentleman just stand for brief interrogation on the amendment?

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

Mr. LESCOVITZ. Madam Speaker, I just want to make sure I am clear on this. You are limiting the Right-to-Know Act just to residents of the Commonwealth or people who do business with the Commonwealth or its municipalities, or what are you limiting here, who can get access or—

Mr. MAHER. Madam Speaker, what the bill does does not limit the release of information to others. The government frequently, the Commonwealth and many of our localities already respond to requests. But what it does is this bill creates an affirmative duty on the part of our local governments – our school boards, our county commissioners – and the Commonwealth that if the request comes from a resident of the Commonwealth or someone doing business, broadly defined, in the Commonwealth, that there is an affirmative obligation that they have a right to know what is a public record and to receive that public record.

And in fact, you know, if I might continue, Madam Speaker, the earlier language said “person,” and what we wanted to do is while legal scholars may be aware that a person could embrace a business entity, we wanted to ensure that the average person picking up this law is going to understand that they can make a request as a business entity, as somebody doing business, and not just have to make it in their own name.

The SPEAKER pro tempore. The House will be at ease for just a moment.

While the gentlemen are conferring, the Chair recognizes the gentleman, Mr. Freeman, from Northampton, on the amendment.

Mr. FREEMAN. Thank you, Madam Speaker.

Madam Speaker, I rise to oppose the Maher amendment.

As I read the amendment, we are changing the definition of who has the right to request information. In the original version that came before us, it was simply a person, and that is the best language to use in a case such as this, because it allows all records

to be open to any person who requests them. The definition that is changed here in this amendment would restrict it to a resident of the Commonwealth of Pennsylvania or someone doing business with the Commonwealth of Pennsylvania. There are some serious problems with that sort of definition.

First, if it is a matter of making records open to the press, what would happen in a case where a reporter living in New Jersey but working for a Pennsylvania paper sought information? They could legally be denied that information under the definition that is here in this amendment.

Second, what if you had relatives who were coming in from out of State because of the passing of a relative and they needed information in the course of, say, closing an estate? They could conceivably be denied that information because they are neither residents and it is questionable whether they could be classified as doing business in the State when it is a personal, family matter.

I think we are much better off sticking to the original definition, leaving it open to any person. That would include a business; that would include anyone who legally could be categorized as a person. But the kind of alteration we are seeing in this amendment will shut out a considerable number of people from being able to have access to records which should be open to the public regardless of whether they live in Pennsylvania, New Jersey, Maryland, or any part of the United States. If we truly want an open records law that means open records, we must defeat this amendment.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Does the gentleman, Mr. Lescovitz, wish to continue his interrogation?

Mr. LESCOVITZ. Thank you, Madam Speaker.

I just want to follow up with my interrogation, something similar to the previous speaker.

Clearly in this definition in your amendment, a newspaper from a different State would be entitled to that information under the Right-to-Know Act, under your definition?

Mr. MAHER. Madam Speaker, I would be happy to state for the record that the intent would be that that reporter from another State, in conducting his trade or business in Pennsylvania, which would be the case, would be someone entitled. And I might add, Madam Speaker, that the Pennsylvania newspaper publishers’ association has expressed their support for the bill embracing this amendment and the other amendment which we have yet to discuss.

Thank you, Madam Speaker.

Mr. LESCOVITZ. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware County, Mr. Vitali, for the second time.

Mr. VITALI. Will the maker of the amendment stand for interrogation again?

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

Mr. VITALI. What is the current open records law? What is the applicability of that? Who does that apply to? Is that limited to Commonwealth residents or just to any person? Our current act; the act we are operating under now.

Mr. MAHER. You know, actually, Madam Speaker, I think that is one of the great ambiguities about the 1957 statute, that basically now what an individual would have to do to determine whether they are eligible to access a record is go through the process of examining the case law that has developed over the past

45 years. And I am not trying to be difficult, but there simply is not an easy answer to that question, and that is one of the reasons why it is so important for us to help progress for an easy-to-understand, easy-to-apply statute, to ensure access to public records by Pennsylvanians.

Mr. VITALI. Okay. Now, you mentioned who would not be impacted by this change in definition – an out-of-State newspaper covering Pennsylvania – but who would be? Who is this geared at? Obviously it is geared at limiting someone or we would not bother with it, but who is it geared at limiting?

Mr. MAHER. Well, Madam Speaker, the instigation for changing the language from simply saying “person” was to add clarity, not expecting a reader to have the study of the law in their hip pocket to understand that “person” includes a business entity. Turning that person then into a Pennsylvania resident recognizes that, candidly, I am not sure that our government should have an affirmative obligation to answer a piece of mail from Afghanistan, for instance, and make an inquiry about what might genuinely be a public record if you are a Pennsylvanian. It was providing a sense of scope that our duty, our affirmative duty and the duty of our local governments, is to the people of Pennsylvania.

Mr. VITALI. Okay. That concludes my interrogation.

Just very briefly.

The SPEAKER pro tempore. You may proceed.

Mr. VITALI. I just think for the reasons stated previously, the fact that the current bill as it stands, simply saying any person, and not limiting that to Pennsylvania citizens, can have protection of the law, I think since existing language is better and broader and more inclusive, I would ask for a “no” vote on the amendment.

Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—176

Adolph	Donatucci	Lynch	Santoni
Allen	Eachus	Mackereith	Sather
Argall	Egolf	Maher	Saylor
Armstrong	Evans, D.	Maitland	Schroder
Baker, J.	Evans, J.	Major	Schuler
Baker, M.	Fairchild	Mann	Semmel
Bard	Feese	Markosek	Shaner
Barrar	Fichter	Marsico	Smith, B.
Bastian	Fleagle	Mayernik	Smith, S. H.
Bebko-Jones	Flick	McCall	Solobay
Belardi	Forcier	McGeehan	Staback
Belfanti	Frankel	McGill	Stairs
Benninghoff	Gabig	McIlhattan	Steil
Birmelin	Gannon	McIlhinney	Stern
Bishop	Geist	McNaughton	Stevenson, R.
Blaum	George	Metcalfe	Stevenson, T.
Boyes	Godshall	Michlovic	Strittmatter
Brooks	Gordner	Micozzie	Sturla
Browne	Gruitza	Miller, S.	Surra
Bunt	Habay	Mundy	Tangretti
Butkovitz	Haluska	Myers	Taylor, E. Z.
Buxton	Hanna	Nailor	Travaglio
Caltagirone	Harhai	Nickol	Trello
Cappelli	Harhart	O’Brien	Tulli
Casorio	Harper	Oliver	Turzai
Cawley	Hasay	Perzel	Vance
Civera	Hennessey	Petrarca	Veon
Clark	Herman	Petrone	Walko
Clymer	Hershey	Phillips	Wansacz

Cohen, L. I.	Hess	Pickett	Waters
Cohen, M.	Hutchinson	Pippy	Watson
Colafella	Jadlowiec	Pistella	Williams, J.
Coleman	James	Preston	Wilt
Cornell	Kaiser	Raymond	Wojnaroski
Corrigan	Keller	Readshaw	Wright, G.
Costa	Kenney	Reinard	Wright, M.
Coy	Kirkland	Rieger	Yewcic
Creighton	LaGrotta	Roberts	Youngblood
Daley	Laughlin	Robinson	Yudichak
Dally	Lawless	Rohrer	Zimmerman
DeLuca	Lederer	Ross	Zug
Dermody	Leh	Rubley	
DeWeese	Lescovitz	Ruffing	
DiGirolamo	Lewis	Sainato	Ryan,
Diven	Lucyk		Speaker

NAYS—17

Curry	Levdansky	Samuelson	Thomas
Freeman	Manderino	Scrimenti	Tigue
Grucela	Melio	Steelman	Vitali
Horsey	Pallone	Stetler	Washington
Krebs			

NOT VOTING—0

EXCUSED—9

Barley	Josephs	Roebuck	Taylor, J.
Cruz	Miller, R.	Rooney	Trich
Dailey			

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?

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Maher, for the purpose of a motion.

Mr. MAHER. Thank you, Madam Speaker.

If I might make a motion to suspend the rules once more for the consideration of amendment 1088.

The SPEAKER pro tempore. The gentleman from Allegheny County, Mr. Maher, moves that the rules of the House be suspended in order to offer amendment 1088.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—193

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

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Barley	Josephs	Roebuck	Taylor, J.
Cruz	Miller, R.	Rooney	Trich
Dailey			

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

On the question recurring,

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

Mr. MAHER offered the following amendment No. A1088:

Amend Sec. 1 (Sec. 1), page 2, by inserting between lines 11 and 12

“Commonwealth agency.” An agency, which is a Commonwealth agency, as that term is defined under 62 Pa.C.S. § 103 (relating to definitions).

