

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, NOVEMBER 12, 2002

SESSION OF 2002

186TH OF THE GENERAL ASSEMBLY

No. 71

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER (MATTHEW J. RYAN)

#### PRESIDING

#### PRAYER

The SPEAKER. The prayer will be offered by our Chaplain, the Reverend Juliann Pugh. Whipple; pardon me. She has been married since I first started introducing her.

Members and guests will please rise.

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

Let us pray:

We begin anew today, O Lord. We are focused on our agenda. I would ask that You would guide us to transfer our focus to You, if only for this brief moment, so that we would navigate our lives by the compass of Your love.

Eternal God, we give You thanks for all Your faithful people. With reverence and affection, we remember before You those who have been willing to give up so much for those of us they have never known, as did those in the 1st Battalion, 7th Cavalry. We hear their stories in the records of history and in the recollections of family and friends. Inspire us to join their ranks and be bold as they were, and brave as well. For all those who paid their share in the purchase of our freedom, we remember them with gratitude.

Almighty God, in whose hands lies the destiny of all people and nations, let not the hopes of people perish nor the sacrifices of men and women on behalf of freedom be in vain. May we all have true motivations in all we do, so that we would live our lives in such a way that service for others would become commonplace.

Holy One, enable us by Thy grace to root out from our common life the bitterness of ancient wrongs and the thirst to avenge the betrayals of long ago. Save us from the tyranny of history, and set us free in a new obedience to serve each other in this present hour. Guide us to Your way of peace.

God of all nations and peoples, we bow today to honor and to pray for those who have risked so much for our beloved homeland, conceived in liberty and dedicated to the proposition that all of Your children were created by You to be equal. Compel us to make good on our pledges. Have no patience with proud declarations unsupported by appropriate institutions and actions. What we have preached, demand we practice. Diligent in labor and faithful in duty, may we build in this place a bulwark for freedom, a stronghold for justice. For those whose

lives were lost in battle for this country's liberties, we pray that You would redeem their sacrifice, and let it accrue to the good of the dispossessed and the persecuted, the distraught and the lonely. Grant that though dead, they yet may live in our hearts.

As we come to the precipice of yet another war, we pray for the day that You promised will someday come when no nation shall draw the sword against another. Until that day, give us the strength to serve You with honor and integrity.

Grant us Your peace, O God. 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 Wednesday, October 23, 2002, will be postponed until printed. The Chair hears no objection.

#### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2759** By Representatives FREEMAN, BARD, TULLI, GODSHALL, CREIGHTON, CAPPELLI, DALEY, HENNESSEY, HORSEY, LEVDANSKY, MANN, MUNDY, RUBLEY, STEELMAN, E. Z. TAYLOR, THOMAS, TIGUE, M. WRIGHT and YOUNGBLOOD

An Act providing for the allocation of funds received through the State Energy Program for Clean Cities initiatives.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 24, 2002.

**No. 2851** By Representatives BARD, ROSS, SCHRODER, GODSHALL, GEORGE, CAPPELLI, CREIGHTON, FAIRCHILD, STEELMAN and THOMAS

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, providing for the establishment and operation of medical professional liability pretrial review screening panels.

Referred to Committee on INSURANCE, November 4, 2002.

**No. 2945** By Representatives VEON, COY, BISHOP, CASORIO, LAUGHLIN, MANN, MARKOSEK, PISTELLA, ROONEY, LAWLESS, DALEY, DeWEESE, GEORGE, G. WRIGHT, D. EVANS, WALKO, McGEEHAN, GEIST, STABACK, YOUNGBLOOD, MYERS and FREEMAN

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for Homeland Security Force.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, October 24, 2002.

**No. 2946** By Representatives VEON, COY, BISHOP, CASORIO, LAUGHLIN, MANN, MARKOSEK, PISTELLA, ROONEY, LAWLESS, DALEY, DeWEESE, GEORGE, G. WRIGHT, D. EVANS, WALKO, McGEEHAN, GEIST, STABACK, YOUNGBLOOD, MYERS, FREEMAN and DAILEY

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, creating the Department of Emergency Management and Preparedness and prescribing its functions, powers and duties; and making a repeal.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, October 24, 2002.

**No. 2947** By Representatives VEON, COY, BISHOP, CASORIO, LAUGHLIN, MANN, MARKOSEK, PISTELLA, ROONEY, LAWLESS, DALEY, DeWEESE, GEORGE, G. WRIGHT, D. EVANS, WALKO, McGEEHAN, GEIST, STABACK, YOUNGBLOOD, MYERS, FREEMAN and DAILEY

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, further providing for Emergency Management Services definitions and for radiological emergencies.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, October 24, 2002.

**No. 2948** By Representatives VEON, COY, BISHOP, CASORIO, LAUGHLIN, MANN, MARKOSEK, PISTELLA, ROONEY, LAWLESS, DALEY, DeWEESE, GEORGE, G. WRIGHT, D. EVANS, WALKO, McGEEHAN, GEIST, STABACK, YOUNGBLOOD, MYERS and FREEMAN

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for employment discrimination for military membership or duty.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, October 24, 2002.

**No. 2949** By Representatives VEON, COY, BISHOP, CASORIO, LAUGHLIN, MANN, MARKOSEK, PISTELLA, ROONEY, LAWLESS, DALEY, DeWEESE, GEORGE, G. WRIGHT, D. EVANS, WALKO, McGEEHAN, GEIST, STABACK, YOUNGBLOOD, MYERS, FREEMAN and DAILEY

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for equipment and arms.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, October 24, 2002.

**No. 2950** By Representatives T. STEVENSON, M. BAKER, BARRAR, BENNINGHOFF, CAPPELLI, CORRIGAN, DeLUCA, DERMODY, GEIST, GEORGE, HARHAI, HARHART, HASAY, HENNESSEY, HERSHEY, HUTCHINSON, JAMES, LAUGHLIN, MAJOR, McILHATTAN, R. MILLER, MYERS, PISTELLA, READSHAW, ROEBUCK, ROSS, RUBLEY, SAYLOR, SCAVELLO, SCHRODER, SCHULER, SHANER, THOMAS, WALKO, M. WRIGHT and YOUNGBLOOD

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for contributions for diabetes cure research.

Referred to Committee on FINANCE, October 24, 2002.

**No. 2951** By Representatives T. STEVENSON, BARRAR, CAPPELLI, CREIGHTON, DeLUCA, GEIST, HARPER, HERSHEY, McILHATTAN, PISTELLA, READSHAW, SAYLOR, SCAVELLO, SEMMEL, THOMAS, WALKO and YOUNGBLOOD

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, providing for prepayment of taxes.

Referred to Committee on LOCAL GOVERNMENT, October 24, 2002.

**No. 2952** By Representatives FAIRCHILD, ALLEN, M. BAKER, BARD, BASTIAN, BELFANTI, BENNINGHOFF, CAPPELLI, CLYMER, CORRIGAN, CREIGHTON, DAILEY, FLEAGLE, GEIST, GEORGE, GODSHALL, GRUCELA, HARHAI, HASAY, HERSHEY, HESS, HORSEY, JADLOWIEC, LAUGHLIN, McILHATTAN, MELIO, R. MILLER, S. MILLER, NAILOR, PETRARCA, PICKETT, PIPPY, ROSS, SATHER, SCAVELLO, SCHRODER, SHANER, SOLOBAY, STABACK, STEELMAN, STERN, R. STEVENSON, E. Z. TAYLOR, TIGUE, WATSON, WILT, G. WRIGHT, YOUNGBLOOD, COSTA, FREEMAN, G. ARMSTRONG and MICOZZIE

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for annual budget, additional or increased appropriations and transfer of funds.

Referred to Committee on EDUCATION, November 4, 2002.

**No. 2953** By Representatives LEVDANSKY, HALUSKA, TIGUE, KELLER, FREEMAN, G. WRIGHT, CURRY, GEORGE, JOSEPHS, MELIO, STURLA, HORSEY, THOMAS, LAUGHLIN, YUDICHAK and SURRA

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing the imposition of a graduated income tax.

Referred to Committee on FINANCE, November 4, 2002.

**No. 2954** By Representatives GEIST, M. BAKER, BASTIAN, CLARK, CREIGHTON, DeLUCA, GRUCELA, HARHAI, HARHART, HENNESSEY, HERSHEY, HORSEY, KELLER, MANN, PHILLIPS, PIPPY, PISTELLA, ROSS, SATHER, SCAVELLO, SCRIMENTI, SHANER, STABACK, STERN, R. STEVENSON, STRITTMATTER, WILT, YOUNGBLOOD, STAIRS, G. ARMSTRONG, FRANKEL and SEMMEL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding and amending definitions; further providing for certificates of title; providing for salvage, theft and reconstructed vehicles; and further providing for registration of vehicles and for State replacement vehicle identification number plate.

Referred to Committee on TRANSPORTATION, November 4, 2002.

**No. 2955** By Representatives TIGUE and WANSACZ

An Act providing for the transfer of a certain roadway in Pittston Township, Luzerne County, from Pittston Township to the Department of Transportation.

Referred to Committee on TRANSPORTATION, November 4, 2002.

**No. 2956** By Representatives TIGUE, YUDICHAK, HASAY, MUNDY, ALLEN, BEBKO-JONES, BROWNE, CAPPELLI, CAWLEY, CORRIGAN, COSTA, CURRY, DALEY, DeLUCA, DeWEESE, GEORGE, GRUCELA, HALUSKA, HARHAI, HESS, HORSEY, JADLOWIEC, JAMES, KELLER, LAUGHLIN, LEDERER, LEVDANSKY, MARKOSEK, MELIO, PETRARCA, PISTELLA, ROBERTS, SCAVELLO, SCRIMENTI, SHANER, SOLOBAY, STABACK, WATSON, G. WRIGHT and YOUNGBLOOD

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, providing for a flood damage loan program.

Referred to Committee on URBAN AFFAIRS, November 4, 2002.

**No. 2957** By Representatives GODSHALL, M. BAKER, BARD, BENNINGHOFF, CAPPELLI, CLARK, CLYMER, CORNELL, CREIGHTON, CURRY, HERSHEY, LEH, MANDERINO, MELIO, MUNDY, PETRARCA, SCAVELLO, SCRIMENTI, SHANER, STEELMAN, TIGUE, WATSON, WILT, M. WRIGHT, G. WRIGHT, G. ARMSTRONG and SEMMEL

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for medical professional liability claims.

Referred to Committee on INSURANCE, November 4, 2002.

**No. 2958** By Representatives GODSHALL, BISHOP, KAISER, LEDERER, MARKOSEK, NAILOR, WATSON, CORNELL, M. BAKER, SATHER, E. Z. TAYLOR, LYNCH and L. I. COHEN

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 exclusions from sales and use tax.

Referred to Committee on FINANCE, November 4, 2002.

**No. 2959** By Representatives HANNA, BENNINGHOFF, CORRIGAN, CURRY, DALEY, FORCIER, FREEMAN, GEORGE, GODSHALL, GRUCELA, HARHAI, HORSEY, JAMES, KIRKLAND, LAUGHLIN, LEWIS, MANDERINO, R. MILLER, PETRARCA, PISTELLA, READSHAW, ROONEY, SCAVELLO, SCHRODER, SCRIMENTI, SHANER, SOLOBAY, STABACK, R. STEVENSON, TANGRETTI, THOMAS, TIGUE, WOJNAROSKI, G. WRIGHT and YOUNGBLOOD

An Act amending the act of March 28, 1984 (P.L.150, No.28), known as the Automobile Lemon Law, further providing for the definition of "new motor vehicle."

Referred to Committee on CONSUMER AFFAIRS, November 4, 2002.

**No. 2960** By Representatives HANNA, BELARDI, BROWNE, CURRY, DALEY, BUNT, FREEMAN, CAWLEY, HERMAN, DeWEESE, HUTCHINSON, JOSEPHS, MANN, McILHATTAN, LAUGHLIN, PRESTON, MANDERINO, SAINATO, STEELMAN, PISTELLA, READSHAW, SCRIMENTI, THOMAS, YOUNGBLOOD, WALKO, HORSEY and M. BAKER

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for reimbursements to municipalities containing tax-exempt properties.

Referred to Committee on LOCAL GOVERNMENT, November 4, 2002.

**No. 2961** By Representatives HANNA, BELARDI, BROWNE, CURRY, DALEY, BUNT, FREEMAN, CAWLEY, HERMAN, DeWEESE, HUTCHINSON, JOSEPHS, MANN, McILHATTAN, LAUGHLIN, PRESTON, MANDERINO, SAINATO, STEELMAN, PISTELLA, READSHAW, SCRIMENTI, THOMAS, YOUNGBLOOD, WALKO, HORSEY and M. BAKER

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for reimbursement to school districts containing tax-exempt properties.

Referred to Committee on EDUCATION, November 4, 2002.

**No. 2962** By Representatives BASTIAN, WOJNAROSKI, BENNINGHOFF, STERN, M. BAKER, J. BAKER, BEBKO-JONES, BELFANTI, BIRMELIN, BROWNE, BUXTON, CAPPELLI, CLARK, CLYMER, COLEMAN, CORNELL, COY, CREIGHTON, DALEY, DALLY, EGOLF, J. EVANS, FEESE, FLEAGLE, FLICK, FORCIER, FREEMAN, GEIST, GEORGE, GODSHALL, GRUCELA, HALUSKA, HANNA, HARHAI, HARHART, HERMAN, HERSHEY, HORSEY, KELLER, LYNCH, MAITLAND, MAJOR, MANN, McILHATTAN, McILHINNEY,

METCALFE, R. MILLER, NAILOR, NICKOL, PETRARCA, PHILLIPS, PICKETT, PIPPY, ROHRER, ROONEY, RUBLEY, SATHER, SCAVELLO, SCHRODER, SCRIMENTI, SEMMEL, SHANER, S. H. SMITH, SOLOBAY, STABACK, STEELMAN, SURRA, TANGRETTI, E. Z. TAYLOR, TIGUE, VANCE, WATSON, WILT, G. WRIGHT, YEWCIC, YOUNGBLOOD, ZUG, FAIRCHILD, LUCYK and TULLI

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

Referred to Committee on JUDICIARY, November 12, 2002.

**No. 2963** By Representatives SEMMEL, RYAN, COLEMAN, PETRARCA and SHANER

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey certain lands situate in Latrobe Borough, Westmoreland County, to the Borough of Latrobe; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey, at a price determined through competitive bidding, certain lands situate in Scottdale Borough, Westmoreland County; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey certain lands situate in Blairsville Borough, Indiana County, to the Borough of Blairsville; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey certain lands situate in Kutztown Borough, Berks County, to the Borough of Kutztown; and authorizing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey a certain tract of land situate in the Borough of Media, Delaware County, to the Borough of Media; and making a repeal.