Amend Sec. 3 (Sec. 3.3), page 5, line 28, by striking out “Response” and inserting

Commonwealth agency’s response

Amend Sec. 3 (Sec. 3.3), page 5, line 30, by striking out “an” and

inserting

a Commonwealth

Amend Sec. 3 (Sec. 3.3), page 6, line 3, by striking out “FIVE” and inserting

ten

Amend Sec. 3 (Sec. 3.3), page 6, line 5, by inserting after “THE” where it appears the second time

Commonwealth

Amend Sec. 3 (Sec. 3.3), page 6, line 6, by inserting after “THE” where it appears the second time

Commonwealth

Amend Sec. 3 (Sec. 3.3), page 6, line 7, by inserting after “THE”

Commonwealth

Amend Sec. 3 (Sec. 3.3), page 6, line 8, by striking out “FIVE” and inserting

ten

Amend Sec. 3 (Sec. 3.3), page 6, line 12, by striking out “an” and inserting

a Commonwealth

Amend Sec. 3 (Sec. 3.3), page 6, line 23, by inserting after “the” where it appears the second time

Commonwealth

Amend Sec. 3 (Sec. 3.3), page 6, line 28, by inserting after “the” where it appears the first time

Commonwealth

Amend Sec. 3 (Sec. 3.3), page 6, line 29, by striking out “FIVE” and inserting

ten

Amend Sec. 3 (Sec. 3.3), page 6, line 29, by inserting after “the” where it appears the first time

Commonwealth

Amend Sec. 3 (Sec. 3.3), page 7, line 4, by inserting after “days.” following the ten business days allowed for in subsection (a).

Amend Sec. 3 (Sec. 3.3), page 7, line 6, by striking out “an” and inserting

a Commonwealth

Amend Sec. 3 (Sec. 3.3), page 7, line 20, by striking out “an” and inserting

a Commonwealth

Amend Sec. 3 (Sec. 3.3), page 7, line 21, by inserting after “the” where it appears the first time

Commonwealth

Amend Sec. 3, page 7, by inserting between lines 23 and 24

Section 3.4. Non-Commonwealth agency’s response to written requests for access.

(a) General rule.—Upon receipt of a written request for access to a record, a non-Commonwealth agency shall make a good faith effort to respond as promptly as possible under the circumstances existing at the time of the request, but shall not exceed five business days from the date the written request is received by the non-Commonwealth agency head or other person designated in the rules established by the non-Commonwealth agency for receiving such requests. If the non-Commonwealth agency fails to send the response within five business days of such receipt of the written request for access, the written request for access shall be deemed denied.

(b) Exception.—Upon receipt of a written request for access, if a non-Commonwealth agency determines that one of the following applies:

(1) the request for access requires redaction of a public record in accordance with section 3.2;

(2) the request for access requires the retrieval of a public record stored in a remote location;

(3) a timely response to the request for access cannot be accompanied due to bona fide and specified staffing limitations;

(4) a legal review is necessary to determine whether the public record is subject to access under this act;

(5) the requester has not complied with the

non-Commonwealth agency's policies regarding access to public records; or

(6) the requester refuses to pay applicable fees authorized by section 7, the non-Commonwealth agency shall send written notice to the requester within five business days of the non-Commonwealth agency's receipt of the request notifying the requester that the request for access is being reviewed, the reason for the review and a reasonable date that a response is expected to be provided. If the date that a response is expected to be provided is in excess of 30 days, following the five business days allowed in subsection (a), the request for access shall be deemed denied.

(c) Denial.—If a non-Commonwealth agency's response is a denial of a written request for access, whether in whole or in part, a written response shall be issued and include:

(1) A description of the record requested.

(2) A determination that the record requested is not a public record and the specific reasons for the agency's determination that the record is not a public record, including a citation of supporting legal authority.

(3) The typed or printed name, title, business address, business telephone number and signature of the public official or public employee on whose authority the denial is issued.

(4) Date of the response.

(5) The procedure to appeal the denial of access under this act.

(d) Certified copies.—If a non-Commonwealth agency's response grants a request for access, the non-Commonwealth agency shall, upon request, provide the requester with a certified copy of a public record if the requester pays the applicable fees pursuant to section 7.

Amend Sec. 3 (Sec. 3.4), page 7, line 24, by striking out "3.4." and inserting

3.5.

Amend Sec. 4 (Sec. 4), page 8, line 28, by striking out "3.3(C)" and inserting

3.4(c)

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. Those in favor of the amendment will vote "aye"; those opposed, "nay." Members will proceed to—

Mr. MICHLOVIC. Madam Speaker? Madam Speaker?

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

Mr. MICHLOVIC. Madam Speaker, I believe we recently passed a rule that when an amendment is agreed to on a suspension vote, the maker of the amendment is supposed to offer a brief explanation of the amendment. I wish the gentleman would follow that procedure. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Maher.

Mr. MAHER. Thank you, Madam Speaker.

The purpose of this amendment is to amplify the proposed timeframes for an initial answer as to a request for a record. Generally speaking, that rule will be 5 days that a government has to respond to a written request for a record. This amendment, recognizing the sheer size of the Commonwealth, provides an additional 5 days to that incremental timeframe, so that the inquiry to a Commonwealth agency would be permitted 5 additional days and an inquiry elsewhere simply because of the logistics involved, particularly with complications post-September 11 about moving mail from one location to another and seeing it gets to the right people.

The SPEAKER pro tempore. The Chair thanks the gentleman

and recognizes the gentleman from Delaware County, Mr. Vitali, on the amendment.

Mr. VITALI. Thank you, Madam Speaker.

Will the maker of the amendment stand for brief interrogation?

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

Mr. VITALI. I just want to be clear, because I was looking at amendment 919 where it changes "five" to "ten." Is this another way of getting at the same section or is that a different section?

Mr. MAHER. Yes; that is correct, Madam Speaker.

Mr. VITALI. What is correct? I am sorry.

Mr. MAHER. This amendment is intended to accomplish the same goal but has a greater technical strength to it in terms of providing a definition, for instance, of the restraints and what constitutes a Commonwealth agency by anchoring that firmly in existing law.

Mr. VITALI. Thank you.

The—

The SPEAKER pro tempore. Would the gentleman like to speak on the amendment or is he still doing the interrogation?

Mr. VITALI. No; I would like to continue my interrogation.

The SPEAKER pro tempore. You may proceed.

Mr. VITALI. When we had that 5-day period, we also created a list of exceptions that would allow more than 5 days, and those exceptions included if redaction were required or if the record was in a remote location, if there was a legitimate legal question, and so forth. Do those exceptions still exist in this amendment you are proposing?

Mr. MAHER. Yes, Madam Speaker, those conditions still exist. The thought, candidly, behind this amendment, the recognition of the amount of time, but to help inspire an affirmative, cooperative response to requests for information. I became persuaded that we were better off expecting affirmative answers from the Commonwealth rather than starting off with a scenario where we could just have a single form letter that would say, we did not have enough time to answer your question in 5 days.

So our objective here is to really, by recognizing the time it takes to actually make sure the right person is getting the right question, to help inspire a cooperative attitude rather than simply saying, well, I have not had time to look at it; therefore, we fall into one of the exceptions.

Mr. VITALI. Okay. I just want to understand the amendment correctly.

Under the current bill without the amendment, the Commonwealth has 5 days to provide the record unless it falls under one of these exceptions, and under your amendment, if passed, it would have 10 days unless it falls under one of these exceptions. Is that correct?

Mr. MAHER. Yes, Madam Speaker, that is correct, and I might also add in contrast to existing circumstance where there is no timeframe specified other than a reasonable time.

Mr. VITALI. Thank you, Madam Speaker. I would like to speak on the amendment.

The SPEAKER pro tempore. You may proceed.

Mr. VITALI. And again I recognize the fact that the maker of the amendment is doing a yeoman's job here and is dealing with competing considerations, and I certainly do not fault him. But, Madam Speaker, you know, it seems to me that the Commonwealth should respond promptly. The committee thought

5 days was the appropriate amount, the State Government Committee, unless there was some excuse. We are creating a loophole here for, again, it does not have to be provided under the existing bill; it does not have to be provided within 5 days if the record is in storage somewhere; it does not have to be provided within 5 days if there is some redaction required; it does not have to be provided within 5 days if there is some legitimate legal question. In other words, the current bill with that 5-day limit gives the Commonwealth a lot of outs when they cannot do it within 5 days.

So I would submit to you that we should not expand that from 5 to 10, because there already are reasons specified in the bill as to why it could go longer. So there are good reasons to have the Commonwealth promptly comply with this act, so I would suggest that the bill as currently written would be better than the bill with the amendment.

Thank you.

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

The following roll call was recorded:

YEAS—175

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

NAYS—18

Blaum	Manderino	Samuelson	Tangretti
Curry	Michlovic	Scrimenti	Thomas
Freeman	Mundy	Steelman	Tigue
Horsey	Pallone	Stetler	Vitali
Levdansky	Petrarca		

NOT VOTING—0

EXCUSED—9

Barley	Josephs	Roebuck	Taylor, J.
Cruz	Miller, R.	Rooney	Trich
Dailey			

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

FORMER MEMBER WELCOMED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House a former member, John Broujos, from Cumberland County. Would the gentleman please rise.

CONSIDERATION OF HB 2100 CONTINUED

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

Mr. VITALI offered the following amendment No. A0896:

Amend Sec. 5 (Sec. 4.1), page 10, line 1, by striking out "or brought without substantial justification"

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

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

Mr. VITALI. Thank you, Madam Speaker.

It is my understanding this is an agreed-to amendment. After this is passed, I will be withdrawing three others. What it simply does is make it harder for a citizen to be charged with attorney's fees if he tries to obtain records.

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

Mr. MAHER. Thank you, Madam Speaker.

I would encourage my colleagues to support this amendment. Thank you.

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

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Barley	Josephs	Roebuck	Taylor, J.
Cruz	Miller, R.	Rooney	Trich
Dailey			

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?

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. Does the gentleman, Mr. McCall, seek recognition?

Mr. McCALL. Thank you, Madam Speaker.
Madam Speaker, I would like to make a motion to suspend the rules.

The SPEAKER pro tempore. The gentleman, Mr. McCall, moves that the rules of the House be suspended in order to offer an amendment.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. Does the gentleman, Mr. Smith, defer to the gentleman, Mr. Maher?

Mr. MAHER. Thank you, Madam Speaker.

I would ask that my colleagues resist the urge here and vote not to suspend the rules. Thank you.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—95

Bebko-Jones	Frankel	Mayernik	Solobay
Belardi	Freeman	McCall	Staback
Belfanti	George	McGeehan	Steelman
Bishop	Grucela	Melio	Stetler
Blaum	Gruitza	Michlovic	Strittmatter
Butkovitz	Haluska	Mundy	Sturla
Buxton	Hanna	Myers	Surra
Caltagirone	Harhai	Oliver	Tangretti
Casorio	Hasay	Pallone	Thomas
Cawley	Horsey	Petrarca	Travaglio
Cohen, M.	James	Petrone	Trello
Colafella	Kaiser	Pippy	Veon
Corrigan	Keller	Pistella	Vitali
Costa	Kirkland	Preston	Walko
Coy	LaGrotta	Readshaw	Wansacz
Curry	Laughlin	Rieger	Washington
Daley	Lawless	Roberts	Waters
DeLuca	Lederer	Robinson	Williams, J.
Dermody	Lescovitz	Ruffing	Wojnaroski
DeWeese	Levdansky	Sainato	Wright, G.
Diven	Lucyk	Samuelson	Yewcic
Donatucci	Manderino	Santoni	Youngblood
Eachus	Mann	Scrimenti	Yudichak
Evans, D.	Markosek	Shaner	

NAYS—97

Adolph	Egolf	Lewis	Sather
Allen	Evans, J.	Lynch	Saylor
Argall	Fairchild	Mackereth	Schroder
Armstrong	Feese	Maher	Schuler
Baker, J.	Fichter	Maitland	Semmel
Baker, M.	Fleagle	Major	Smith, B.
Bard	Flick	Marsico	Smith, S. H.
Barrar	Forcier	McGill	Stairs
Bastian	Gabig	McIlhattan	Steil
Benninghoff	Gannon	McIlhinney	Stern
Birmelin	Geist	McNaughton	Stevenson, R.
Boyes	Godshall	Metcalfe	Stevenson, T.
Brooks	Gordner	Micozzie	Taylor, E. Z.
Browne	Habay	Miller, S.	Tulli
Bunt	Harhart	Nailor	Turzai
Cappelli	Harper	Nickol	Vance
Civera	Hennessey	O'Brien	Watson
Clark	Herman	Perzel	Wilt
Clymer	Hershey	Phillips	Wright, M.
Cohen, L. I.	Hess	Pickett	Zimmerman

Coleman	Hutchinson	Raymond	Zug
Cornell	Jadlowiec	Reinard	
Creighton	Kenney	Rohrer	
Dally	Krebs	Ross	Ryan,
DiGirolamo	Leh	Rubley	Speaker

NOT VOTING—1

Tigue

EXCUSED—9

Barley	Josephs	Roebuck	Taylor, J.
Cruz	Miller, R.	Rooney	Trich
Dailey			

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On final passage, the Chair recognizes the gentleman, Mr. Maher.

Mr. MAHER. Thank you, Madam Speaker.

Today stands to be a day that every one of us can take some pride in. A problem which has been unsolved for 45 years, we move toward a solution today. In fact, this bill when it was reported from committee became the first time in 45 years that we had had a bill dealing with the public's right to know that had advanced even that far. So today's vote is, by any account, a historic one.

This bill will put teeth into provisions for our fellow Pennsylvanians to access public records. Up until now, if a request was denied, the only real remedy was to go to the Commonwealth Court, which entailed hiring an attorney generally, the cost of travel for many, and a very long timeframe that often rendered inquiries for public records moot. This bill provides expedited decisionmaking. It requires that governments answer the question and answer the question in a way which if a record is either provided or if not, that an explanation, which will be binding upon that government, is set forth, binding in the sense that then an appeal either to a local magistrate at virtually no cost or an administrative appeal up through the next level of that government or through the common pleas court, and again, continuing the menu, Commonwealth Court is also available. I believe that with your help today, that we will ensure that all governments in Pennsylvania have a good reason to behave the way that most already do.

Candidly, most good governments answer requests without needing this law. This law is designed for those cases where the public's right to know has been infringed, and you, I believe, can all be very proud of helping make this important step forward.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the

gentleman, Mr. Vitali, from Delaware County, on final passage.

Mr. VITALI. Thank you, Madam Speaker.

I recognize that the prime sponsor of this bill was motivated by his assessment, perhaps accurate, of what could be accomplished as opposed to what he would like to accomplish, and I respect that and I compliment him on the work that he has done, so I mean no disrespect by my comments. But the reality is, Madam Speaker, we are attacking this issue, but I believe at the end of the day the problem will still exist, just as when we attacked the problem of lobbying and at the end of the day we pat ourselves on the back but the culture did not change. The reality is, with regard to this bill, we have not done enough to really change the substance of what is happening, specifically and the major flaw in this bill is we have not changed what constitutes a public record.

We have dealt with the procedure by which records can be obtained and we have undergone some clarification there, but we are not requiring the Commonwealth to give a citizen any more than he has to give to a citizen now. For example, if someone wants to see grant applications, under the current law the administration in fact has denied grant applications and can continue to deny grant applications. There are numerous examples of the inner workings of government that the public still cannot see as a result of this bill.

I think the second problem is, I think progressive open record statutes, and I know that the Greenleaf bill in the Senate did this, it shifted the burden to the Commonwealth to show or demonstrate that this is not a public record. With this bill, the burden still remains with the requester, the private citizen, and in my view, that is a weakness.

Again, I compliment the prime sponsor for his efforts, but there will be at least one "no" vote on this bill, and that, I think, is to make the point that this bill really is not going to open up the inner workings of government the way it really should.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington County, Mr. Lescovitz.

Mr. LESCOVITZ. Thank you, Madam Speaker.

Will the gentleman rise for just one more piece of interrogation?

Mr. MAHER. I am still standing.

The SPEAKER pro tempore. You may proceed.

Mr. LESCOVITZ. Thank you, Madam Speaker.

I am looking on page 4 and the 5-day written request that we just amended into the bill. My concern comes with the part of a small municipality, a small borough; sometimes they do not even have enough people to serve on council. The 5-day rule now for written requests, if you are a small municipality, when does the 5 days, 5 business days, kick in? Is it when the borough council would designate an individual to receive that or is it just when it comes through the mail?