Referred to Committee on STATE GOVERNMENT, November 12, 2002.

**No. 2964** By Representatives ADOLPH, M. BAKER, BUNT, CREIGHTON, FLICK, GEIST, HARHAI, HENNESSEY, KELLER, LEDERER, PHILLIPS, PIPPY, REINARD, SAYLOR, SCHRODER, E. Z. TAYLOR, WATSON, WILT, G. WRIGHT, S. MILLER, G. ARMSTRONG, R. MILLER, SCAVELLO and SEMMEL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for licensing of drivers, for commercial driver's license and for license fees.

Referred to Committee on TRANSPORTATION, November 12, 2002.

**No. 2971** By Representative GORDNER

An Act amending the act of May 17, 1949 (P.L.1406, No.419), entitled "An act providing for the payment of salaries to the president and members of the town council of incorporated towns, at the discretion of the town council, and for the collection and docketing of costs and fees by the president of town council acting as justice of the peace," further limiting salaries of president and members of town council.

Referred to Committee on LOCAL GOVERNMENT, November 12, 2002.

### FOOD EMPLOYEE CERTIFICATION RESOLUTION SUBMITTED

The SPEAKER. The Chair submits for tomorrow's calendar the Food Employee Certification Resolution required by Act 124 of 2000.

The following resolution was submitted:

#### FOOD EMPLOYEE CERTIFICATION RESOLUTION

Declaring that the food employee certification provided for in 3 Pa.C.S. § 6504 shall be optional.

WHEREAS, In 1994 the General Assembly enacted legislation which provided for certification of food employees by July 1, 2001; and

WHEREAS, In 2000 the General Assembly enacted Act No. 124, which extended the compliance date to July 1, 2003; and

WHEREAS, This legislation provides that after July 1, 2003, the compliance shall be mandatory unless the General Assembly adopts a resolution to the contrary prior to December 1, 2002; therefore be it

RESOLVED, That the General Assembly declare the food employee certification program under 3 Pa.C.S. § 6504 shall remain optional for food employees of food establishments in this Commonwealth; and be it further

RESOLVED, That this resolution be presented to the Governor in accordance with 3 Pa.C.S. § 6504.

### 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 227, and HB 2060.**

### COMMUNICATION FROM GOVERNOR

#### VETO OF HOUSE BILL

The Speaker laid before the House a communication in writing from the office of His Excellency, the Governor of the Commonwealth, advising that the following House bill had been vetoed by the Governor:

**HB 412, PN 4206.**

Said bill having been returned with the following message:

Commonwealth of Pennsylvania  
Office of the Governor  
Harrisburg

November 6, 2002

TO THE HONORABLE, THE HOUSE OF REPRESENTATIVES  
OF THE COMMONWEALTH OF PENNSYLVANIA

I am returning herewith, without my approval, House Bill 412, Printer's No. 4206, entitled "AN ACT" amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," further providing FOR EMPLOYMENT CRIMINAL BACKGROUND CHECKS, for health recommendations, FOR HIGH SCHOOL CERTIFICATES AND FOR MANDATED waivers ~~FOR CHARTER SCHOOLS~~; AND MAKING A REPEAL.

House Bill 412 as originally introduced, sought to require the Pennsylvania Department of Insurance to provide school districts with information on the Children's Health Insurance Program (CHIP) and notification forms for parents of students about CHIP and its eligibility requirements. During the course of the legislative process, the Senate amended the bill to: require a prospective employee of a school district who has not been a resident of the state for at least two years to submit a federal criminal history background check; give school districts the sole authority to determine what shall be affixed or denoted on diplomas and transcripts; eliminate sections 751 and 751.1 of the Public School Code from the Mandate Waiver Program; and repeal Article XII-A of the Public School Code, known as the Professional Teacher Assessment Act, which includes the Professional Development Assistance Program.

The CHIP provisions and the federal background check provisions warrant enactment. However, the remaining provisions of the bill make it such that I have no choice other than to withhold my approval of House Bill 412.

First, this legislation would effectively prohibit Commonwealth officials and agencies from directing the placement of any information on a student's high school transcript or diploma. The most immediate effect of this provision would be to invalidate a regulation recently promulgated by the State Board of Education requiring placement on transcripts of the scores achieved by students on the Commonwealth's Pennsylvania System of School Assessment (PSSA) test. Because of the damage that this provision would have on the effectiveness of the PSSA as a critical tool for student assessment and public school accountability, I cannot approve of this amendment to the Public School Code.

In January 1999, the State Board of Education (State Board) promulgated regulations regarding Academic Standards and Assessment. These regulations, codified as 22 Pa.Code Chapter 4, created a new framework for curriculum and instruction in Pennsylvania's schools by establishing rigorous, world-class academic standards and aligned student assessments. The State Board established the PSSA test as the key tool for student assessment. Under Chapter 4 as originally adopted, students who attained a score of proficient or advanced on the PSSA were to receive a Pennsylvania Seal of Proficiency or Distinction affixed to their high school diploma. The regulations also provided that a notation of the award would be made on the student's school transcript.

As the time for implementation of the "seals" provision approached, the State Board received comments from more than 70 local school boards raising concerns that this provision infringed upon the local authority of school boards to award high school diplomas. In response, the State Board worked with representatives of higher education and business, local school boards, school superintendents, teachers, students and parents to develop recommendations for addressing those concerns.

As a result of this collaboration, and consistent with the express direction of the General Assembly made in section 32 of Act 2002-88 enacted just four months ago, the State Board amended the Chapter 4 regulations to: (1) remove the requirements for placing seals of proficiency and distinction on high school diplomas and noting this on student transcripts; (2) add requirements for school districts to issue certificates of proficiency or distinction, to be supplied by the Commonwealth, to students who score proficient or above on state administered assessments; and (3) require the placement of PSSA

scores on student transcripts starting in the 2003-04 school year. *See* 32 Pa. Bull. 5266 (October 26, 2002). It is this last requirement of the newly amended regulations that House Bill 412 would invalidate.

As the Commonwealth moves toward a higher level of accountability in education, not only for our school districts, schools and teachers, but also for our students, this measure is just one crucial tool to help accomplish that goal. The possibility of such an acknowledgement of academic achievement will encourage our students to put forth their best on the PSSA. Now, student achievement demonstrating proficiency or excellence in meeting the state academic standards will be recognized. These regulations represent an important change intended to balance respect for the authority of local school boards with providing a credible incentive to students to put forth their best effort when taking the PSSA in a consistent uniform manner across the Commonwealth. Increasingly, school districts have already recognized the importance of and benefits from noting student test scores to transcripts, including the Neshaminy, Council Rock and Pennsbury school districts, which have utilized this measure for years.

House Bill 412 ignores the efforts of those who have worked hard to achieve this balance and threatens it by removing the ability of the Commonwealth to have any role with respect to student diplomas and transcripts. While diminishing the value of the PSSA as a comprehensive and valid assessment tool, the legislation provides no alternative for any statewide uniformity or consistency in student assessment and public school accountability. Consequently, I cannot approve of this change in the law.

Second, House Bill 412 substantially diminishes the important efficiencies and economies that have been achieved under the Mandate Waiver Program by removing from the reach of the program sections 751 and 751.1 of the Public School Code. A popular education reform initiative, the Mandate Waiver Program became law in 2000 as part of the Education Empowerment Act (Act 16). Under the program – prescribed by section 1714-B of the Public School Code – boards of school directors and boards of control can seek from the Secretary of Education waivers from compliance with certain provisions of the Public School Code, the regulations of the State Board of Education and standards of the Secretary of Education. The provisions apply to Pennsylvania school districts, intermediate units and area vocational-technical school (AVTS). Relief may be granted if the waiver will allow the school to improve its instructional program or operate in a more effective, efficient or economical manner.

Section 751 of the Public School Code prescribes detailed bidding requirements for most school construction projects and significant maintenance and repair work to be performed on public school facilities. Under the Mandate Waiver Program, the Secretary of Education is empowered to grant waivers from the detailed requirements of section 751 if doing so would allow the school entity requesting the waiver to accomplish the project in a more effective, efficient or economical manner. Of the 282 waivers received by the Department of Education since the program's inception, nearly 35% have been for waivers of section 751, making this section the most popular waiver request for local education agencies (LEAs). Section 751 waivers allow locally elected school officials to make the decisions on how construction costs are contained within a school district's budgets based on local issues, concerns and priorities rather than being bound by outdated and cumbersome bidding requirements.

Section 751 waivers offer relief by permitting the Secretary to waive the requirement that LEAs enter into multi-prime contracts for construction of additions or renovations to facilities. Other requested relief authorizes qualified maintenance staff on school payroll to complete projects in excess of \$5,000, or AVTS students enrolled in construction trades to complete real life construction projects at their school. Waivers to make emergency repairs to school facilities are also granted.

As of October 22, 2002, Pennsylvania school districts, and ultimately their taxpayers, are projected to have saved an estimated \$28 million due to Section 751 waivers. These waivers allow locally

elected school officials to make the decisions on how budgets are spent based on local issues, concerns and priorities. These waivers also offer relief from outdated, inflexible and cumbersome bidding requirements in the Public School Code, and, as has been shown by data supplied from the applicants, costs that benefit a few at taxpayer's expense.

The widespread use of the section 751 waivers has saved local taxpayer dollars and helped school districts to control their costs. Elimination of these provisions, as proposed by House Bill 412, would only serve to increase the burdens of state mandates on our school districts. Moreover, enactment of this legislation while the General Assembly is engaged in a Special Session seeking to find solutions to the dependence of school districts on local property taxes sends the wrong message to the taxpayers of this Commonwealth. To enact legislation that restricts school districts from utilizing cost-saving measures contradicts the very purpose of this Special Session.

Finally, House Bill 412 repeals Article XII-A of the Public School Code, known as the Professional Teacher Assessment Act. Enacted just 18 months ago as part of Act 2001-4, the Professional Teacher Assessment Act establishes the Professional Development Assistance Program (PDAP). Aligned to Pennsylvania academic standards, the PDAP measures the content knowledge of teachers in math and reading at the elementary-, middle- and secondary-school levels, and focuses on improving the effectiveness of the over \$100 million spent annually on teacher professional development by the Commonwealth and our local school districts.

Administered anonymously with only aggregate scores being made available to the school districts and preparing institutions for assistance in designing professional education activities, the test is structured by domains to match the PSSA tests and Chapter 4 standards at the 5th, 8th and 11th grades.

PDAP information can dramatically help school districts in planning effective professional development in these teacher's classrooms. The PDAP results give colleges and universities a means to assess their own education programming strengths and weaknesses, helping to identify gaps or best practices in education, training and curriculum, and provide the Department of Education a useful tool in their five-year evaluation of the teacher preparation programs. This can only lead to better prepared, better trained and better-educated teachers.

Additionally, school districts can utilize this information in their hiring decisions. For example, even with only one full year of testing completed, the information from this program indicates that Pennsylvania's school districts should focus on teachers prepared in the Commonwealth's colleges and universities, rather than West Virginia colleges, since Pennsylvania graduates score higher on PDAP assessments than their West Virginia counterparts. PDAP also addresses what the Commonwealth's teachers need to keep up to date with K-12 content requirements in order to meet state student standards and provides school districts and state agencies with a correctly focused direction for making professional development expenditures to aid student performance on the PSSA assessments.

Pennsylvania's 118,000 plus professional classroom teachers represent some of the best-prepared and most effective teachers in the nation. The use of tests as a professional screening tool is just one of the many reasons for the high quality of our teachers. The use of the Professional Development Assistance test enables teachers to maintain their professional edge by helping them, and the educational establishment itself, focus on areas of strength and areas for improvement. School districts, such as Central York and Central Dauphin, are currently using the results of the assessment to plan their professional development program.

Repeal of the Professional Teacher Assessment Act would hamper these efforts. Repeal would also remove a potential source of support for the federal requirement of the No Child Left Behind Act of 2001, which requires each classroom to be under the direction of a highly qualified teacher by 2005. Moreover, PDAP has shown promising results in a relatively short period of time. Eliminating the program at this stage is shortsighted and does a disservice, not only to the teachers themselves, but also to the Commonwealth's children.

For these reasons, the provisions of House Bill 412 prohibiting the Commonwealth and Department from having any role in the content of a student's high school diploma or transcript, the elimination of the cost-saving impact of the section 751 waivers and the abrupt end to the Professional Development Assistant Program cause me to withhold my signature from House Bill 412, Printer's Number 4206.

Mark Schweiker  
Governor

### **BILL AND VETO MESSAGE TABLED**

The SPEAKER. The Chair recognizes the majority whip.  
Mr. S. SMITH. Mr. Speaker, I move that the veto message for HB 412 be placed upon the table.

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

### **COMMUNICATIONS FROM DEPARTMENT OF HEALTH**

The SPEAKER. The Chair acknowledges receipt of the 2000-2001 Annual Report of the Cancer Prevention and Control Section, submitted by the Department of Health.

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

\* \* \*

The SPEAKER. The Chair acknowledges receipt of the 2002 Annual Report of the Organ and Tissue Donation Advisory Committee, submitted by the Department of Health.

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

### **COMMUNICATION FROM UNIVERSITY OF PITTSBURGH**

The SPEAKER. The Chair acknowledges receipt of the annual financial report for fiscal year ended June 30, 2002, submitted by the University of Pittsburgh.

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

### **COMMUNICATION FROM TEMPLE UNIVERSITY**

The SPEAKER. The Chair also acknowledges receipt of the audited financial statements of Temple University for fiscal year 2001-02.

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

### **BILL SIGNED BY SPEAKER**

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

**SB 834, PN 2319**

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sexual abuse of children and for unlawful contact or communication with minor; and making editorial changes.

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

**LEAVES OF ABSENCE**

The SPEAKER. The Chair turns to leaves of absence and recognizes the gentleman, Mr. Smith, who requests a leave for the gentleman from Bucks, Mr. McILHINNEY, for the day; the gentleman from Philadelphia, Mr. PERZEL, for the week; the gentleman from Allegheny County, Mr. PIPPY, for the week. Without objection, leaves will be granted.

The gentleman, Mr. Veon, is recognized. Leave is requested for the gentleman from Philadelphia, Mr. EVANS; the lady from Philadelphia, Ms. BISHOP; the gentleman from Beaver County, Mr. COLAFELLA, Mr. Colafella for the week. Without objection, the leaves will be granted. The Chair hears no objections.