Mr. MAHER. Thank you, Madam Speaker.

The answer is simply when it arrives at the municipality, but the concern which you hint at has been taken into consideration; in fact, appreciating, though, there are roughly 2,600 municipal governments in Pennsylvania. Probably a good third to a half of them do not have any full-time employees. Consequently, the flexibility that this new law would provide is that when there is a bona fide and specified staffing issue, that it allows that local government automatically an additional 30 days in which to respond. They simply must share that information with the requester rather than leave them out just hanging.

Mr. LESCOVITZ. Madam Speaker, could you tell me where in the bill, because I did not see that 30 days, where is that 30 days in the legislation?

Mr. MAHER. My arms are not as long as they used to be, Madam Speaker, so bear with me.

Madam Speaker, it might be easier, and this is why I was having difficulty spotting it, is that it is actually included— The current text is what we just amended, amendment 1088. In fact, if you look at 1088, page 3, line 38 speaks to it.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Horsey, on final passage.

Mr. HORSEY. Thank you, Madam Speaker.

Madam Speaker, may I interrogate the maker of the bill?

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

Mr. HORSEY. Thank you, Madam Speaker.

Madam Speaker, what is the definition of “record” in your bill, Madam Speaker? Could you give me a general oversight?

Mr. MAHER. The definition of “record” is essentially unchanged. In the context of what constitutes a public record, it is essentially unchanged. The goal of this bill is not to redefine what is a public record, although that is a very important question; the goal of this bill is to deal with the vast majority of the concerns that you and I and others have likely heard from constituents when there is something which is clearly a public record that they have been denied access to. This really gets at accessing public records, not trying to redefine them. That work we must take up another day.

Mr. HORSEY. Madam Speaker – and I am only asking these questions for clarity, personal clarity, because I did not get the clarity in the bill – Madam Speaker, if I am in the National Guard and I am examined by a doctor and I am out of the National Guard and that information is within the confines of the government somewhere that I had a physical exam, so on and so forth, in their records, if the Insurance Commission decides they want to know more about me because I have applied for some type of special insurance, if they put a request in for that information, would they be eligible for that information?

Mr. MAHER. I cannot offer you an authoritative answer, but I would simply start off with saying, I hope not. But you do raise one of the reasons that the definition of “public record” is really beyond the scope of this bill, because the definition of “public record” must not only consider the vast repository of information that this government has but must respect the privacy of the individuals for whom information is on file with the government, whether or not they opted to have that information or volunteered that information, and with a further complication of protecting security issues, protecting the ability for ongoing investigations, and it is balancing all these issues – security, privacy, and the right to know – which is going to be a lot of work that we need to undertake in order to redefine what a public record is. But I am afraid I am not enough of a legal scholar to answer if under current law that condition would be a public record.

Mr. HORSEY. Madam Speaker, if there is a duty to respond in 5 or is it 10 days now, with the amendment? Is it 10 days, the duty to respond?

Mr. MAHER. For a local government unit, it is 5 days; for the Commonwealth, it is 10 days.

Mr. HORSEY. Madam Speaker, is there a duty somewhere articulated in the bill to let the person whom the information is being sought on, to give him the duty or the government agency to

know or let that person know?

Mr. MAHER. That is a very good question and a very interesting idea, but it is not part of this proposal.

And I would add, though, that one of the answers that the government may give is that the information is not a public record, and they in fact may redact information. Let us say that there is some report where much of this is public information, but it also includes private personal information. The government is still permitted to redact that private personal information and then provide the balance that might be public.

But in terms of that specific set of facts, I can only tell you, I hope that is not a public record, but I am unable to offer an authoritative opinion.

Mr. HORSEY. Just one more question, Madam Speaker.

If I file my Federal income taxes, the general public does not have a right to that, but if my child applies for PHEAA (Pennsylvania Higher Education Assistance Agency) money and he puts a great deal of financial information in that PHEAA application to get State funds, could someone come along and request information on me as a PHEAA student in State government relative to that information?

Mr. MAHER. Again, Madam Speaker, I think you point to one of the reasons that there is a very desirable effort ahead of us to redefine what is a public record, because the answers to these sorts of questions ought to be crystal clear in statute, not depending upon 45 years’ worth of case law, and because it does depend on 45 years’ worth of case law, I cannot give you simple answers. We need to head ultimately towards a standard where we can have those simple answers, but today’s bill is really dealing with access to those things which are public records, and hopefully, maybe this time next year we will have defined balancing the needs of privacy and security with the public’s right to know.

Mr. HORSEY. Thank you, Madam Speaker.

On the bill, Madam Speaker?

The SPEAKER pro tempore. You may proceed.

Mr. HORSEY. Madam Speaker, there is no doubt in my mind, Madam Speaker, that once we vote on this bill – and it is going to pass – that this will be in front of both the State Supreme Court and probably under the U.S. Supreme Court, under the rights of individuals’ privacy.

So I am not going to say vote for it or against it. Clearly, the gentleman has the votes for it, but inevitably, this bill will be in the State Supreme Court and the U.S. Supreme Court under the acts of privacy.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—190

Adolph	Egolf	Maher	Saylor
Allen	Evans, D.	Maitland	Schroder
Argall	Evans, J.	Major	Schuler
Armstrong	Fairchild	Manderino	Scrimenti
Baker, J.	Feese	Mann	Semmel
Baker, M.	Fichter	Markosek	Shaner

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

NAYS-1

Vitali

NOT VOTING-2

Hennessey Horsey

EXCUSED-9

Barley	Josephs	Roebuck	Taylor, J.
Cruz	Miller, R.	Rooney	Trich
Dailey			

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.

VOTE CORRECTION

The SPEAKER pro tempore. For what purpose does the

gentleman, Mr. Hennessey, rise?

Mr. HENNESSEY. Thank you, Madam Speaker.

Madam Speaker, on the last vote, HB 2100, my switch malfunctioned. I intended to be voted in the affirmative.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. HENNESSEY. Thank you.

The SPEAKER pro tempore. His remarks will be spread upon the record.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1281, PN 3316**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driving while operating privilege is suspended or revoked.

On the question,

Will the House agree to the bill on third consideration?

Mr. HANNA offered the following amendment No. **A0891**:

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

and for scope and application of provisions relating to size, weight and load.

Amend Bill, page 2, line 11, by striking out all of said line and inserting

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.

Section 3. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—193

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

NAYS—0
NOT VOTING—0

EXCUSED—9

Barley	Josephs	Roebuck	Taylor, J.
Cruz	Miller, R.	Rooney	Trich
Dailey			

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. SOLOBAY offered the following amendment No. A0945:

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

; prohibiting avoidance of traffic signal or sign or intersection; and providing a penalty.

Amend Bill, page 2, by inserting between lines 10 and 11

Section 2. Title 75 is amended by adding a section to read:

§ 3710.1. Prohibiting avoidance of traffic signal or sign or an intersection.

(a) Offense defined.—No person shall drive upon or across a sidewalk, driveway, parking lot or other public or private property, or otherwise drive off a roadway, in order to avoid a traffic signal or sign or an intersection.

(b) Penalty.—A person who violates subsection (a) commits a summary offense and shall, upon conviction, be subject to a fine of \$100.

Amend Sec. 2, page 2, line 11, by striking out “2” and inserting
3

On the question,

Will the House agree to the amendment?

PARLIAMENTARY INQUIRY

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

Mr. VITALI. Madam Speaker, not on the amendment but parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. VITALI. It is my understanding that House rule 27 requires that prior to an amendment being voted on, a brief description of it be given. I know that we are lax with that rule sometimes, but I am going to ask that that be enforced for the time being; that prior to any amendment being voted on – I know there was some confusion over the last Hanna amendment – I am just going to ask that that rule be enforced for the balance of this session day.

The SPEAKER pro tempore. Exactly what is your parliamentary inquiry?

Mr. VITALI. Well, perhaps I misstated that. Well, my request is – maybe it is a point of order – but what I am going to do is request that that provision be enforced so that a brief description of the amendment be given prior to its being considered.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Solobay, for a brief description of his amendment.

Mr. SOLOBAY. Thank you, Madam Speaker.

Basically what this amendment is going to prohibit is people trying to shortcut through parking lots, gas stations, anything, private property, to avoid sitting at a red light, trying to bypass a way around the light.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cumberland County, Mr. Gabig.

Mr. GABIG. Madam Speaker, would the gentleman rise for a brief interrogation? He has already risen.

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

Mr. GABIG. Is this currently not against the law?