**FILMING PERMISSION**

The SPEAKER. The Chair advises the members that permission has been granted to Joe Mitton, WGAL-TV, to videotape the veterans' ceremony, and permission has further been granted to Anthony Fiorini of the Reading Times to take still photographs of that ceremony.

**MASTER ROLL CALL**

The SPEAKER. The Chair is about to take up today's master roll call. Members will please take their seats. Members, please take your seats.

Members, vote on the master roll call. Members, vote on the master roll call.

The following roll call was recorded:

**PRESENT—197**

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

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

**ADDITIONS—0**

**NOT VOTING—0**

**EXCUSED—6**

Bishop	Evans, D.	Perzel	Pippy
Colafella	McIlhinney		

**LEAVES ADDED—4**

Cohen, L.	Harper	Taylor, J.	Washington
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**VETERANS DAY OBSERVANCE**

The SPEAKER. Members, please take your seats. Sergeants at Arms, clear the aisles; have the members take their seats. Guests, take your seats.

Today, in observance of Veterans Day, the House of Representatives is pleased to conduct a Veterans Day program honoring the men and women who have served their Commonwealth and country. At this time I would like members, staff, and guests who served our country in the military to rise so we can recognize them. Veterans, please rise.

**REMARKS BY SPEAKER**

**GUESTS INTRODUCED**

The SPEAKER. This year as we take time to remember all of the great sacrifices endured by our veterans, we are especially pleased to also reflect on the heroic actions of the 1st Battalion, 7th Cavalry, during the Vietnam war.

Many of you are aware of the battle for Ia Drang Valley due to the epic movie and New York Times best-selling book "We Were Soldiers Once...And Young," authored by

Lt. Gen. Harold G. Moore and Mr. Joseph Galloway. We are honored today to have Mr. Galloway with us and other participants in that battle as well as family members.

As I introduce our guests, I ask that they stand. Please hold your applause until we have completed the introductions.

First, the author, Mr. Galloway, seated to my left next to the Secretary of Agriculture, Mr. Hayes.

Bill Beck; his wife, Jennifer; and his brother, John.

John Howard; his wife, Martha; son, John; daughters, Erin Coldsmith and Karen Goshorn; and Dr. Robert Davis.

Russell Adams; his wife, Marlene; daughters, Maggie and Michele.

Barbara Geoghegan Johns, widow of John Lance Geoghegan, who was killed in action, and her husband, John.

John Brown, son of Ralph Brown, who was killed in action. He is here along with his wife, Melanie; sons, Jonathon and Dakota; sister, Kelly Brown Hamilton, and her son, Jonathan; his aunt, Doris Campbell. Would they please rise.

They also have two friends with them, James and Dorothy Bowen. Would they please rise. They are also friends of Donald Crane, who was killed in action.

These are our guests.

### INTRODUCTION OF MR. JOSEPH GALLOWAY

The SPEAKER. Mr. Galloway, the coauthor of "We Were Soldiers Once...And Young," is our guest speaker today. As a UPI (United Press International) war correspondent, Mr. Galloway served four tours in Vietnam and continued on as a correspondent during the 1991 Persian Gulf war by covering the 24th Mechanized Infantry Division's tank charge through the desert of western Iraq. His personal account of what the men of the 7th Cavalry endured in November 1965 is a great literary work.

I would like to invite at this time Mr. Galloway to the rostrum so that he might join us in our tribute to these brave soldiers and their fellow veterans who have served their country.

Mr. Galloway, I was pleased to see that in 1993 the Commandant of the Marine Corps, as he does every year, selected one book that he believes is a must-read for the marines under his command. Your book, "We Were Soldiers Once...And Young," was the Commandant's choice that year.

It is my honor, sir, to introduce you at this time. Mr. Joseph Galloway.

### REMARKS BY MR. JOSEPH GALLOWAY

Mr. GALLOWAY. Thank you, Mr. Speaker and members of the House.

Mr. Speaker, I know that you served in the Marines, and I have to tell you a small story. A Navy fellow was beating up on a marine severely, and finally he came to a hard question and he said, "Tell me, marine, which department of the Navy are you in?" and the marine looked at him and said, "The men's department."

It is indeed an honor and privilege to be permitted to speak before this august legislative body and a great privilege to be invited to participate as the State of Pennsylvania does honor to its sons who fought in Vietnam and particularly in the battles of

the Ia Drang Valley in Vietnam. My friend and coauthor, Lt. Gen. Hal Moore, asked me to give you his warmest greetings. There is nothing we enjoy more than seeing our old comrades in arms given a bit of honor and respect in their home province. They have earned that and much, much more. I also want to thank the members of the House Veterans Affairs Committee for their work in organizing this and bringing together all my friends here.

Before we get serious, I have to tell you something that was left out of the Speaker's very kind introduction. I am in serious violation of a long-held tenet in my family. One hundred and thirty-nine years ago my great-grandfather, Pvt. John Thomas Allison of the 5th Texas Regiment, Hood's Brigade, came charging out of the Devils Den and headed up Little Round Top alongside the 16th Alabama. He never got there. Col. Joshua Lawrence Chamberlain and the 20th Maine Regiment saw to that. Grandpa Allison survived, though twice wounded, and lived to be 2 months shy of 100 years of age. He always advised his kin to stay away from Pennsylvania. He said, they will break your heart up there, and if Grandpa Allison were here, with what I know now, I would advise him that he is damn lucky there was not a Pennsylvania regiment on top of Little Round Top.

I have come here to join you in saluting the 22 Pennsylvanians who were killed in action during the Ia Drang battles of October and November 1965 in the rugged Central Highlands of South Vietnam. I come to salute those of your sons, my comrades, who fought there and survived to come home as well.

Of the living, I see some familiar faces here today. Machine-gunner Bill Beck, the artist who lives in Camp Hill today but grew up in tough and gritty Steelton, a town with a real heart where I have always been warmly welcomed. Bill was teamed in the Army on a machine gun with Russell Adams of Shoemakersville. When their time came, Bill Beck and Russell Adams stood tall for America. Out beyond their gun were found the bodies of almost 400 of the enemy. Russell was terribly wounded but came home, came back to the family farm where he lives and works today, and he found a beautiful wife and they have two very beautiful daughters. It does my heart more good than I can say.

And there in the back is Lt. Col. John Howard of Carlisle, who as a young lieutenant at Landing Zone Albany gathered up half a dozen of the walking wounded and led them on a perilous escape and evade crawl through the heart of the enemy lines and out to safety in the darkness of night.

He is not here today, but there is Lt. Dennis Deal, a Pittsburgh boy, who got his baptism that first afternoon in X-Ray, and he asked his veteran platoon sergeant, "Is that enemy fire? Is that what it sounds like?" In a few minutes he would know that sound intimately.

Col. Joe Marm cannot be here but asked me to give all of you his very best regards. As a lieutenant platoon leader, Joe Marm earned a righteous Medal of Honor at Landing Zone X-Ray when he singlehandedly charged and took out an enemy machine-gun position, killing a dozen of the North Vietnamese around it.

Former Capt. Bob Edwards of New Hope commanded his company in X-Ray even after he was terribly wounded, crouching in a foxhole filled with dead and wounded.

Of the dead, whose faces and names we can never forget, I see John Lance Geoghegan, cadet brigade commander and class president his senior year at the Pennsylvania Military Academy, an only child whose parents may have been the only true Christians I have ever known of. Three months after the death of Jack, which devastated them both, the Geoghegans paid for a Mass for the soul of the enemy soldier who had killed their son.

I see Larry Hess, who was first in his class at the Benning School for Boys and everyone thought would be a general someday.

There is Sgt. Harry F. Jedrzejewski of Pittsburgh, Charlie Company, 2d Battalion, 7th Cavalry, who died as he had lived, trying to take care of his boys in a deadly, deadly shootout in the high elephant grass.

William Mitchell. Pfc. Ralph Brown – his family is here. All of them, and there were so terribly many more beside them. When their time came, they, too, stood tall for America.

The Bible says greater love hath no man than he lay down his life for a friend. Time and time again these brave soldiers sacrificed themselves for the sake of their buddies: the medics getting up and walking into a hail of fire toward certain death because the wounded were calling for them. We went into the valley with 19 medics; we came out with none on his own feet.

The Vietnam war may not have been a noble cause, but the men – boys, really – that this nation sent to fight that war were noble beyond my poor ability to find the words to describe. They may not have been the greatest generation, but by God, they were the greatest of their generation.

I am not ashamed to say that I love them. I would not trade a single one of them for a trainload of instant Canadians or a campus full of men who turned up for their draft physicals wearing panty hose. I am so proud of my brothers, the veterans of that orphaned war, that I choke when I try to tell you about them. America may have turned its back on them for a while, but they never, ever turned their backs on America.

In 1982 General Moore and I began 10 years of research and writing that would become the book “We Were Soldiers Once...And Young.” Few in America remembered the battles of the Ia Drang Valley. Our country had lost sight of those battles in all of the other bloody battles of our long, bitter war in Vietnam. We could not bear the thought of that, the thought that America had forgotten our fallen comrades, that all their names would be lost to history, known only to their grieving families and a few aging comrades. We could not bear the thought that those who survived came home to no welcome, even to shameful disrespect in a nation which had turned its back on the war it had sent them to fight.

Hollywood had made millions portraying the Vietnam soldier as a drug-addled, baby-killing monster. That was not who I marched with and wrote about in four tours in Vietnam. That was not who Colonel Moore commanded in Vietnam. All we hoped to do was tell the story of those battles of that long-ago November, to tell the truth about the young Americans who did their very best and sacrificed themselves for their comrades and their country.

“We Were Soldiers Once...And Young” was published in November of 1992. Two years after that we began our collaboration with Randall Wallace, who wrote the screenplay and produced and directed the movie “We Were Soldiers.” It took 8 long years for that effort to come to fruition.

In March of this year, 1 year after Mr. Wallace rolled the first foot of film, the movie premiered in America and the story of the Ia Drang Valley was taken to millions in America and many millions more worldwide.

It has been a journey of 37 years to get this story told, to gain the recognition for our brother Vietnam veterans that they earned so long ago and has been so long coming. I thank all of you who sit in this House of Representatives for honoring your sons, your warriors, my brothers.

I thank you for inviting me to speak here today and allowing me to tell you what is in my heart. God bless you. God bless all veterans. God bless the United States. Thank you.

The SPEAKER. I said to Mr. Galloway as I walked up, I said, that was wonderful; I thought I was going to cry. He looked at me and he said, I did, and I think the remarks of the gentleman, Mr. Galloway, probably affected us all a little differently but essentially the same way, that it filled our hearts with pride and our eyes with tears to think back, which we should do on occasion, to what has taken place in prior years. And we need days like this, we need people like Mr. Galloway, to help us get through the years of remembering what has been done for us and the sacrifices that have been made by our brothers in arms, and I, for one, am greatly privileged to have had this opportunity to not only meet the gentleman but to listen to his remarks, and I know most of us feel the same way. They were inspiring, and, well, they were just inspiring.

#### PRESENTATION OF CITATIONS

The SPEAKER. Mr. Semmel, I am going to recognize you at this time before I start crying again.

At your pleasure, Mr. Semmel.

Mr. SEMMEL. I am waiting at this time, Mr. Speaker, for the recipients and the various legislators that are going to be presenting their citations to come forward.

The SPEAKER. Any guests or members who want to take photographs at this time, you are permitted to do so.

Mr. SEMMEL. Mr. Speaker, ladies and gentlemen, it gives me great pleasure to read a few words of the citation that you as members of this august body have prepared for these gentlemen, and also I acknowledge the fact that Speaker Matthew J. Ryan has signed the citation along with the various legislators.

The citation reads:

“WHEREAS, The House of Representatives of Pennsylvania takes great pleasure in honoring...” the men of the “7th Cavalry, 1st Cavalry Division (Airmobile) during the Ia Drang Campaign of the Vietnam War; and

“WHEREAS, The Ia Drang Campaign was the first major battle of the Vietnam War to be fought between American troops and North Vietnamese regulars. Three hundred five American soldiers, twenty-two...” of them from Pennsylvania, “lost their lives and many others were wounded during this month-long campaign, with most of the fighting occurring on November 14 through 20, 1965, at Landing Zone X-Ray, under the command of Lieutenant Colonel Harold G. Moore; and at

Landing Zone Albany, under the command of Lieutenant Colonel Robert McDade;...

“NOW THEREFORE, as it conducts its annual Veterans Day ceremony in recognition of this Commonwealth’s veterans, the House of Representatives of the Commonwealth of Pennsylvania pays tribute to...” these “soldiers for enduring countless hardships, making untold sacrifices and placing themselves in harm’s way for the cause of freedom...”

Thank you, gentlemen.

The citations will be presented and a photograph taken at this time.

The SPEAKER. For the information of the members and particularly for the information of the guests here today, the telephone call that I just took was from former Governor Ridge, who asked to be remembered to these veterans. As you know, Governor Ridge was a wounded Vietnam veteran, and his comment to me just before he got off the phone was, this means an awful lot to a lot of people; do not forget them, and we will not.

Members and guests will please take their seats.

In concluding today’s ceremony, Mr. Eric Jackson, the nephew of William Mitchell, who was killed in action during the battle, will sing “The Lord’s Prayer” and our national anthem. Mr. Jackson frequently attends reunions of the 7th Cavalry, has become a distinguished singer at these events. Upon completion of his first number, members and guests will please rise for the singing of our national anthem. Mr. Jackson.

Guests, please rise.

(“The Lord’s Prayer” and “The Star-Spangled Banner” were sung by Eric Jackson.)

The SPEAKER. That concludes the ceremonial portion of today’s session. Guests are free to remain or leave as they see fit. The House will stand in recess for a few moments to allow the book signing to continue for a short while.

## CALENDAR

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2377**, **PN 3337**, entitled:

An Act designating a portion of Route 441 North in East Donegal Township, Lancaster County, Pennsylvania, as the Spangler Highway.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

The gentleman, Mr. Armstrong, do you have amendments to this bill? On the question of final passage, the gentleman is recognized. The gentleman will yield.

Please. Members, please. I have let the conference to the left of the Chair continue, which is the book signing. The rest of the members, please be courteous enough to be quiet, hopefully from your own seats.

Mr. Armstrong, you are recognized on the bill.

Mr. T. ARMSTRONG. Thank you, Mr. Speaker.

I have the dubious distinction today to honor someone, but it is because of a death that has occurred that we are here because we are honoring them, but I want to take this time to read several things that I would like to read. This is in regard to the resolution that we will be voting on here.