Mr. SOLOBAY. My understanding is, that is correct; it is not against the law to bypass through someone’s parking lot, a business parking lot, to avoid sitting at a red light.

Mr. GABIG. And I guess the gist of your amendment would be

the intent element; that if somebody went through to avoid an intersection, the prosecution would have to prove an intent beyond a reasonable doubt that the purpose was to in fact avoid an intersection. Is that it?

Mr. SOLOBAY. That is correct. It has become a safety issue with a lot of businesses that sit on a corner of an intersection – people coming in and out of the store, whatever, and these cars are flying through the parking lot, not really caring about going into that establishment; people walking through the lot not anticipating someone scooting through at a higher rate of speed. That is the situation.

Mr. GABIG. Well, I guess that current law is right now careless driving.

But just staying with you have to prove an intent of why somebody is doing this, what would be the type of proof that a prosecutor or a police officer would bring to prove what the person's intent was as they were making this type of traffic maneuver?

Mr. SOLOBAY. I would imagine – and this is all speculation on my part – that if the traffic is backed up and they see someone that just shoots right through a particular piece of property, with no intention or even looking as if they were planning on stopping, whether it be a store or, even worse, someone's actual personal property, you know, no plan to even stop or visit at that particular property, again, it could become very subjective – I can understand your point – but I think, from what I understand, talking to folks who are complaining about this issue, it is pretty blatant; you could tell that there was no intent for them to come onto that property to do any work there. Their whole intent was, they were just shooting to bypass the intersection and sitting at that light.

Mr. GABIG. If, for example, you pulled into a gas station that was at an intersection with an initial intent to get some gas, realized you did not have any money, and then drove through on the other side and a police officer was sitting there, could he cite you, stop you and cite you, for violating that?

Mr. SOLOBAY. Well, I think before you figured out you were not going to stop for gas, you would have slowed down to check to see if your wallet or something was there. You know, I think if they sit at the pump for a second and then pull away, that would show that they had some intention of doing something other than trying to bypass the intersection.

Mr. GABIG. I guess in my experience in the D.A.'s office, this is not the first time that I have ever dealt with this, and I often thought that it was very difficult to prove these intent elements on these types of offenses. I mean, how do you prove whether somebody is trying to cut through a light or whether they just changed their mind, and I think it is almost going to be, unless the person admits it – yeah, I was trying to run the light or cut through the shortcut – it is going to be awful difficult, and I see a lot of litigation ahead.

So that is the concern I have with the amendment, and because of that, well intended, but I am just not going to be able to support it. I appreciate the intent, though, of the gentleman.

Thank you, Madam Speaker.

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

The following roll call was recorded:

YEAS—166

Adolph	Eachus	Maitland	Semmel
Allen	Evans, D.	Major	Shaner
Argall	Fairchild	Mandirino	Smith, B.
Armstrong	Feese	Mann	Smith, S. H.
Baker, J.	Fichter	Markosek	Solobay
Bard	Fleagle	Marsico	Staback
Barrar	Flick	Mayernik	Stairs
Bastian	Frankel	McCall	Steelman
Bebko-Jones	Freeman	McGeehan	Steil
Belardi	Gannon	McGill	Stern
Belfanti	Geist	McIlhinney	Stetler
Bishop	George	McNaughton	Stevenson, T.
Boyes	Gordner	Melio	Strittmatter
Brooks	Grucela	Micozzie	Sturla
Browne	Gruitza	Myers	Surra
Bunt	Haluska	Nailor	Tangretti
Butkovitz	Hanna	Oliver	Taylor, E. Z.
Buxton	Harhai	Pallone	Tigue
Caltagirone	Harhart	Perzel	Travaglio
Casorio	Harper	Petrarca	Trello
Cawley	Hasay	Petrone	Tulli
Civera	Hennessey	Phillips	Turzai
Clark	Herman	Pickett	Vance
Clymer	Hershey	Pippy	Veon
Cohen, L. I.	Hess	Pistella	Vitali
Cohen, M.	Horsey	Preston	Walko
Colafella	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington
Cornell	Keller	Reinard	Waters
Corrigan	Kenney	Rieger	Watson
Costa	Kirkland	Robinson	Williams, J.
Coy	Krebs	Rohrer	Wojnaroski
Creighton	LaGrotta	Ross	Wright, G.
Curry	Laughlin	Rublely	Wright, M.
Daley	Lawless	Ruffing	Yewcic
Dally	Lederer	Sainato	Youngblood
DeLuca	Leh	Samuelson	Yudichak
Dermody	Lescovitz	Santoni	Zimmerman
DeWeese	Levdansky	Sather	Zug
DiGirolo	Lewis	Schroder	
Diven	Lucyk	Schuler	Ryan,
Donatucci	Maher	Scrimenti	Speaker

NAYS—26

Baker, M.	Forcier	Mackereth	O'Brien
Benninghoff	Gabig	McIlhattan	Roberts
Birmelin	Godshall	Metcalfe	Saylor
Blaum	Habay	Miller, S.	Stevenson, R.
Cappelli	Hutchinson	Mundy	Thomas
Egolf	Jadlowiec	Nickol	Wilt
Evans, J.	Lynch		

NOT VOTING—1

Michlovic

EXCUSED—9

Barley	Josephs	Roebuck	Taylor, J.
Cruz	Miller, R.	Rooney	Trich
Dailey			

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

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

Mr. GEORGE offered the following amendment No. A0949:

Amend Title, page 1, line 2, by inserting after “for”
 expiration and renewal of drivers’ licenses and for

Amend Sec. 1, page 1, lines 6 and 7, by striking out all of said lines
 and inserting

Section 1. Sections 1514(b) and 1543(b)(1) of Title 75 of the
 Pennsylvania Consolidated Statutes are amended to read:

§ 1514. Expiration and renewal of drivers’ licenses.

* * *

(b) Examination of applicants for renewal.—

(1) The department may require persons applying for
 renewal of a driver’s license to take and successfully pass a
 physical examination or a vision examination by an optometrist or
 ophthalmologist, or both examinations, if the department has reason
 to believe, either based on knowledge of the person or on statistical
 inference, that the person may be a traffic safety hazard.

(2) The department may require the applicant to take and
 successfully pass such additional tests as the department may find
 reasonably necessary to determine the applicant’s qualification
 according to the type or general class of license applied for and
 such examination may include any or all of the other tests required
 or authorized upon original application by section 1508 (relating to
 examination of applicant for driver’s license).

(3) A person who is required to take and successfully pass
 an additional test that includes parking skills shall be given the
 option to demonstrate such skills by parking in an angled space
 instead of a parallel parking space. This paragraph shall not apply
 to renewal of commercial drivers’ licenses.

(4) Upon refusal or neglect of the person to submit to the
 examination, the driver’s license shall not be renewed until such
 time as the examination is successfully completed.

* * *

On the question,

Will the House agree to the amendment?

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

Mr. GEORGE. Madam Speaker, I will try not to be very long,
 but a problem continues to be presented to many legislators,
 myself included, and that is the matter that for some reason
 when individuals are required to be tested again to hold their
 driver’s license, they are put to a certain situation called parallel
 parking, and, Madam Speaker, where hundreds of thousands of our
 people today are utilizing malls and courtyards and every other
 type of parking, it just does not make sense for the department to
 insist that it is conducive to an individual’s ability to drive whether
 he can park or not, especially— If I can have a little quiet,
 Madam Speaker.

The SPEAKER pro tempore. The gentleman deserves to be
 heard. Could we please have quiet in the hall of the House, and the
 conversations at the rear of the House, would the gentlemen please
 sit down.

Mr. GEORGE. Thank you, Madam Speaker.

So with it today, with the larger automobiles and the sonars
 they put on the bumpers so that you can detect how close you are
 coming, all my amendment says is that if a person is required to
 pass a test for renewal of a driver’s license that includes parking
 skills, the person shall have the option to parallel park or park in
 angled parking and other spaces.

So these drivers were licensed before. They know their
 limitations. We are going to require them to take every other part
 of the test, but we ask that you agree with this. This is very
 important, in my opinion. Thank you.

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

Mr. HORSEY. Thank you, Madam Speaker.