It is renaming a particular part of a State highway that goes around Marietta Borough in my district after a couple that were tragically taken from us about a year and a half ago – Bob and Mary Anne Spangler. Because of their devotion and commitment to the community, they were well liked by anyone who knew them. They served in many capacities in Columbia and Marietta. You would have to look a long time to find nicer, more giving people than Bob and Mary Anne Spangler. They raised two children, Thomas Spangler, who is here with us today, and Ann Weidman.

Bob Spangler had the distinction of being the mayor of Marietta during the 4 years before, during, and after the flood of 1972. Bob was the man in charge when the special passes were issued to the residents in an attempt to curb the influx of tourists coming to see the flood damage.

The Spanglers’ contributions to Marietta hardly begin and end there. Among the many hats that Bob wore was a Marietta Community House board trustee, where he also served as president. He was president of the Foundation of the Susquehanna Division of the General Hospital in Columbia, past president of the Lions Club of Marietta, and a member of the Red Rose Repeaters, a ham radio club involved with Operation SKYWARN.

He also had the distinction of every day winding the town clock so that that clock stayed on ticktock time. Even when he had to go to Mount Gretna where he and his wife had a cottage, he would travel down to Marietta to make sure that that clock got wound that day.

He owned Spangler Appliances, which was a longtime family business. They also had the Spangler’s Laundromat.

Mary Anne, his wife, was a very devoted wife to him. One of the stories that I heard during the funeral was that she had spent every single day with her husband and was asked to attend a church missions conference in Pittsburgh, which would have meant that she would have had to leave her husband. Finally, she was convinced to leave, and she had a great time, but it just spoke of the devotion that she had to her husband and how he would do without her.

But Mary Anne has been very involved in church and community organizations as well. She was a past board member of the Marietta Restoration Associates. She served in the Lancaster Farm Women, Chapter 8. An unofficial title for her was “Mrs. Manpower.” She was the one who knew who can do what, and when you needed something done, she would be able to find the person to make sure that it got done in the town. She was not shy of volunteer hours herself, and she was skilled in

cooking and calligraphy. She was active in the Circle meetings and the Flower Committee at the Donegal Presbyterian Church.

They truly were not only the movers and shakers of our community but they were true pillars, and the night that we all heard of their tragic accident, so many of us just felt that a huge pillar was just taken down in our community because of the Spanglers.

Mike Barton, who is one of the local businesspeople, had this to say of them: "...they are two of the most upstanding citizens he knows, a credit to Marietta and people in general. They were tireless in their efforts to promote the community and welfare of area residents."

The Spanglers were also known for their dedication to the Susquehanna Chamber of Commerce. One of the volunteers there stated that "Bob was around every day doing maintenance or groundkeeping around the Visitors Center in Columbia." He was also the head of the Visitors Center Committee. Besides that, they were both involved with Meals on Wheels. They often visited the sick and delivered meals to those who were laid up for any reason.

Mary Anne coordinated the Candlelight Tours in Marietta, which was one call that I always got from her, to assist them in the borough hall activities during that day. She oversaw the volunteers for the Marietta Restoration Associates and was involved in many selfless acts of service.

Finally, I would like to say this: The Spanglers have touched the lives of many during their endless years of service and devotion to their fellow man. May their memory continue to live in our hearts and minds. May we as citizens of this fine community follow their example and serve those who least expect the service that we may provide. May we carry the light of love for those less fortunate than ourselves.

Bob and Mary Anne were, as I have stated and you have heard all the different activities they were involved in, basically, anything that happened in the community, they were there somewhere. They never were in the limelight, but they were always behind the scenes somewhere getting something done, and because of that I take this distinct honor to be able to name a particular highway around the borough as the Spangler Highway, and I would appreciate your support.

GUESTS INTRODUCED

Mr. T. ARMSTRONG. I would like to recognize those that are here in attendance today from the Spangler family and are seated in the back, and if you could rise, we will recognize you at this time: Tom Spangler, who is their son; Shirley Spangler, the daughter-in-law; Sarah Spangler, a granddaughter; Rebecca Spangler, another granddaughter; Janet Muthard, a sister; Karen Helm, a niece; the Brett family, Tom, Jeannette, and Tom, Jr., Shirley's family; and then we also have some other friends and family in the balcony.

Thank you, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—5

Dermody	Gruitza	Preston	Scrimenti
Frankel			

EXCUSED—6

Bishop	Evans, D.	Perzel	Pippy
Colafella	McIlhinney		

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.

RESOLUTION PURSUANT TO RULE 35

Mr. VITALI called up HR 723, PN 4520, entitled:

A Resolution designating January 11, 2003, as "Invite a Neighbor to Dinner Day" in Pennsylvania.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

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

NAYS-0

NOT VOTING-1

Scrimenti

EXCUSED-6

Table listing names of members who were excused: Bishop Colafella, Evans, D. McIlhinney, Perzel, Pippy.

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 1325, PN 1990, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, providing for animal exhibition sanitation; and imposing penalties.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority whip. Mr. S. SMITH. Mr. Speaker, I move that SB 1325 on page 1 of today's calendar be placed upon the table.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority whip. Mr. S. SMITH. Mr. Speaker, I move that SB 1325 be removed from the table and be moved onto the active calendar.

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

\* \* \*

The House proceeded to third consideration of HB 2359, PN 3424, entitled:

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

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the gentleman, Mr. Argall. Mr. ARGALL. Mr. Speaker, I move that HB 2359 be recommitted to Appropriations.

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

### REPUBLICAN CAUCUS

The SPEAKER. Mr. Feese.  
Mr. FEESE. Thank you, Mr. Speaker.  
Mr. Speaker, the Republicans will caucus on the call of the recess. We will need about 2 hours for the caucus.  
The SPEAKER. The Chair thanks the gentleman.

### DEMOCRATIC CAUCUS

The SPEAKER. Mr. Cohen. Caucus?  
Mr. COHEN. Yes, Mr. Speaker. There will be a Democratic caucus immediately upon the call of the recess.  
The SPEAKER. The Republicans have indicated 2 hours. Does that seem appropriate?  
Mr. COHEN. Yes; it does.

The SPEAKER. Any further announcements?  
Majority leader or minority leader?

### LOCAL GOVERNMENT COMMITTEE MEETING

The SPEAKER. Mr. Herman.  
Mr. HERMAN. Thank you very much, Mr. Speaker.  
The House Local Government Committee will meet at 4 o'clock in room 60 of the East Wing. We are going to be considering two bills. Thank you, Mr. Speaker.  
The SPEAKER. The Chair thanks the gentleman.  
The Local Government Committee will meet at 4 o'clock in room 60 of the East Wing.

### LABOR RELATIONS COMMITTEE MEETING

The SPEAKER. Any further announcements? Mr. Flick.  
Mr. FLICK. Thank you, Mr. Speaker.  
The House Labor Relations Committee will be meeting tomorrow morning at 9:30 in room 60, East Wing, I believe. Or another room in the Capitol.  
The SPEAKER. The Labor Committee will meet at what time?  
Mr. FLICK. 9:30.  
The SPEAKER. At 9:30 tomorrow morning in room 60, East Wing.

### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. Mr. Argall.  
Mr. ARGALL. Thank you, Mr. Speaker.  
Upon the announcement of the recess, the Appropriations Committee will meet in room 245.  
The SPEAKER. The Appropriations Committee will meet in room 245 after the declaration of the recess.

### VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE MEETING

The SPEAKER. Mr. Semmel.  
Mr. SEMMEL. Thank you, Mr. Speaker.  
The Veterans Affairs and Emergency Preparedness Committee will meet on Wednesday, November 13, in room 60, East Wing, at the call of the Chair. Also, the committee will meet Thursday, November 14, at 9:30 in room 39, East Wing. Thank you.  
The SPEAKER. The Chair thanks the gentleman.  
The Veterans Affairs and Emergency Preparedness Committee will meet on Wednesday, November 13, in room 60, East Wing, at the call of the Chair and on Thursday, November 14, at 9:30 in room 39, East Wing.

### RECESS

The SPEAKER. Does the majority leader or minority leader have any further business? Are there any further announcements?  
Hearing none, this House stands in recess until 2:30.  
The Chair corrects itself. The recess is for 2 hours; until 4:30 we will recess. Return to the floor at 4:30.

### AFTER RECESS

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

### LEAVES OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Veon, who asks that the lady from Philadelphia County, Ms. WASHINGTON, be added to the leave list.  
And the Chair further recognizes the gentleman, Mr. Smith, the Republican whip, who requests that the gentleman from Philadelphia County, Mr. John TAYLOR, be placed on leave for the balance of today. Without objection, the leaves are granted. The Chair hears no objection.

### BILLS REREPORTED FROM COMMITTEE

**HB 1226, PN 1417**

By Rep. ARGALL

An Act amending the act of May 9, 1986 (P.L.165, No.53), entitled, "An act requiring banks and other lending institutions to notify the mortgagor when the mortgage has been paid," requiring lending institutions holding mortgages for real estate to forward certain real estate tax bills.

### APPROPRIATIONS.

**HB 1910, PN 2475**

By Rep. ARGALL

An Act amending the act of January 19, 1968 (1967 P.L.992, No.442), entitled, as amended "An act authorizing the Commonwealth of Pennsylvania and the local government units thereof to preserve, acquire or hold land for open space uses," adding provisions relating to mitigation of flood hazards.

## APPROPRIATIONS.

**HB 1911, PN 2476** By Rep. ARGALL

An Act authorizing the incurring of indebtedness, with the approval of the electors, of \$150,000,000 to provide additional funding for the preservation of land for open space uses, including the mitigation of flood hazards.

## APPROPRIATIONS.

**HB 2084, PN 2762** By Rep. ARGALL

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the establishment of a nursing loan forgiveness program for persons employed in the nursing profession at veterans' homes and veterans' centers operated by the Department of Military and Veterans Affairs.

## APPROPRIATIONS.

**HB 2208, PN 4430** By Rep. ARGALL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting weapons on bottle club premises; and prescribing a penalty.

## APPROPRIATIONS.

**HB 2209, PN 4431** By Rep. ARGALL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the storage, consumption and sale of alcoholic beverages on unlicensed business premises.

## APPROPRIATIONS.

**HB 2359, PN 3424** By Rep. ARGALL

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

## APPROPRIATIONS.

**HB 2745, PN 4464** By Rep. ARGALL

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for a prototypical school facility design clearinghouse.

## APPROPRIATIONS.

**HB 2767, PN 4436** By Rep. ARGALL

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for special tax provisions relating to land conservation.

## APPROPRIATIONS.

**HB 2778, PN 4516** By Rep. ARGALL

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, further providing for definitions, for staff and operations and for critical job training

grants; providing for TAP workforce development scholarship accounts; and further providing for the expiration of the act.

## APPROPRIATIONS.

**HB 2839, PN 4300** By Rep. ARGALL

An Act designating a portion of U.S. Route 522 in Snyder and Mifflin Counties as the Disabled American Veterans Highway.

## APPROPRIATIONS.

**HB 2855, PN 4318** By Rep. ARGALL

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for the share of the surviving spouse.

## APPROPRIATIONS.

**HB 2874, PN 4451** By Rep. ARGALL

An Act designating a bridge on that portion of State Route 1014 over the Susquehanna River, Watsonstown Borough, Northumberland County, as the Nurse Helen Fairchild Memorial Bridge.

## APPROPRIATIONS.

**HB 2883, PN 4384** By Rep. ARGALL

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, further providing for definitions, for harboring unlicensed dogs and for damages by coyotes.

## APPROPRIATIONS.

**HB 2892, PN 4557 (Amended)** By Rep. ARGALL

An Act amending the act of May 30, 1984 (P.L.345, No.69), known as the First Class City Business Tax Reform Act, defining "tax measurement year"; and further providing for period used in computation of tax and for tax payment.

## APPROPRIATIONS.

**SB 1416, PN 2353 (Amended)** By Rep. ARGALL

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, providing for licensing and regulation of insurance producers, managers and exclusive general agents; conferring powers and imposing duties on the insurance commissioner and Insurance Department; permitting the payment of referral fees; imposing penalties; and making repairs.

## APPROPRIATIONS.

**JUDICIARY COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman, Mr. Gannon, who calls for an immediate meeting of the Judiciary Committee in the rear of the hall of the House. Members will proceed to that meeting.

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

**HB 2655, PN 4563** (Amended) By Rep. HERMAN

An Act amending the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, further providing for the certification of municipal pension costs, for the administration of the General Municipal Pension System State Aid Program and for the continuation of the financially distressed municipal pension system recovery program; adding provisions for the establishment and administration of in-service retirement option in local governments; and repealing the financially distressed municipal pension plan determination procedure.

LOCAL GOVERNMENT.

**HB 2971, PN 4555** By Rep. HERMAN

An Act amending the act of May 17, 1949 (P.L.1406, No.419), entitled "An act providing for the payment of salaries to the president and members of the town council of incorporated towns, at the discretion of the town council, and for the collection and docketing of costs and fees by the president of town council acting as justice of the peace," further limiting salaries of president and members of town council.

LOCAL GOVERNMENT.

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. SMITH. Mr. Speaker, I move that HB 934 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 whip.

Mr. S. SMITH. Mr. Speaker, I move that HB 934 be placed back upon the table.

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

**HOUSE BILL  
INTRODUCED AND REFERRED**

**No. 2969** By Representatives SEMMEL, MICHLOVIC, EGOLF, CORRIGAN, PIPPY, TRAVAGLIO, SATHER, TIGUE, WATSON, HERMAN, SOLOBAY, SCAVELLO, G. ARMSTRONG, BEBKO-JONES, WILT and HARHAI

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, further providing for definitions, for local government immunity and for powers and duties of the Pennsylvania Emergency Management Agency; establishing a Statewide integrated wireless E-911 State plan; establishing a wireless E-911 Emergency Services Fund and disbursements therefrom; further providing for collection of an E-911 surcharge from wireless customers

and for annual reporting; establishing a wireless E-911 Emergency Services Advisory Committee; and providing for rules and regulations.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, November 12, 2002.

The SPEAKER. The gentleman, Mr. Trello.  
The House will please come to order.

At the end of a term, at the end of a 2-year session, we customarily have asked the retiring members to preside. This year will be no exception. The Chair at this time is requesting the gentleman, Mr. Trello, a longtime member of this House who is now retiring, to temporarily preside.

**THE SPEAKER PRO TEMPORE  
(FRED A. TRELLO) PRESIDING**

The SPEAKER pro tempore. I have not hit this thing for a long time, and I really want to thank the Speaker for allowing me to be part of this day, this day that the Lord has given us for this session, and I expect complete silence from all the members, and I expect you to be completely dedicated to the issues at hand and speak on them as you see fit.

**BILL REMOVED FROM TABLE**

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

Mr. S. SMITH. Mr. Speaker, I move that HB 2971 be taken off the table.

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

**COMMITTEE MEETING CANCELED**

The SPEAKER pro tempore. The Chair recognizes Representative Godshall to make an announcement.

Mr. GODSHALL. Thank you, Mr. Speaker.

For the information of the members, the Tourism Committee meeting that was scheduled for Thursday morning at 9 a.m. will be canceled.

The SPEAKER pro tempore. The Chair thanks the gentleman.

**COMMITTEE MEETING CANCELED**

The SPEAKER pro tempore. The Chair recognizes Representative Micozzie for an announcement.

Mr. MICOZZIE. Thank you, Mr. Speaker.

The Insurance Committee meeting scheduled for Thursday is canceled.

The SPEAKER pro tempore. The Chair thanks the gentleman.

**SUPPLEMENTAL CALENDAR A**

**RULES SUSPENDED**

The SPEAKER pro tempore. Turning to House supplemental calendar C, the Chair recognizes Representative Smith.

Mr. S. SMITH. Mr. Speaker, I make a motion to suspend the rules for the immediate consideration of HB 2892, PN 4557.

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

(Members proceeded to vote.)

The SPEAKER pro tempore. Have all the members voted? This is for my brother, Tony. Have all the members voted?

The following roll call was recorded:

**YEAS—195**

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

**NAYS—0**

**NOT VOTING—0**

**EXCUSED—8**

Bishop	Evans, D.	Perzel	Taylor, J.
Colafella	McIlhinney	Pippy	Washington

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.

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 2892, PN 4557**, entitled:

An Act amending the act of May 30, 1984 (P.L.345, No.69), known as the First Class City Business Tax Reform Act, defining "tax measurement year"; and further providing for period used in computation of tax and for tax payment.

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. The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.  
Will the maker of the bill stand for brief interrogation?  
The SPEAKER pro tempore. The gentleman agrees.

Mr. VITALI. I am just trying to figure out what is going on in this bill. I heard the cursory explanation, but just give me a little more sense of what we are trying to accomplish here.

Mr. KENNEY. Mr. Speaker, am I recognized?

The SPEAKER pro tempore. The Chair recognizes the gentleman.

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, this legislation would streamline the business tax payment process in the city of Philadelphia by eliminating the double payment for startup businesses. The way the tax is calculated, a startup business must pay an estimated tax based on its previous year's business. Since they did not have a previous year of business, they have to put up some money up front anyway and then also pay at the end of the year on what they actually earned for that year. So they pay twice in the second year of operation, which, working with the city controller in the city of Philadelphia, working with city council, they thought this double payment for startup companies was harmful to these new startup companies, and we were just trying to eliminate that double payment.

Mr. VITALI. This just applies to Philadelphia?

Mr. KENNEY. Yes, it does.

Mr. VITALI. Okay. Thank you, Mr. 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—195

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—8

Bishop	Evans, D.	Perzel	Taylor, J.
Colafella	McIlhinney	Pippy	Washington

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 B

## RESOLUTION PURSUANT TO RULE 35

Mr. WILLIAMS called up **HR 728, PN 4556**, entitled:

A Resolution declaring November 2002 as “Brain Injury Awareness Month.”

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—195

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

NAYS-0

NOT VOTING-0

EXCUSED-8

Bishop	Evans, D.	Perzel	Taylor, J.
Colafella	McIlhinney	Pippy	Washington

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

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2860, PN 4329**, entitled:

An Act amending the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, further providing for PACE reinstatement

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

Ms. **STEELMAN** offered the following amendment No. **A4740**:

Amend Title, page 1, lines 13 and 14, by striking out "further" in line 13 and all of line 14 and inserting  
extending eligibility for PACE and PACENET.

Amend Sec. 1 (Sec. 2306), page 1, line 22, by inserting brackets before and after "2000" and inserting immediately thereafter  
2002

Amend Bill, page 2, line 9, by striking out all of said line and inserting

Section 2. The act is amended by adding a section to read:  
Section 2306.1. PACENET reinstatement.

Notwithstanding any other provision of law to the contrary, persons who, as of December 31, 2001, were enrolled in the PACENET program established pursuant to section 519 of the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, shall remain eligible for the PACENET program if the maximum income limit is exceeded due solely to a Social Security cost-of-living adjustment. Any person whose PACENET eligibility has been terminated for this cause shall be retroactively reinstated commencing on the effective date of this section.

Section 3. This act shall take effect immediately.

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

The following roll call was recorded:

YEAS-195

Adolph	Evans, J.	Maher	Scavello
Allen	Fairchild	Maitland	Schroder
Argall	Feese	Major	Schuler
Armstrong, G.	Fichter	Manderino	Scrimenti
Armstrong, T.	Fleagle	Mann	Semmel
Baker, J.	Flick	Markosek	Shaner

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

NAYS-0

NOT VOTING-0

EXCUSED-8

Bishop	Evans, D.	Perzel	Taylor, J.
Colafella	McIlhinney	Pippy	Washington

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. The Chair understands that all other amendments have been withdrawn.

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.

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. Does the gentleman wish to be recognized? The clerk will strike the vote.

The Chair recognizes the gentleman from Lackawanna County, Representative Gaynor Cawley. You better put your jacket on.

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. Speaker, can the prime sponsor of the bill please stand for an interrogation?

The SPEAKER pro tempore. Will the gentleman, Mr. Kenney, stand for interrogation? The gentleman indicates that he will. The gentleman is recognized.

Mr. CAWLEY. Thank you.

Mr. Speaker, does this bill include language that would allow people that are over because of their Social Security payments to be included and eligible for PACE (Pharmaceutical Assistance Contract for the Elderly)?

Mr. KENNEY. Those that were enrolled in the PACE program and now Representative Steelman added the PACENET (Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier) program, if they were in the program as of December 31 of 2000, it would protect those recipients, Mr. Speaker.

Mr. CAWLEY. Does that include PACE recipients and PACENET?

Mr. KENNEY. Yes. The legislation only included PACE, and Representative Steelman's amendment now includes PACENET.

Mr. CAWLEY. Thank you, Mr. Speaker.

I ask for a positive vote, of course.

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—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Bishop	Evans, D.	Perzel	Taylor, J.
Colafrella	McIlhinney	Pippy	Washington

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 A CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2883, PN 4384**, entitled:

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, further providing for definitions, for harboring unlicensed dogs and for damages by coyotes.

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

Mr. DALEY offered the following amendment No. A5021:

Amend Title, page 1, line 15, by inserting after “definitions,”  
for public safety and penalties relating to  
dangerous dogs; providing for potentially  
dangerous dogs; and further providing

Amend Bill, page 2, by inserting between lines 6 and 7

Section 2. Section 505-A of the act, amended December 11,  
1996 (P.L.943, No.151), is amended to read:

Section 505-A. Public safety and penalties.

(a) Failure to register and restrain.—A dangerous dog shall be  
immediately confiscated by a State dog warden or a police officer upon  
the occurrence of any of the following:

- (1) The dog is not validly registered under this act.
- (2) The owner does not secure and maintain the liability  
insurance coverage required under section 503-A.
- (3) The dog is not maintained in the proper enclosure.
- (4) The dog is outside of the dwelling of the owner or  
outside of the proper enclosure and not under physical restraint  
of the responsible person who is at least 18 years of age.

In addition, an owner violating this subsection commits a misdemeanor  
of the third degree.

(b) Attacks by dangerous dog.—If a dangerous dog, through the  
intentional, reckless or negligent conduct of the dog’s owner, attacks a  
person or a domestic animal, the dog’s owner is guilty of a  
misdemeanor of the second degree. In addition, the dangerous dog shall  
be immediately confiscated, placed in quarantine for the proper length  
of time and thereafter humanely killed in an expeditious manner, with  
costs of quarantine and destruction to be borne by the dog’s owner.

(c) Attacks causing severe injury or death.—

(1) The owner of any dog that, through the intentional,  
reckless or negligent conduct of the dog’s owner, aggressively  
attacks and causes severe injury [or death] of any human shall be  
guilty of a [misdemeanor] felony of the [first] second degree.

(2) The owner of any dog that, through the reckless or  
negligent conduct of the dog’s owner, aggressively attacks and  
causes death of any human shall be guilty of involuntary  
manslaughter.

(3) In addition, the dog shall be immediately confiscated  
by a State dog warden or a police officer, placed in quarantine for  
the proper length of time and thereafter humanely killed in an  
expeditious manner, with costs of quarantine and destruction to  
be borne by the dog’s owner.

(d) Dog owned by a minor.—[If the owner of the] An individual  
under 18 years of age may not own a dangerous dog [is a minor, the  
parent or guardian of the minor shall be liable for injuries and property  
damages caused by an unprovoked attack by the dangerous dog under  
section 4 of the act of July 27, 1967 (P.L.186, No.58), entitled “An act  
imposing liability upon parents for personal injury, or theft,  
destruction, or loss of property caused by the willful, tortious acts of  
children under eighteen years of age, setting forth limitations, and  
providing procedure for recovery.”]

(e) Mandatory reporting.—

(1) All known incidents of dog attacks shall be reported  
to the State dog warden, who shall investigate each incident and  
notify the department if a dog has been determined to be  
dangerous.

(2) A State dog warden or police officer who has  
knowledge of a dog which has attacked a person shall file a  
written report summarizing the circumstances of the attack with  
the police in the municipality where the owner of the dog resides  
or if the attack occurred outside the owner’s municipality of  
residence, with the police having jurisdiction in the municipality  
where the attack occurred. The report shall be available for  
public inspection.

Section 3. The act is amended by adding an article to read:

## ARTICLE V-B

### POTENTIALLY DANGEROUS DOGS

#### Section 501-B. Definitions.

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

“Approved enclosure.” An enclosure approved by the Bureau of  
Dog Law Enforcement under section 503-B.

“Bureau.” The Bureau of Dog Law Enforcement.

“Potentially dangerous dog.” A dog determined to be potentially  
dangerous under section 502-B(a).

#### Section 502-B. Registration.

(a) Summary offense of harboring a potentially dangerous dog.—  
Except as set forth in subsection (c), the State dog warden, a police  
officer or a humane society police officer may file a complaint before a  
district justice, charging the owner or keeper of a dog with harboring a  
potentially dangerous dog. The owner or keeper of the dog shall be  
guilty of the summary offense of harboring a potentially dangerous dog  
if the district justice finds beyond a reasonable doubt that the dog has a  
propensity to attack a human being or an animal. The finding may not  
be based solely or primarily upon characteristics of the breed of dog.

(b) Report of conviction.—The district justice shall make a report  
of a conviction under subsection (a) to the bureau, identifying the  
convicted party, identifying and describing the dog and providing such  
other information as the bureau might reasonably require.

(c) Exception.—This section does not apply to dogs used by law  
enforcement officials for police work, certified guide dogs for the  
blind, hearing dogs for the deaf nor aid dogs for the handicapped.

#### Section 503-B. Approved enclosure.

(a) Requirement.—After 30 days following registration of a dog  
under section 502-B, a person may not own a potentially dangerous  
dog unless one of the following applies:

(1) The person confines the dog in an approved  
enclosure.

(2) The person is involved in an active proceeding under  
subsection (b).

#### (b) Procedure.—

(1) An owner of a potentially dangerous dog must  
submit to the bureau a plan and material samples for the  
approved enclosure.

(2) The bureau shall determine, on the basis of the plan  
and samples, whether the enclosure is:

(i) adequate in terms of height, strength and  
design to prevent the dog from escaping; and

(ii) secure against entry by an individual without  
the owner’s consent.

(3) A proceeding under this subsection is subject to  
2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of  
Commonwealth agencies) and 7 Subch. A (relating to judicial  
review of Commonwealth agency action).

#### Section 504-B. Prohibitions.

##### (a) Control.—

(1) A person that owns a potentially dangerous dog may  
not permit the dog to be outside the approved enclosure unless  
the dog is:

(i) on a heavy leash and choke collar; and

(ii) under the control of an individual at least

18 years of age.

(2) A person that violates paragraph (1) commits a  
misdemeanor of the third degree.

##### (b) Ownership.—

(1) An individual under 18 years of age may not own a  
potentially dangerous dog.

(2) An individual who violates paragraph (1) commits a  
misdemeanor of the third degree.

##### (c) Attacks.—

(1) The owner of a potentially dangerous dog which  
through the intentional, reckless or negligent conduct of the

owner attacks a human being outside the approved enclosure of the dog or the home of the owner commits a misdemeanor of the second degree.

(2) The owner of a potentially dangerous dog which through the intentional, reckless or negligent conduct of the owner attacks a human being outside the approved enclosure of the dog or the home of the owner and causes severe injury to that human being commits a felony of the second degree.

(3) The owner of a potentially dangerous dog which through the reckless or negligent conduct of the owner attacks a human being outside the approved enclosure of the dog or the home of the owner and causes the death of that human being commits involuntary manslaughter.

Amend Sec. 2, page 2, line 7, by striking out "2" and inserting  
4

Amend Sec. 3, page 4, line 29, by striking out "3" and inserting  
5

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

The SPEAKER pro tempore. The Chair recognizes Representative Bebko-Jones. For what purpose does the member rise?

Ms. BEBKO-JONES. To suspend the rules, Mr. Speaker, to offer an amendment, but I guess I will do that after the Daley amendment.

The SPEAKER pro tempore. The lady is correct.

Ms. BEBKO-JONES. Okay. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Representative Casorio.

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, would the maker of the amendment stand for a brief interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will. The gentleman may proceed.

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, the amendment 5021 that you have permits a dangerous dog to be immediately confiscated by a State dog warden or a police officer when the dog is outside of the dwelling of the owner or outside of the proper enclosure and not under physical restraint of the responsible person who is at least 18 years of age. What is the definition, to your knowledge, of "dangerous dog"?

(Conference held.)

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—126

Adolph	Frankel	Markosek	Smith, S. H.
Baker, J.	Freeman	Mayernik	Solobay
Bard	Gannon	McCall	Staback
Bebko-Jones	George	McGeehan	Stairs
Belardi	Gordner	Melio	Steelman
Belfanti	Grucela	Michlovic	Steil
Blaum	Haluska	Micozzie	Stetler
Boyes	Hanna	Mundy	Stevenson, T.