Madam Speaker, I am going to vote for this amendment, but
 I am also going to be cautious that giving examiners discretion to
 provide other tests will not at some point in time become
 discriminatory, based on people’s ability, physical ability, thus we
 have opened another can of worms. Based on people’s physical
 ability – and some folks may have disabilities – we are providing
 an additional test. I mean, if a person is blind in one eye and you
 require him to back up on the left side where his blind eye is, then
 you in fact are discriminating against the person. I am going to
 vote for the amendment, but at the same time, I am leery about
 giving examiners discretion in that they might at some point in
 time be discriminating without them knowing it.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—159

Adolph	Eachus	Lucyk	Sather
Allen	Evans, D.	Lynch	Schuler
Argall	Evans, J.	Mackereth	Scrimenti
Baker, J.	Feese	Maher	Semmel
Baker, M.	Fichter	Manderino	Shaner
Bard	Fleagle	Mann	Smith, B.
Barrar	Flick	Markosek	Solobay
Bastian	Frankel	Marsico	Staback
Bebko-Jones	Gabig	Mayernik	Stairs
Belardi	Gannon	McCall	Steelman
Belfanti	Geist	McGeehan	Stevenson, R.
Bishop	George	McGill	Stevenson, T.
Boyes	Godshall	McIlhattan	Strittmatter
Browne	Grucela	McIlhinney	Sturla
Bunt	Gruitza	Michlovic	Surra
Butkovitz	Habay	Micozzie	Tangretti
Buxton	Haluska	Miller, S.	Taylor, E. Z.
Caltagirone	Harhai	Mundy	Thomas
Cappelli	Harhart	Myers	Travaglio
Casorio	Harper	Nailor	Trello
Cawley	Hasay	O’Brien	Tulli
Civera	Herman	Oliver	Vance
Clymer	Hershey	Pallone	Veon
Cohen, L. I.	Horsey	Perzel	Vitali
Cohen, M.	Hutchinson	Petrarca	Walko
Colafella	Jadlowiec	Petrone	Wansacz
Coleman	James	Phillips	Washington
Cornell	Kaiser	Pickett	Waters
Corrigan	Keller	Pippy	Watson
Costa	Kenney	Pistella	Williams, J.
Coy	Kirkland	Raymond	Wilt
Creighton	Krebs	Readshaw	Wojnaroski
Curry	LaGrotta	Reinard	Wright, M.
Daley	Laughlin	Rieger	Youngblood
Dally	Lawless	Roberts	Yudichak
DeLuca	Lederer	Robinson	Zimmerman
Dermody	Leh	Rublely	Zug
DeWeese	Lescovitz	Ruffing	
DiGirolamo	Levdansky	Sainato	Ryan,
Diven	Lewis	Samuelson	Speaker
Donatucci			

NAYS—33

Armstrong	Freeman	Metcalf	Smith, S. H.
Benninghoff	Gordner	Nickol	Steil
Birmelin	Hennessey	Preston	Stern
Blaum	Hess	Rohrer	Stetler
Brooks	Maitland	Ross	Tigue
Clark	Major	Santoni	Turzai
Egolf	McNaughton	Saylor	Wright, G.
Fairchild	Melio	Schroder	Yewcic
Forcier			

NOT VOTING—1

Hanna

EXCUSED—9

Barley	Josephs	Roebuck	Taylor, J.
Cruz	Miller, R.	Rooney	Trich
Dailey			

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Surra, on final passage.

Mr. SURRA. Thank you, Madam Speaker.

Madam Speaker, I rise briefly to speak against the final passage of HB 1281, and while it might seem at first glance a good idea to increase the penalties for driving under a suspended or revoked license, but, Madam Speaker, representing a rural area, too often I run into people that have to drive, and you have all seen them in your district offices, Madam Speaker, that they are suspended and they are driving back and forth to work. We have no public

transportation in many parts of our districts, and these people must drive, they are forced to drive, to take care of their families.

We already have very serious, strict penalties. We are taking it from a summary offense to a third-degree misdemeanor. We raised the fine from \$1,000, which is fairly stiff, to \$2,500, and up to 1 year in jail. What I am afraid that we might do, Madam Speaker, is we might end up with a situation where district magistrates are very reluctant to convict on this because of the things that I mentioned previously.

So while I would like to support legislation like this, Madam Speaker, because of the difficult situation many people are already under, I think these increased penalties are not needed and unwarranted, so I am voting “no.” Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Madam Speaker.

Will the sponsor of the bill stand for interrogation?

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

Mr. MICHLOVIC. Thank you, Madam Speaker.

Do you have any evidence that this increase of penalties in this size and this range has any effect as a deterrent? Is there any evidence in any other State across the country that these kinds of penalties, the size and seriousness of this penalty actually deters somebody from getting in their car and causing accidents?

Mr. NAILOR. While I do not have statistics, Madam Speaker, we recently met with our local court of common pleas judges and members of the appellate court, members of the Supreme Court, and local legislators, talking about some of the issues of importance to them, legislative issues and vice versa, and three or four issues were brought up, and it surprised me that one of the issues was the fact that people are driving with suspended licenses, particularly those licenses suspended for DUI (driving under the influence) purposes, and that is what this bill addresses. They said that their hands are kind of tied right now, because all they can do is slap them on the wrist and send them back, knowing they are going to be back driving again with no insurance and with suspended licenses on the streets, with your constituents and with my constituents. They actually asked for more severe penalties than what are in this piece of legislation. This does not go as far as what they recommended, but it is the next step up.

So I think our courts are seeing a difficult problem. They have asked for more serious penalties, and this bill does provide those penalties.

Mr. MICHLOVIC. Did any of the participants in that meeting offer another solution, which might be to provide a work license as an alternative—

Mr. NAILOR. Like a bread-and-butter license? Like we have already, except for DUI—

Mr. MICHLOVIC. Adding DUI to the bread-and-butter license.

Mr. NAILOR. No. I think that it was the General Assembly that specifically excluded the bread-and-butter license for DUI offenses, as I recall.

Mr. MICHLOVIC. I know that, but none of the judges or any of the people in your meeting recommended that we put the DUI on the bread-and-butter license?

Mr. NAILOR. No, Madam Speaker, they did not.

Mr. MICHLOVIC. Okay. Thank you.

Madam Speaker, I would like to make a comment.

The SPEAKER pro tempore. You may proceed.

Mr. MICHLOVIC. Madam Speaker, I do not know about you, but I am getting more and more people coming into my office that cannot get to work. The gentleman, Mr. Surra, talked about being in a rural area. I am in an urban area, and even though we have transit throughout our city and county, we still have a lot of people that are driving under suspension and they have got to get in that car so they can get to work and make a living for their family. We are driving them out.

We have got to understand that at the same time we are increasing these penalties, we do not have a bread-and-butter license for DUI. Most States do. That is why most States do not have the same kind of problem. The reason those people are driving under a suspended license is, they do not have a choice; we do not give them a choice. We are pushing them; we are making criminals out of them. Now we are going to put them in jail for a year. What is that going to do to their families? We are going to drive a family into poverty over this.

This is not an answer, and I am not standing here suggesting that I have an answer. It might be a bread-and-butter license for DUI cases. It might be an automatic Breathalyzer or something

like that on all these kinds of cases. There are a myriad of solutions here, but the ones that we have – stiffer penalties, higher fines, longer times in jail – simply are not working. We have got to understand that they are not working. Worse than that, they are pushing people to drive in a criminal fashion, on a suspended license.

Madam Speaker, I think we need to rethink this whole process and get some sanity into the process, take a look at what some other States are doing, and come up with a solution that works. It is pretty obvious that higher penalties are not working in Pennsylvania. It has not cut the number of people driving under the influence of alcohol. And for that reason I am going to oppose 1281, and I ask that you do as well.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Columbia County, Mr. Gordner.

Mr. GORDNER. Thank you, Madam Speaker.

I just want to make sure that the previous speakers understand what the current law is and what the proposed bill does.

Under the current law, if you are caught driving while you are under suspension for a DUI-related offense, there is a mandatory \$1,000 fine and a sentence of not less than 90 days. They are both “shall” provisions in the law – \$1,000 fine; sentence of not less than 90 days.

Under the way this bill is drafted, it now becomes a misdemeanor of the third degree, and you now have given to the court the discretion of giving the offender up to a year’s sentence. The judge can give a 10-day sentence, a 1-month sentence, a 6-month sentence, a 9-month sentence. Under the provision of this bill, it is now discretionary from 1 day to 1 year. Likewise, the fine is now discretionary, up to \$2,500. The fine could be \$100; it could be \$500; it could be \$1,000; it could be \$2,000. What this bill does now is give it a discretionary range, and I want to make sure that the previous speakers understand that is what this bill does.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Cumberland County, Mr. Nailor.

Mr. NAILOR. Thank you, Madam Speaker.