Brooks	Harhai	Myers	Strittmatter
Butkovitz	Hasay	O'Brien	Sturla
Buxton	Hennessey	Oliver	Surra
Caltagirone	Hershey	Pallone	Tangretti
Casorio	Horsey	Petrarca	Thomas
Cawley	Jadlowiec	Petrone	Tigue
Civera	James	Pistella	Travaglio
Cohen, M.	Josephs	Preston	Trello
Cornell	Kaiser	Raymond	Trich
Corrigan	Keller	Readshaw	Tulli
Costa	Kenney	Reinard	Veon
Coy	Kirkland	Rieger	Vitali
Cruz	LaGrotta	Roberts	Walko
Curry	Laughlin	Robinson	Wansacz
Daily	Lawless	Roebuck	Waters
Daley	Lederer	Rooney	Williams, J.
DeLuca	Leh	Rubley	Wojnaroski
Dermody	Lescovitz	Ruffing	Wright, G.
DeWeese	Levdansky	Sainato	Yewcic
Diven	Lucyk	Samuelson	Youngblood
Donatucci	Lynch	Santoni	Yudichak
Eachus	Maitland	Scrimenti	
Evans, J.	Manderino	Shaner	Ryan,
Flick	Mann	Smith, B.	Speaker

NAYS—69

Allen	DiGirolamo	Krebs	Ross
Argall	Egolf	Lewis	Sather
Armstrong, G.	Fairchild	Mackereth	Saylor
Armstrong, T.	Feese	Maher	Scavello
Baker, M.	Fichter	Major	Schroder
Barrar	Fleagle	Marsico	Schuler
Bastian	Forcier	McGill	Semmel
Benninghoff	Gabig	McIlhattan	Stern
Birmelin	Geist	McNaughton	Stevenson, R.
Browne	Godshall	Metcalfe	Taylor, E. Z.
Bunt	Gruitza	Miller, R.	Turzai
Cappelli	Habay	Miller, S.	Vance
Clark	Harhart	Nailor	Watson
Clymer	Harper	Nickol	Wilt
Cohen, L. I.	Herman	Phillips	Wright, M.
Coleman	Hess	Pickett	Zimmerman
Creighton	Hutchinson	Rohrer	Zug
Daly			

NOT VOTING—0

EXCUSED—8

Bishop	Evans, D.	Perzel	Taylor, J.
Colafella	McIlhinney	Pippy	Washington

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. Would the gentleman, Mr. Bunt, like to be recognized?

Mr. BUNT. Yes, Mr. Speaker.

The SPEAKER pro tempore. Could we have a little quiet, please. The gentleman is entitled to speak.

Mr. BUNT. Yes, Mr. Speaker. I was seeking to be recognized. I was hoping to urge the Speaker to strike the vote, because I did have a question that has just been brought to my attention. The gentleman, Mr. Daley, proposed an amendment

in which the penalty that he imposes for an injury would have been a harsher penalty than if a death occurred, and I think I am going to file a reconsideration motion, Mr. Speaker, if that is appropriate, on the amendment.

The SPEAKER pro tempore. The gentleman is in order and is free to do so. Thank you.

**FAREWELL ADDRESS  
BY MR. TRELLO**

The SPEAKER pro tempore. Well, ladies and gentlemen, it has been 8 years since I have been up here as a pro tem, and they caught me completely by surprise. I figured when I made my farewell speech—

Mr. COY. Mr. Speaker, is the House in order? I just—

The SPEAKER pro tempore. Well, for those that want to listen to me, the House is in order; those that do not, I have no chairmanship, I have no means of getting back at anybody, so I will be just a few moments.

But I always envisioned when I made my farewell speech, it would be long and one with a lot of character and a lot of praise, but they caught me by surprise, and I had a lot of men and women in my office, and of course, do we really have to prepare for a farewell speech?

I think my 28 years have probably been the best 28 years of my life for a number of reasons. Number one, I met a number of ladies and gentlemen with a lot of character. I served under some great, great Speakers – I mean, really great Speakers – and our current Speaker, Matt Ryan, falls into that category, one of the best. Many, many Speakers have been up here. They have all been fair. They have always been a little partial at times, but they have always been fair.

This journey that I took 28 years ago, just to think, I did not want to run for this job. When I ran for this job, they told me it was paying \$15,000. Well, I was making \$18,000 then. I said, what the heck do I want this job for? And then push came to shove, and I did run, and I thank the good Lord every day that I did. Where else can you meet the most distinguished men and women in the State of Pennsylvania than on the floor of the House?

And I want to commend the leadership from both sides of the aisle. The leadership to my left has been absolutely wonderful and fair. They have gotten the job done around budget time, which I know is a very difficult thing to do, and I can say the same for the leadership on our side of the aisle. Those are difficult decisions that we have to make, because they do not just affect our own little corner of the world, our districts, but they affect everybody in Pennsylvania.

I personally think that our legislators are grossly underpaid for the job you do. I do not believe for one second that the criticism you get from the news media, if they would walk in our shoes for a week or 2 weeks to see the things that we have to do, I am sure there would be nothing but praise written about the men and women in this great Assembly of ours.

I just have to say that no member can do his job unless he has a good staff. I can say that I have had absolutely the best staff that anybody could ever want to have, in my district office and in my Harrisburg office. As a matter of fact, two of my great, great friends wanted to run for my job, and I had to get a commitment from them. I said, will you keep the staff? One said no, and one said yes. Guess who won? And I think we

all feel that way about our staff. I mean, they are our girl Friday, our man Friday, our right arm. They are always there when we need them.

And I am blessed for a number of reasons. I have got three of the greatest little guys at home, my two boys and my daughter – the joy of my life. Of course, they all make more money than I do now, you know, because of course, I had to spend a lot of money getting them educated and getting their degrees. But I think they are the three greatest guys in the world. I have a wife that supported me on all my endeavors, which I appreciate, and she is going to be fully paid after I get retired, because we are going to travel all over the place. And I have got four of the greatest little granddaughters in the whole world. There is Sofia, Julia, Giavanna, and there is a Jaclyn. They always said, people that were grandparents when I was younger said, oh, you are going to appreciate your grandchildren more than your children. I did not believe that until I had my own grandchildren. Now I know where they are coming from.

But I want to say to our Parliamentarian, who has been the best, one of the best; the staff up here, they have been absolutely fantastic; and you, the members of the General Assembly from both sides of the aisle, past and present, who served a lot of good people, I want to say that you will never get any criticism from me. Unless you vote against certain things for retirees, then you might get some criticism from me.

But I want to close in wishing you all the best. I hope the good Lord allows you to have all the things for you and your family that you absolutely need, not all the things you want but all the things that you absolutely need, and I hope your journey and your career in the General Assembly or whatever course that your life might take you to will be successful.

God bless you all. Thank you, and thank you.

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

The SPEAKER. And then they broke the mold.

**CONSIDERATION OF HB 2883 CONTINUED**

**AMENDMENT A5021 RECONSIDERED**

The SPEAKER. The Chair recognizes the gentleman, Mr. Bunt, who moves that the vote by which amendment A5021 was passed to HB 2883, PN 4384, be reconsidered.

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

The following roll call was recorded:

YEAS—194

Adolph	Egolf	Maher	Scavello
Allen	Evans, J.	Maitland	Schroder
Argall	Fairchild	Major	Schuler
Armstrong, G.	Feese	Manderino	Scrimenti
Armstrong, T.	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	McNaughton	Steil
Benninghoff	George	Melio	Stern
Birmelin	Godshall	Metcalfe	Stetler
Blaum	Gordner	Michlovic	Stevenson, R.
Boyes	Grucela	Micozzie	Stevenson, T.
Brooks	Gruitza	Miller, R.	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	Petrarca	Trich
Clark	Hershey	Petrone	Tulli
Clymer	Hess	Phillips	Turzai
Cohen, L. I.	Horsey	Pickett	Vance
Cohen, M.	Hutchinson	Pistella	Veon
Coleman	Jadlowiec	Preston	Vitali
Cornell	James	Raymond	Walko
Corrigan	Josephs	Readshaw	Wansacz
Costa	Kaiser	Reinard	Waters
Coy	Keller	Rieger	Watson
Creighton	Kenney	Roberts	Williams, J.
Cruz	Kirkland	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wojnaroski
Dailey	Laughlin	Rohrer	Wright, G.
Daley	Lawless	Rooney	Wright, M.
Dally	Lederer	Ross	Yewcic
DeLuca	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	Ryan,
Eachus	Mackereth	Saylor	Speaker

NAYS—0

NOT VOTING—1

Krebs

EXCUSED—8

Bishop	Evans, D.	Perzel	Taylor, J.
Colafella	McIlhinney	Pippy	Washington

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

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

The clerk read the following amendment No. **A5021**:

Amend Title, page 1, line 15, by inserting after "definitions," for public safety and penalties relating to dangerous dogs; providing for potentially dangerous dogs; and further providing

Amend Bill, page 2, by inserting between lines 6 and 7

Section 2. Section 505-A of the act, amended December 11, 1996 (P.L.943, No.151), is amended to read:

Section 505-A. Public safety and penalties.

(a) Failure to register and restrain.—A dangerous dog shall be immediately confiscated by a State dog warden or a police officer upon the occurrence of any of the following:

- (1) The dog is not validly registered under this act.
- (2) The owner does not secure and maintain the liability insurance coverage required under section 503-A.
- (3) The dog is not maintained in the proper enclosure.
- (4) The dog is outside of the dwelling of the owner or outside of the proper enclosure and not under physical restraint of the responsible person who is at least 18 years of age.

In addition, an owner violating this subsection commits a misdemeanor of the third degree.

(b) Attacks by dangerous dog.—If a dangerous dog, through the intentional, reckless or negligent conduct of the dog's owner, attacks a person or a domestic animal, the dog's owner is guilty of a misdemeanor of the second degree. In addition, the dangerous dog shall be immediately confiscated, placed in quarantine for the proper length of time and thereafter humanely killed in an expeditious manner, with costs of quarantine and destruction to be borne by the dog's owner.

(c) Attacks causing severe injury or death.—

(1) The owner of any dog that, through the intentional, reckless or negligent conduct of the dog's owner, aggressively attacks and causes severe injury [or death] of any human shall be guilty of a [misdemeanor] felony of the [first] second degree.

(2) The owner of any dog that, through the reckless or negligent conduct of the dog's owner, aggressively attacks and causes death of any human shall be guilty of involuntary manslaughter.

(3) In addition, the dog shall be immediately confiscated by a State dog warden or a police officer, placed in quarantine for the proper length of time and thereafter humanely killed in an expeditious manner, with costs of quarantine and destruction to be borne by the dog's owner.

(d) Dog owned by a minor.—[If the owner of the] An individual under 18 years of age may not own a dangerous dog [is a minor, the parent or guardian of the minor shall be liable for injuries and property damages caused by an unprovoked attack by the dangerous dog under section 4 of the act of July 27, 1967 (P.L.186, No.58), entitled "An act imposing liability upon parents for personal injury, or theft, destruction, or loss of property caused by the willful, tortious acts of children under eighteen years of age, setting forth limitations, and providing procedure for recovery."].

(e) Mandatory reporting.—

(1) All known incidents of dog attacks shall be reported to the State dog warden, who shall investigate each incident and notify the department if a dog has been determined to be dangerous.

(2) A State dog warden or police officer who has knowledge of a dog which has attacked a person shall file a written report summarizing the circumstances of the attack with the police in the municipality where the owner of the dog resides or if the attack occurred outside the owner's municipality of residence, with the police having jurisdiction in the municipality where the attack occurred. The report shall be available for public inspection.

Section 3. The act is amended by adding an article to read:

ARTICLE V-B

POTENTIALLY DANGEROUS DOGS

Section 501-B. Definitions.

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

"Approved enclosure." An enclosure approved by the Bureau of Dog Law Enforcement under section 503-B.

"Bureau." The Bureau of Dog Law Enforcement.

"Potentially dangerous dog." A dog determined to be potentially dangerous under section 502-B(a).

Section 502-B. Registration.

(a) Summary offense of harboring a potentially dangerous dog.— Except as set forth in subsection (c), the State dog warden, a police officer or a humane society police officer may file a complaint before a

district justice, charging the owner or keeper of a dog with harboring a potentially dangerous dog. The owner or keeper of the dog shall be guilty of the summary offense of harboring a potentially dangerous dog if the district justice finds beyond a reasonable doubt that the dog has a propensity to attack a human being or an animal. The finding may not be based solely or primarily upon characteristics of the breed of dog.

(b) Report of conviction.—The district justice shall make a report of a conviction under subsection (a) to the bureau, identifying the convicted party, identifying and describing the dog and providing such other information as the bureau might reasonably require.

(c) Exception.—This section does not apply to dogs used by law enforcement officials for police work, certified guide dogs for the blind, hearing dogs for the deaf nor aid dogs for the handicapped.

Section 503-B. Approved enclosure.

(a) Requirement.—After 30 days following registration of a dog under section 502-B, a person may not own a potentially dangerous dog unless one of the following applies:

(1) The person confines the dog in an approved enclosure.

(2) The person is involved in an active proceeding under subsection (b).

(b) Procedure.—

(1) An owner of a potentially dangerous dog must submit to the bureau a plan and material samples for the approved enclosure.

(2) The bureau shall determine, on the basis of the plan and samples, whether the enclosure is:

(i) adequate in terms of height, strength and design to prevent the dog from escaping; and

(ii) secure against entry by an individual without the owner's consent.

(3) A proceeding under this subsection is subject to 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action).

Section 504-B. Prohibitions.

(a) Control.—

(1) A person that owns a potentially dangerous dog may not permit the dog to be outside the approved enclosure unless the dog is:

(i) on a heavy leash and choke collar; and

(ii) under the control of an individual at least 18 years of age.

(2) A person that violates paragraph (1) commits a misdemeanor of the third degree.

(b) Ownership.—

(1) An individual under 18 years of age may not own a potentially dangerous dog.

(2) An individual who violates paragraph (1) commits a misdemeanor of the third degree.

(c) Attacks.—

(1) The owner of a potentially dangerous dog which through the intentional, reckless or negligent conduct of the owner attacks a human being outside the approved enclosure of the dog or the home of the owner commits a misdemeanor of the second degree.

(2) The owner of a potentially dangerous dog which through the intentional, reckless or negligent conduct of the owner attacks a human being outside the approved enclosure of the dog or the home of the owner and causes severe injury to that human being commits a felony of the second degree.

(3) The owner of a potentially dangerous dog which through the reckless or negligent conduct of the owner attacks a human being outside the approved enclosure of the dog or the home of the owner and causes the death of that human being commits involuntary manslaughter.

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

Amend Sec. 3, page 4, line 29, by striking out "3" and inserting

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, Mr. Bunt.

Mr. BUNT. Thank you, Mr. Speaker.

Mr. Speaker, this amendment was just brought to my attention. I, in due fairness to the gentleman, Mr. Daley, had not had an opportunity to discuss it with him, but in a preliminary review of the amendment, there are some remarks I would like to make, and then perhaps maybe the gentleman could answer them as I relate to my concerns about the amendment.