One other point I would like to point out to one of the previous speakers, among those issues discussed by these judges, one of their disappointments was that we pass too many laws where we take away people’s licenses, and we seem like we are doing that for every issue and that we ought to reconsider that in some of the cases, so what you are saying was in fact discussed. And as the previous speaker said, in the existing law there is a mandate. It is \$1,000 and it is 90 days. If there is any discretion allowed by the judges on the individual, in the individual case, that is under the new law, if this is enacted into law. Under my bill they would have that discretion. It would not have to be the \$1,000 and 90 days under certain cases, but it could be more, and of course, it would be a misdemeanor.

Madam Speaker, this is an issue that MADD mothers (Mothers Against Drunk Driving) have brought up for a number of years. We talked about this issue whenever we dealt with automobile insurance reform, that there are far too many people driving on the streets of Pennsylvania, down our highways, in our districts, that are not insured, do not have a driver’s license, and it is not really a big deal to them. Well, it should be a big deal, because when someone is hurt and there is damage – and habitual

DUI offenders are the most dangerous of all – this bill puts some meat in the penalty and gives our judges some options, and I ask for an affirmative vote.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Cumberland County, Mr. Gabig.

Mr. GABIG. Thank you, Madam Speaker.

And I apologize for getting up late, but what the maker of the bill just said, I just wanted to add to that. I want to compliment him on his work for this.

It also, for those previous speakers, gives more rights to a defendant. They will have a jury trial right; they will have a jury trial right with the misdemeanor that they would not have had with the summary offense. And quite frankly, that 90-day mandatory and \$1,000 fine is a very stiff penalty for many cases, and it will give, as someone already said, more discretion, so that if somebody has a much worse record, they can get a tougher penalty, but if they do not, they will actually get a lesser penalty.

So I just wanted to add that, and I apologize again for speaking after Mr. Nailor, but his comments just brought that to mind.

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

Mr. HORSEY. Thank you, Madam Speaker.

Madam Speaker, may I interrogate the maker of the bill?

The SPEAKER pro tempore. Does the gentleman agree to interrogation? The gentleman agrees. You may proceed.

Mr. HORSEY. Thank you.

Madam Speaker, this bill specifically says, if a person has been convicted of drunk driving or substance abuse. Is that true, Mr. Speaker?

Mr. NAILOR. That is correct.

Mr. HORSEY. So he has been found guilty of drunk driving. Is that correct, Mr. Speaker?

Mr. NAILOR. That is correct.

Mr. HORSEY. And, Mr. Speaker, he does not have a license and he is driving again. Is that correct, Mr. Speaker?

Mr. NAILOR. That is correct.

Mr. HORSEY. Thank you, Mr. Speaker.

Madam Speaker, some of this is not rocket science. I do not want recidivists of this type endangering people’s lives on the street. This is common sense. None of us wants a person who has been found guilty of using drugs and/or alcohol, been convicted, has had his license taken away, and he is driving. This is not rocket science.

I urge a “yes” vote for this bill. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—186

Adolph	Egolf	Lynch	Saylor
Allen	Evans, D.	Mackereth	Schroder
Argall	Evans, J.	Maher	Schuler
Armstrong	Fairchild	Maitland	Scrimenti
Baker, J.	Feese	Major	Semmel

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

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 recurring,
Will the House concur in Senate amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Maher, for the purpose of suspension.

Before the gentleman makes his motion, I would like to remind the gentleman and also the gentleman, Mr. Preston, that this bill was previously before us on March 13 and they have already spoken once on the issue.

The Chair now recognizes the gentleman, Mr. Maher, for the purpose of making a motion.

Mr. MAHER. Madam Speaker, it is a pleasure to be before you again today.

I had risen to ask the House to consider a motion to suspend the rules for the consideration of an amendment to this bill. My anticipation had been to offer that motion in the hopes that we would have had an understanding with our colleagues across the building, because the underlying bill here by Representative Oliver is an outstanding proposal, and I must comment that he has been extraordinarily gracious in working patiently in the hopes that we could sort out the issue this amendment was supposed to serve.

So I am not going to make my motion to suspend – and this will constitute my second time speaking on the bill – and with great regret, I must, on concurrence, remind the members that this bill would serve to put obligations on free market operators of limousines in Allegheny County. The mom-and-pops stand to suffer irreparable harm at our hands on this bill as currently

written, and why we as Republicans should be supporting this on our side of the aisle is a rather extraordinary question.

Thank you, Madam Speaker.

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Oliver, that the House concur in the amendments inserted by the Senate.

On that question, the Chair recognizes the gentleman from Allegheny County, Mr. PIPPY.

Mr. PIPPY. Thank you, Madam Speaker.

A few final words on concurrence.

On behalf of my colleague, Senator Murphy, who is the maker of this amendment, I would ask that you would concur with this bill.

Let me make it very clear, just in case there is a question out there, right now in Pennsylvania, in 66 counties, if you operate a limousine, you are regulated under the PUC (Public Utility Commission), which has a minimal standard dealing with safety, insurance, and also, if you have a complaint against a limo operator in 66 counties, you call the PUC and they can help you handle the complaint. In Allegheny County, only if you want to do business with the airport can you do that. Otherwise, there is no regulation whatsoever in Allegheny County dealing with limousines, meaning there is no minimal safety standard; there is

NAYS—7

Cohen, M.	Michlovic	Robinson	Surra
Jadlowiec	Pallone	Steelman	

NOT VOTING—0

EXCUSED—9

Barley	Josephs	Roebuck	Taylor, J.
Cruz	Miller, R.	Rooney	Trich
Dailey			

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.

CALENDAR CONTINUED

BILL ON CONCURRENCE

no requirement for registration to know who is operating, what they are doing, and because of that, we have had a large number of complaints.

And we just recently passed a bill earlier this day that talked about open access and talked about making a simple standard across the Commonwealth of Pennsylvania so that an individual who wanted access would not have to go through the legal process. Well, right now in Pennsylvania, you would have to go through that legal process if you are having problems with a limo operator in Allegheny County alone.

So I would ask that my colleagues make the playing field a level playing field for all limo operators in Pennsylvania and concur with this bill.

Thank you, Madam Speaker.

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

Mr. PRESTON. Thank you, Madam Speaker.

I would ask that we concur in the Senate amendments.

The amendments do not just deal with Allegheny County. The Senate amendments also deal with something for the Department of Corrections, I think, which straightens out some of the problems the Department of Corrections has been having with the collect-call system.

I do not know what the gentleman is talking about, about not being for free markets. I think it is a good business bill. I think things are going to be very competitive in Allegheny County. It helps the big guy and the little guy to be able to go along with more competitiveness, and it is also clearly responsible who is for the licensure.

So I would ask for us to concur in 1402. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington County, Mr. Solobay.

Mr. SOLOBAY. Thank you, Madam Speaker.

I also rise in favor of concurrence of bill 1402.

I have been approached by several of the licensed limousine operators in Washington County and other areas in southwestern Pennsylvania who have also asked for the same level playing field that this bill offers. Secondly, it also provides for a great consumer protection benefit.

And as earlier speakers had mentioned, level playing field, consumer protection, it makes this bill an automatic, and I ask for everyone's concurrence.

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

Mr. OLIVER. Thank you, Madam Speaker.

Although I am not from Allegheny County, I understand the situation there and the problem, so because of that, Madam Speaker, I am also asking for concurrence in HB 1402. Thank you.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—189

Adolph	Egolf	Mackereth	Schroder
Allen	Evans, D.	Maitland	Schuler
Argall	Evans, J.	Major	Scrimenti

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

NAYS—3

Habay Maher Metcalfe

NOT VOTING—1

Taylor, E. Z.

EXCUSED—9

Barley	Josephs	Roebuck	Taylor, J.
Cruz	Miller, R.	Rooney	Trich
Daley			

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

Ordered, That the clerk inform the Senate accordingly.

PARLIAMENTARY INQUIRY

Mr. COY. Madam Speaker?

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

Mr. COY. I would like to make a point of parliamentary inquiry of the Chair.

I did not interrupt debate during the last—

The SPEAKER. The gentleman has a point of parliamentary inquiry. Could we please hear what that inquiry may be. Could we have quiet in the hall of the House. Could we please have quiet along the sides, too. Could the gentlemen disperse, please.

Mr. COY. Thank you, Madam Speaker.