Mr. Speaker, this amendment does several things. First, it changes the penalty for a dog attack. In the current law, the penalty to a dog owner for their dog causing either a severe injury or death is a misdemeanor of the first degree. Now, this carries with it a maximum penalty of a \$10,000 fine and 5 years in jail. The sponsor of A5021 would like to make the owner guilty of a felony of the second degree for a dog causing severe injury. That maximum penalty is 10 years in jail, \$25,000 fine. Secondly, he proposes to make the owner guilty of involuntary manslaughter if the dog attack causes a death.

Now, as I stated before, the current penalty from dog damage causing death is a misdemeanor of the first degree. According to the Crimes Code, involuntary manslaughter carries with it the penalty of a misdemeanor of the first degree, and that is 18 Pa.C.S., section 2504. So the sponsor of the amendment is proposing to change the penalty for an attack causing severe injury, which is a felony-2, to be more than that of one causing a death.

The amendment also defines a responsible person as being one of at least 18 years of age and prohibits a minor from owning a dangerous dog. Current law presently addresses a minor owning a dog. That is section 505-A, subparagraph (d), and it states that if a minor owns a dangerous dog, the parent or guardian is liable for any dog that causes the damages.

The rest of the amendment adds a new article related to potentially dangerous dogs. Under this proposal, an owner of a dog may be charged with a summary offense for harboring a potentially dangerous dog, which is one that has the propensity to attack a person or another animal. There is no definition or outline of what constitutes a propensity to attack. So I am not sure what guidelines the district justice will follow in making such a determination. I would submit to you that all dogs, all dogs, have a propensity to attack, just as all humans have a propensity to commit a crime.

The violations of keeping and controlling potentially dangerous dogs are M-3 offenses, which are a maximum of 1 year in jail and a \$2,500 fine. If a potentially dangerous dog attacks a person, the owner is charged with an M-2 – maximum of 2 years in jail, \$5,000 fine. If the potentially dangerous dog causes severe injury to a person, the penalty is a felony-2, which is a maximum of 10 years, \$25,000 fine, and if it causes death, it constitutes involuntary manslaughter, which, as I have already outlined, carries with it a penalty of a misdemeanor-1, which is less than a felony.

Now, Mr. Speaker, I believe these provisions are largely undefinable and therefore unenforceable. They do nothing to

improve our Dog Law, and unless the gentleman can clarify it, I would urge a “no” vote.

The SPEAKER. Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

I do not know if that was a form of a question or if that was debate. I mean, I will be glad to answer your question, Mr. Speaker. Clearly, your staff has not provided you with the court case of Baldwin v. Commonwealth of Pennsylvania, wherein the court has held that the important thing was not the severity of the bite but the clear propensity of the attack. Now, we know that the district justices and the courts look to common law and look to case law. We know that they will also look to this particular case law regarding the propensity to attack. That is what we are incorporating by dictum here into this act.

On your debate, now, recent study in Pennsylvania reported that 46 percent of all schoolchildren have been bitten by a dog by the time they reach the 12th grade; 46 percent. The majority of all dog bites occur on children under the age of 10 or even younger. Most of those bites are around the head, in the face, because they are the same height as a dog. Once one of those bites occurs, the dog can be termed as “dangerous” under the law, but it is actually pointless, since the child will face years of plastic surgery and a lifetime of psychological counseling. I have asked the majority committee staff of the last 2 years to hold hearings on this issue, but, Mr. Speaker, you refused to do so.

This amendment does two simple things. Based upon that Commonwealth Court case ruling last fall of Baldwin v. the Commonwealth, it says that the court has held that it is not the severity of the bite but it is clearly the propensity of the bite that is displayed. This amendment will allow a dog officer or a police officer to file a complaint before the district magistrate alleging that a dog shows a propensity to attack.

Now, I know there are members that have had family members that have been bitten by pit bulls, have been bitten by other dogs, that have suffered irreparable harm, that have told me this on both sides of the aisle. Now, if that magistrate, once that complaint is filed, agrees after due process, Mr. Speaker, the owner has to do a couple things. He must have to erect a suitable fence and keep the dog on a leash.

The SPEAKER. Mr. Daley—

Mr. DALEY. Yes.

The SPEAKER. —yield, please.

Are you under interrogation, or are you debating the bill?

Mr. DALEY. Well, I guess it is sort of interrogation and debating the bill, Mr. Speaker, based upon the—

The SPEAKER. Take your choice.

Mr. DALEY. I will take debating the bill, Mr. Speaker.

The SPEAKER. Thank you.

Mr. DALEY. Is that fine, Mr. Speaker?

Thank you, Mr. Speaker.

As I said, if a magistrate agrees with the complaint filed by the dog enforcement officer or the police officer or the constable, the district justice will rule that the alleged dog has a propensity to attack, and if the magistrate agrees, he must erect this suitable fence, to keep the dog on a leash. That is it. It is quite simple. This makes common sense, Mr. Speaker – no fines, no criminal penalties, no insurance bonds; up front. We want to stop the dogs before they start biting.

And it is true, Mr. Speaker, the amendment also increases the penalty for a severely dangerous dog attack, and you failed to

mention, Mr. Speaker, the language of current law. Current law simply says, “Attacks causing severe injury or death.—...The owner of any dog that, through the intentional, reckless or negligent conduct of the dog’s owner, aggressively attacks” – that is in current law, Mr. Speaker – “aggressively attacks and causes severe injury...” – that is in current law, Mr. Speaker; you did not remind us of that – “...of any human shall be guilty...” and we are changing this from a misdemeanor to a felony, because the law says, Mr. Speaker, “...aggressively attacks and causes severe injury...” of another human being. The law says that. And we believe if you train your dog to attack people or you train your dog to protect your house because there are illegal activities going on and that dog attacks the neighbors, attacks the neighborhood, attacks the Post Office carrier, that you ought to be guilty if you meet this criteria in current law.

The second part, Mr. Speaker, that you failed to illuminate the members on is, “The owner of any dog that, through” – and I am reading current law – “through the reckless or negligent conduct of the...owner, aggressively attacks and causes death of any human shall be guilty of involuntary manslaughter.” Now, that is the amendment that we are adding to current law, Mr. Speaker.

The SPEAKER. Will the gentleman yield.

Please. Conferences on the floor, please break up. Conferences, please break up.

Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

We are increasing that penalty. We are creating that new category. But let us look at the definition, Mr. Speaker, of “involuntary manslaughter” under Title 18, section 2504. The “General rule,” under (a), is, “A person is guilty of involuntary manslaughter when as a direct result of the doing of an unlawful act in a reckless” – reckless, Mr. Speaker – “or grossly negligent manner, or the doing of a lawful act in a reckless or grossly negligent manner, he causes the death of another person.”

It says the “Grading,” under (b), is, “Involuntary manslaughter is a misdemeanor of the first degree.” First degree. That is current law, under the Crimes Code, Mr. Speaker. “Where the victim is under 12 years of age and is in the care, custody or control of the person who caused the death, involuntary manslaughter is a felony of the second degree.”

Mr. Speaker, I think it is high time that we do something about potentially dangerous dogs in Pennsylvania – those dogs that are mauling people, those dogs that are killing people, those dogs that are permanently maiming people – because we know one thing, Mr. Speaker, that a 7-foot alligator, Mr. Speaker, bites at the compression rate of 1,500 pounds per square inch and that force is very similar, Mr. Speaker, to a pit bull, a rottweiler, and mastiffs, and we see kids all over our State being mauled by these dogs, and the law is neuter on this matter, and, Mr. Speaker, we asked for those hearings, but you refused, and it is time we take action on this floor.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

At this time the Chair interrupts the deliberations to ask the gentleman, Mr. Schuler, to preside temporarily. Mr. Schuler.

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

The SPEAKER pro tempore. The Chair recognizes Mr. Horsey from Philadelphia.

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

The SPEAKER pro tempore. The gentleman agrees he will stand for interrogation. You may proceed.

Mr. HORSEY. I only have one quick question, Mr. Speaker, and the question is, does this amendment place a duty or is there anywhere in the bill where there is a duty on the owner of the dog to register the dog if he is considered dangerous? If he is under the classification as dangerous or even if he suspects the dog to be dangerous, is there a duty on the owner to register the dog?

Mr. DALEY. No, Mr. Speaker; there is no duty under this language, only in the fact that once there is an adjudication at the district justice level that a dog is potentially dangerous, that by itself registers the dog as potentially dangerous. There is no process prior to the adjudication.

Mr. HORSEY. Mr. Speaker, in your first category, there is mention of the dog being registered, validly registered. Is that correct? In your very first description, there is something in there about the dog being properly registered.

Mr. DALEY. Mr. Speaker, I think that is the other portion of this act that has nothing to do with the particular amendment. That is the dangerous dog aspect as opposed to the potentially dangerous.

Mr. HORSEY. Well, I am speaking of the dangerous dog aspect in that the bill nor the amendment places a duty on the owner to have the dog properly registered but we are imposing penalties on the back end if the dog does something.

Mr. DALEY. Mr. Speaker, the way the current law is, if a dog attacks someone, he is determined a dangerous dog. What our bill does is add to the fact that if a dog has the propensity to attack, that he has not attacked someone yet, that a bite has not occurred, it can be adjudicated that that dog is potentially dangerous.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, on the amendment?

The SPEAKER pro tempore. The gentleman is in order and may speak on the amendment.

Mr. HORSEY. Thank you, Mr. Speaker.

I would encourage all members to vote on this amendment. It is long overdue. It protects children, and part of our universal duty is to protect children, so I would urge support for the Daley amendment.

Thank you, Mr. Speaker.

**BILL PASSED OVER TEMPORARILY**

The SPEAKER pro tempore. HB 2883 will be passed over temporarily.

**LEAVES OF ABSENCE**

The SPEAKER pro tempore. The Chair returns to leaves of absence. Representative Smith.

Representative Lita COHEN will be placed on leave. Representative HARPER will also be placed on leave. Without objection, the leaves are granted.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 2778, PN 4516**, entitled:

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, further providing for definitions, for staff and operations and for critical job training grants; providing for TAP workforce development scholarship accounts; and further providing for the expiration of the act.

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

Mr. VEON offered the following amendment No. **A5081**:

Amend Sec. 5 (Sec. 303.1), page 9, line 13, by striking out "A LIMITED"

Amend Sec. 9 (Sec. 305.1), page 17, line 8, by removing the period after "AGENCIES" and inserting  
as well as customers and participants from various programs under this act.

Amend Sec. 9 (Sec. 305.1), page 18, line 30, by inserting after "ACTIVITIES."  
These surveys shall include questions about whether employers, grant recipients and participants are able to quickly receive funding and the board's ability to accommodate and respond to the immediate employment needs within the regional and local communities and job markets.

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

The following roll call was recorded:

**YEAS—186**

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

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

NAYS-7

Benninghoff	Forcier	McGill	Strittmatter
Creighton	Maher	Metcalfe	

NOT VOTING-0

EXCUSED-10

Bishop	Evans, D.	Perzel	Taylor, J.
Cohen, L. I.	Harper	Pippy	Washington
Colafella	McIlhinney		

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. VEON offered the following amendment No. **A5082**:

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

“certification,” “participating agencies”

Amend Sec. 3 (Sec. 103), page 4, by inserting between lines 4 and 5

“Participating agencies.” All of the following:

- (1) The Department of Aging.
- (2) The Department of Community and Economic Development.

(3) The Department of Education.

(4) The Department of Health.

[(4)] (5) The Department of Labor and Industry.

[(5)] (6) The Department of Public Welfare.

[(6)] (7) Any agency which oversees and monitors funds appropriated by the Federal Government and designated by the Governor or funds specifically appropriated by the General Assembly for workforce investment which falls under the authority of the board.

\* \* \*

Amend Sec. 4, page 4, line 22, by striking out “AND (F)” and inserting

, (f) and (i)

Amend Sec. 4 (Sec. 302), page 5, line 17, by inserting brackets before and after “REPRESENTATIVES APPOINTED BY THE GOVERNOR WHO ARE:” and inserting immediately thereafter

The Governor shall appoint to serve at the pleasure of the Governor the following members:

Amend Sec. 4 (Sec. 302), page 5, line 28, by striking out “ELECTED OFFICIALS” and inserting

political subdivisions

Amend Sec. 4 (Sec. 302), page 6, by inserting between lines 13 and 14

(D) The Secretary of Health.

Amend Sec. 4 (Sec. 302), page 6, line 14, by inserting brackets before and after “(D)” and inserting immediately thereafter

(E)

Amend Sec. 4 (Sec. 302), page 6, line 15, by inserting brackets before and after “(E)” and inserting immediately thereafter

(F)

Amend Sec. 4 (Sec. 302), page 6, line 16, by inserting brackets before and after “(F)” and inserting immediately thereafter

(G)

Amend Sec. 4 (Sec. 302), page 6, line 21, by inserting brackets before and after “OF BUSINESS” and inserting immediately thereafter

as described under paragraph (3)(i)

Amend Sec. 4 (Sec. 302), page 7, by inserting between lines 6 and 7

(i) Personnel, equipment, resources.—The policy and program offices of the Department of Aging, the Department of Community and Economic Development, the Department of Education, the Department of Health, the Department of Labor and Industry and the Department of Public Welfare shall provide personnel, equipment and resources as required for the functioning of the board.

Amend Sec. 5 (Sec. 303.1), page 8, lines 16 through 19, by striking out all of said lines and inserting

shall work with the chairperson and members of the board, manage the operation and staffing of the board and establish an agenda, priorities and policies for

Amend Sec. 12 (Sec. 704-A), page 38, by inserting between lines 6 and 7

(g) Funding priorities.—Priority for grants for the fiscal year 2003-2004 shall be given to workforce recruitment, retention and advanced training within the fields of health care, long-term care and home and community-based services.