I did not interrupt the debate during the course of the last bill, but I heard the Chair, I heard the Chair caution the gentlemen from Allegheny County, Mr. Maher and Mr. Preston, about the fact that they had spoken previously on this issue on another day, and I am wondering if the ruling of the Chair was because the matter was put over and not given a vote on the previous day. Is that the reason for the ruling, and is that the reason for the limitation on debate?

The SPEAKER pro tempore. It is under rule 10, sir, that no member can speak more than twice on any issue, and even though it was on a different day, it does not change that; it is still the same bill.

Mr. COY. But had there been a vote, Madam Speaker, and then had the matter come back before us either on reconsideration or if the matter had been recommitted to a committee, my point is, does that same limitation apply under those circumstances?

The SPEAKER pro tempore. If it is being reconsidered, the question starts all over again, so, no, to answer your question, it does not apply.

Mr. COY. And might we just inquire about who keeps the record on these?

The SPEAKER pro tempore. The official recorder, and that was checked before that statement was made.

Mr. COY. Thank you, Madam Speaker.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1964, PN 3374**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for lighted head lamps in highway work areas.

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

Mr. **McCALL** offered the following amendment No. **A0868**:

Amend Sec. 1 (Sec. 4309), page 1, line 9, by inserting before “Head”

(a) General rule.—

Amend Sec. 1 (Sec. 4309), page 1, by inserting between lines 14 and 15

(b) Penalty.—A person who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$25. A person shall not be convicted of a violation of subsection (a) unless the person is also convicted of another violation of this title which occurred at the same time. Costs under 42 Pa.C.S. § 1725.1 (relating to costs) shall not be imposed for conviction under this subsection, nor shall conviction under this subsection constitute a moving violation.

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

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

Mr. **McCALL**. Thank you, Madam Speaker.

Madam Speaker, this amendment simply changes the penalty provisions of the law. It changes the penalty to secondary enforcement, which means you have to be convicted of another violation before this violation would apply.

I would ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—1

Clymer

EXCUSED—9

Barley	Josephs	Roebuck	Taylor, J.
Cruz	Miller, R.	Rooney	Trich
Dailey			

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

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

The SPEAKER pro tempore. Does the gentleman, Mr. McCall, have another amendment? That amendment has been withdrawn. The Chair thanks the gentleman.

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

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

The following roll call was recorded:

YEAS—192

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

Cohen, M.	Hutchinson	Pickett	Walko
Colafella	Jadlowiec	Pippy	Wansacz
Coleman	James	Pistella	Washington
Cornell	Kaiser	Preston	Waters
Corrigan	Keller	Raymond	Watson
Costa	Kenney	Readshaw	Williams, J.
Coy	Kirkland	Reinard	Wilt
Creighton	Krebs	Rieger	Wojnarowski
Curry	LaGrotta	Roberts	Wright, G.
Daley	Laughlin	Robinson	Wright, M.
Dally	Lawless	Rohrer	Yewcic
DeLuca	Lederer	Ross	Youngblood
Dermody	Leh	Rubley	Yudichak
DeWeese	Lescovitz	Ruffing	Zimmerman
DiGirolamo	Levdansky	Sainato	Zug
Diven	Lewis	Samuelson	
Donatucci	Lucyk	Santoni	
Eachus	Lynch	Sather	Ryan,
Egolf	Mackereth		Speaker

NAYS—0

NOT VOTING—1

Schroder

EXCUSED—9

Barley	Josephs	Roebuck	Taylor, J.
Cruz	Miller, R.	Rooney	Trich
Dailey			

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

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

* * *

The House proceeded to third consideration of **SB 955, PN 1775**, entitled:

An Act providing for adoption of a vaccination policy at institutions of higher education and for vaccination against meningococcal disease for students at institutions of higher education.

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

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

The following roll call was recorded:

YEAS—193

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

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Barley	Josephs	Roebuck	Taylor, J.
Cruz	Miller, R.	Rooney	Trich
Dailey			

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

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

The SPEAKER pro tempore. There will be no further votes today. We do have some committee reports as well.

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the lady

from Chester County, Mrs. Taylor.

Mrs. TAYLOR. Thank you, Madam Speaker.

I would like to be recorded on HB 1402 as a concurrence vote. The SPEAKER pro tempore. Does the lady wish to be recorded in the affirmative?

Mrs. TAYLOR. In the affirmative on the concurrence vote.

The SPEAKER pro tempore. The Chair thanks the lady.

Mrs. TAYLOR. Thank you very much.

**ANNOUNCEMENT BY
SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. Some information for Republican members: On March 26 at 9 a.m. on the House floor, RITS (Republican Information Technology Services) staff will be providing members with a brief overview of the new House floor e-mail system. The purpose of this presentation is to explain the necessity for the upgrade, point out new features, and answer any questions members may have regarding the recent upgrade. In addition to this presentation, an RITS staff member will be stationed on the House floor on March 25 and 26 to answer any questions regarding the upgrade.

**CHILDREN AND YOUTH
COMMITTEE MEETING**

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Birmelin.

Mr. BIRMELIN. Thank you, Madam Speaker.

I do not know if you made the announcement earlier or not, but we are scheduled to have a meeting of the Children and Youth Committee right now in the back of the hall of the House. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

In case you did not hear, there is a meeting immediately in the rear of the House for the Children and Youth Committee.

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Washington.

Ms. WASHINGTON. Thank you, Madam Speaker.

Madam Speaker, on amendment 945, the Solobay amendment, my switch malfunctioned. I would like to be recorded in the negative.

The SPEAKER pro tempore. The Chair thanks the lady. The remarks will be spread upon the record.

**CHILDREN AND YOUTH
COMMITTEE MEETING**

The SPEAKER pro tempore. The Chair again recognizes the chairman, Mr. Birmelin.

Mr. BIRMELIN. Thank you, Madam Speaker.

I misspoke. The meeting is not going to be in the back of the hall of the House. It is going to be in room 40, I believe; 40 East Wing. Thank you.

The SPEAKER pro tempore. Again, the meeting will be held in 40 East Wing, according to Chairman Birmelin.

STATEMENT BY DEMOCRATIC LEADER

The SPEAKER pro tempore. The Chair recognizes the minority leader, Mr. DeWeese.

Mr. DeWEESE. Thank you, Madam Speaker.

I just wanted to remind my Republican colleagues especially and the Assembly in general that several weeks ago when the Republican whip, Mr. Smith, and I had a brief colloquy on campaign finance reform, the gentleman from Punxsutawney, Pennsylvania, indicated that the Republican Caucus would come back to this chamber in the future and work on what he considered a real campaign finance reform proposal.

I am only politely reminding the gentleman of his declaration, and I would like to go on record as saying that subsequent to Mr. Smith's commentaries here on the floor, the McCain-Feingold bill passed the United States Senate. Campaign finance reform at the national level has momentum, and I think that Mr. Smith, the Republican whip, and the leaders on the Republican side should join with Mr. Levdansky, Mr. Vitali, et al., and we should work toward some campaign finance reform. We are going to have, Madam Speaker, a lot of time, as the budget deliberations are a slow and methodical process, so our rank and file and our committees will have the time in April and May to work on Pennsylvania's campaign finance reform proposal.

So thank you for your indulgence one more time. Mr. Smith and the majority leader and my Republican colleagues, please, please, take into consideration, we have a lot of time in the next 2 months to focus on campaign finance reform for Pennsylvania, just as our brothers and sisters in the Federal Congress did in the last week or so.

Thank you very kindly.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 700, PN 3472 (Amended) By Rep. B. SMITH

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for Title 18 enforcement by Game Commission officers; and providing for trespassing violations.

GAME AND FISHERIES.

HB 1482, PN 3473 (Amended) By Rep. B. SMITH

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for the disposition of the proceeds from the special Lake Erie fishing permits.

GAME AND FISHERIES.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The majority leader moves for an immediate meeting of the Rules Committee at the majority leader's desk.

BILL REREPORTED FROM COMMITTEE

HB 237, PN 774

By Rep. PERZEL

An Act providing for unannounced inspections of certain facilities and persons that provide child day care; and conferring powers and duties on the Department of Public Welfare.

RULES.

BILL ON CONCURRENCE REPORTED FROM COMMITTEE

HB 1493, PN 2382

By Rep. PERZEL

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

RULES.

BILL RECOMMITTED

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

Mr. PERZEL. Madam Speaker, I move that HB 1493 be recommitted to the Judiciary Committee.

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

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Gabig, from Cumberland County.

Mr. GABIG. Madam Speaker, I move that this House do now adjourn until Tuesday, March 26, 2002, at 11 a.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 5:06 p.m., e.s.t., the House adjourned.