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

The following roll call was recorded:

YEAS-184

Adolph	Feese	Manderino	Schuler
Allen	Fichter	Mann	Scrimenti
Argall	Fleagle	Markosek	Semmel
Armstrong, G.	Flick	Marsico	Shaner
Baker, J.	Frankel	Mayernik	Smith, B.
Baker, M.	Freeman	McCall	Smith, S. H.
Bard	Gabig	McGeehan	Solobay
Barrar	Gannon	McGill	Staback
Bastian	Geist	McLhattan	Stairs
Bebko-Jones	George	McNaughton	Steelman
Belardi	Godshall	Melio	Steil
Belfanti	Gordner	Michlovic	Stern
Birmelin	Grucela	Micozzie	Stetler
Blaum	Gruitza	Miller, R.	Stevenson, R.
Boyes	Habay	Miller, S.	Stevenson, T.
Brooks	Haluska	Mundy	Strittmatter
Browne	Hanna	Myers	Sturla
Bunt	Harhai	Nailor	Surra
Butkovitz	Harhart	Nickol	Tangretti
Buxton	Hasay	O'Brien	Taylor, E. Z.
Caltagirone	Hennessey	Oliver	Thomas
Cappelli	Herman	Pallone	Tigue
Casorio	Hershey	Petrarca	Travaglio

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

NAYS-9

Armstrong, T.	Egolf	Leh	Rohrer
Benninghoff	Forcier	Metcalfe	Wilt
Creighton			

NOT VOTING-0

EXCUSED-10

Bishop	Evans, D.	Perzel	Taylor, J.
Cohen, L. I.	Harper	Pippy	Washington
Colafella	McIlhinney		

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

On the question recurring,

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

**RULES SUSPENDED**

The SPEAKER pro tempore. The Chair recognizes Representative Feese.

Mr. FEESE. Mr. Speaker, I move that the rules of the House be suspended to hear amendment A5271.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-191

Adolph	Evans, J.	Maher	Saylor
Allen	Fairchild	Maitland	Scavello
Argall	Feese	Major	Schroder
Armstrong, G.	Fichter	Manderino	Schuler
Armstrong, T.	Fleagle	Mann	Scrimenti
Baker, J.	Flick	Markosek	Semmel
Baker, M.	Forcier	Marsico	Shaner

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

NAYS-0

NOT VOTING-2

Taylor, E. Z.	Thomas
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EXCUSED-10

Bishop	Evans, D.	Perzel	Taylor, J.
Cohen, L. I.	Harper	Pippy	Washington
Colafella	McIlhinney		

The 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. FEESE offered the following amendment No. A5271:

Amend Sec. 3 (Sec. 103), page 4, line 15, by inserting after "colleges"

technical colleges

Amend Sec. 4 (Sec. 302), page 6, line 7, by inserting after "COLLEGES"

technical colleges

Amend Sec. 5 (Sec. 303.1), page 9, line 22, by inserting after "COLLEGE"

technical college

Amend Sec. 5 (Sec. 303.1), page 9, line 23, by inserting after "COLLEGES"

technical colleges

Amend Sec. 10 (Sec. 501), page 22, line 15, by removing the period after "colleges" and inserting

and technical colleges.

Amend Sec. 10 (Sec. 501), page 22, line 30, by inserting after "colleges"

technical colleges

Amend Sec. 10 (Sec. 502), page 24, line 17, by inserting brackets before and after "and" and inserting immediately thereafter an underscored comma

Amend Sec. 10 (Sec. 502), page 24, line 17, by inserting after "colleges"

and technical colleges

Amend Sec. 10 (Sec. 504), page 26, line 18, by inserting after "colleges"

technical colleges

Amend Sec. 10 (Sec. 504), page 29, line 23, by inserting after "college"

technical college

Amend Sec. 12 (Sec. 702-A), page 35, line 29, by inserting after "Community"

technical

Amend Sec. 12 (Sec. 902), page 39, line 4, by inserting after "colleges:"

technical colleges;

Amend Sec. 12 (Sec. 902), page 39, line 8, by inserting after "college"

or technical college

Amend Sec. 12 (Sec. 902), page 39, line 9, by inserting after "college"

or technical college

Amend Sec. 12 (Sec. 1501), page 51, line 12, by inserting after "COLLEGES"

and technical colleges

Amend Sec. 12 (Sec. 1501), page 51, line 13, by inserting after "COLLEGES"

and technical colleges

Amend Sec. 12 (Sec. 1501), page 51, line 24, by inserting after "COLLEGE"

or a technical college

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

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

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, this amendment just clarifies that technical colleges as well as community colleges are entitled to participate in the legislation.

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

The following roll call was recorded:

YEAS—192

Adolph	Fairchild	Major	Schroder
Allen	Feese	Manderino	Schuler
Armstrong, G.	Fichter	Mann	Scrimenti
Armstrong, T.	Fleagle	Markosek	Semmel

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

NAYS—0

NOT VOTING—1

Argall

EXCUSED—10

Bishop	Evans, D.	Perzel	Taylor, J.
Cohen, L. I.	Harper	Pippy	Washington
Colafella	McIlhinney		

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

NAYS—3

Forcier	Metcalf	Rohrer
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NOT VOTING—1

Taylor, E. Z.

EXCUSED—10

Bishop	Evans, D.	Perzel	Taylor, J.
Cohen, L. I.	Harper	Pippy	Washington
Colafella	McIlhinney		

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 2855, PN 4318**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for the share of the surviving spouse.

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. The Chair recognizes the gentleman, Representative Vitali, from Delaware County.

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

The SPEAKER pro tempore. The gentleman has agreed to. You may proceed.

Mr. VITALI. I am wondering if initially the maker could just explain the bill and its origin and purpose.

Mr. STEIL. Thank you, Mr. Speaker.

In the State of Pennsylvania, when an individual dies intestate with no children, the estate is split between the spouse and the parents of the decedent. In this particular case, for victims of 9/11, there is a special Victims Compensation Fund, which has been put forth by the Federal government. In this case, a victim of 9/11 who dies intestate with no children, the spouse of that victim would have to split the award under the Victims Compensation Fund with the parents of the decedent. The purpose of this is to ensure that the surviving spouse is eligible to receive all of the award from the Victims Compensation Fund.

Mr. VITALI. Thank you, Mr. Speaker.

It seems like this is a very narrow exception. We are talking about Pennsylvania residents who were killed in 9/11, who had a surviving spouse and parents, who died intestate. Does the maker of the bill know how many people this would apply to?

Mr. STEIL. I know of only one.

Mr. VITALI. I have a couple of concerns here.

With regard to one concern— Well, let me say this: What is the rationale, Mr. Speaker, of deviating from the normal intestate distribution in this particular case? Normally in the State of Pennsylvania we divide an estate between the spouse and the parents, and why in this case are we deviating from what we as a legislature have deemed to be appropriate public policy? What makes this different?

Mr. STEIL. Because there is a Victims Compensation Fund, which is a special one-time fund created to attempt to resolve

the issues regarding legal action for victims of 9/11, and the intent of the fund is specifically to compensate the surviving spouse or immediate family of the victim.

Mr. VITALI. I understand that, but what we are dealing with here is whether to give this money to the parents of 9/11 victims versus the spouse of 9/11 victims, and we have set down intestate law in Pennsylvania to divide it in a certain way. Why, why are we deviating from that normal division between parents and surviving spouse? What is the rationale in this case? I mean, money is money and compensation is compensation. Why are we deviating in this particular circumstance from normal intestate distribution?

Mr. STEIL. Because the Victims Compensation Fund is a unique and special application of compensation not known before and not previously considered in the development of intestate law.

Mr. VITALI. Mr. Speaker, with regard to the case, I assume it is a constituent we are dealing with, Mr. Speaker? I assume it is a constituent we are dealing with, Mr. Speaker?

Mr. STEIL. I am sorry. Was that a question?

Mr. VITALI. Right. I assume – I think you mentioned the one specific case – I assume it is a constituent?

Mr. STEIL. Correct; that is correct.

Mr. VITALI. Do we know anything about the parents in this particular case?

Mr. STEIL. The parents do not reside in the State of Pennsylvania.

Mr. VITALI. Thank you, Mr. Speaker.

That concludes my interrogation. I would like to speak on the bill.

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

Mr. VITALI. I just have a couple of concerns here, and one is we as a legislature making a law for one particular case. I think that is something we as a legislature should avoid.

I think the second thing I am concerned about is we as a legislature, where at the time of this tragic accident the parents of this terrible tragedy victim and the spouse of this terrible tragedy victim would both have been entitled to take, we are stepping in and saying, would be saying as a legislature, no, with regard to this fund of money, parents you cannot have and spouse you can have. I am concerned about that.

It just seems like we as a legislature have set up this policy in situations like this, and death is death and money is money, and whether money comes from a Victims Compensation Board or whether money comes from a life insurance policy or whether money comes from buried under the mattress, money is money. I am concerned that we are sort of stepping in and favoring a Pennsylvania resident over a non-Pennsylvania resident. I am just not sure this is the kind of thing we ought be doing. I say this with no disrespect to the spouse of this terrible tragedy, but I do think we need to consider the parents of the terrible tragedy, too, and maybe we ought just stay out of this one.

Thank you, Mr. Speaker.

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—183

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

## NAYS—10

Cohen, M.	Josephs	Miller, R.	Saylor
Haluska	Mackereth	Nickol	Vitali
Horsey	Metcalfe		

## NOT VOTING—0

## EXCUSED—10

Bishop	Evans, D.	Perzel	Taylor, J.
Cohen, L. I.	Harper	Pippy	Washington
Colafella	McIlhinney		

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.

**FAREWELL ADDRESS  
BY MR. SCHULER**

The SPEAKER pro tempore. Ladies and gentlemen of the House, I was not prepared to make any speeches today, but I do want to thank the leadership of both Houses and the Speaker, Speaker Ryan, for all the courtesies that have been shown to me, and to you, the members of the House of Representatives.

Also, as Fred had mentioned, we do have tremendous staff people here, and I would like to recognize Debbie Acor, who served with me for 20 years; Sharon Hershey, who ran my district office; and Sharon Schwartz, who is executive director of the Aging and Older Adult Services. Fine staff people, and I appreciate everything they have done for me.

Twenty years ago I left the classroom to come up here. Like Fred, I took a little bit of a pay cut, but I remember, to be honest about it, I knew a pay raise was coming back in 1983, and I think it was that year my wife, my first wife, now deceased, was very supportive of me coming up here. We were here I think 6 months, and I think I voted for a pay raise, an axle tax, and I do not know, something else we got involved with. I do not know if I would try that again today, but what happened was we ended up with no budget that year, and my wife gave me the devil. She said, you know, when you were teaching, you got paid every 2 weeks; there you are, up there 6 months, and we have no pay. So we went through that. I am sure some of you members remember that quite a bit.

But it has been a great experience for me to come up here. I had some reservations when I ran for office to leave teaching. I enjoyed it, but I had this urge to get more involved in politics, and I had some reservations when I came up here, but the experience has been tremendous, and I want to thank all of you, because you made it a good experience for me.

A lot of people asked me, what are you going to do now that you are retiring? Well, we are trying to go to Germany where my folks are from, the little village of – well, it is not such a little village – it is Ulm, Germany, down in southern Germany on the Danube, but the way things are going in the world, I do not know if we are going to get there, but we are going to try.

I do appreciate everything that has been done here. When I retire, I will be down at the Railroad Museum of Pennsylvania. Some of you know this – High-Speed Geist over here – I work on restoration of railroad equipment. That has been my hobby for almost 12 years. So if you are in Strasburg and you have the opportunity to stop by, I will be back in the restoration shop and I will get you free admission.

I do want to thank Frank Pistella. Frank has been my counterpart on the Aging and Older Adult Services Committee, and I enjoyed working with you, Frank, and my best wishes to you in the future.

That is all I have to say.

Thank you. God bless, and thanks for the memories.

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

The SPEAKER. I believe it is as difficult for us to say goodbye as it is for the retirees to say goodbye. We have all been such good friends over so many years.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 2839, PN 4300**, entitled:

An Act designating a portion of U.S. Route 522 in Snyder and Mifflin Counties as the Disabled American Veterans Highway.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

**YEAS—193**

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Bishop	Evans, D.	Perzel	Taylor, J.
Cohen, L. I.	Harper	Pippy	Washington
Colafella	McIlhinney		

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 2874, PN 4451**, entitled:

An Act designating a bridge on that portion of State Route 1014 over the Susquehanna River, Watsonstown Borough, Northumberland County, as the Nurse Helen Fairchild Memorial Bridge.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong, G.	Fichter	Mann	Semmel
Armstrong, T.	Fleagle	Markosek	Shaner
Baker, J.	Flick	Marsico	Smith, B.
Baker, M.	Forcier	Mayernik	Smith, S. H.
Bard	Frankel	McCall	Solobay
Barrar	Freeman	McGeehan	Staback
Bastian	Gabig	McGill	Stairs
Bebko-Jones	Gannon	McIlhattan	Steelman
Belardi	Geist	McNaughton	Stiel
Belfanti	George	Melio	Stern
Benninghoff	Godshall	Metcalfe	Stetler
Birmelin	Gordner	Michlovic	Stevenson, R.
Blaum	Grucela	Micozzie	Stevenson, T.
Boyes	Gruitza	Miller, R.	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	Hasay	O'Brien	Tigue
Cappelli	Hennessey	Oliver	Travaglio
Casorio	Herman	Pallone	Trello
Cawley	Hershey	Petrarca	Trich
Civera	Hess	Petrone	Tulli
Clark	Horsey	Phillips	Turzai
Clymer	Hutchinson	Pickett	Vance

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Bishop	Evans, D.	Perzel	Taylor, J.
Cohen, L. I.	Harper	Pippy	Washington
Colafella	McIlhinney		

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

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

The SPEAKER. There will be no further votes.  
There are committee announcements.  
Tomorrow and Thursday are nonvoting days.

**LABOR RELATIONS COMMITTEE MEETING**

The SPEAKER. Mr. Flick, do you have an announcement?  
Mr. FLICK. Yes, Mr. Speaker, I do.

Since we are in token session tomorrow, the Labor Relations Committee meeting, which was scheduled for 9:30, will be held immediately in the rear of the House. I would appreciate the members retire to the rear of the House. Thank you.

The SPEAKER. There will be a Labor Relations Committee meeting immediately in the rear of the House.

**COMMITTEE MEETING CANCELED**

The SPEAKER. Mr. Raymond.

Mr. RAYMOND. Mr. Speaker, the House Urban Affairs Committee meeting scheduled for tomorrow has been canceled.

**STATE GOVERNMENT  
COMMITTEE MEETING**

The SPEAKER. The gentleman, Mr. Clymer.  
Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, the State Government Committee meeting scheduled for tomorrow will go on as scheduled. We will be meeting at 10 a.m. in the majority caucus room. Thank you.

The SPEAKER. The State Government Committee will meet at 10 a.m. tomorrow in the majority caucus room.

**ENVIRONMENTAL RESOURCES AND ENERGY  
COMMITTEE MEETING**

The SPEAKER. The gentleman, Mr. Hershey.  
Mr. HERSHEY. Thank you, Mr. Speaker.

We had an Environmental and Energy meeting scheduled for tomorrow after the call of the Chair. We have now scheduled that for 10 o'clock tomorrow morning in room 39, East Wing. We would like all the members to show up at 10 o'clock, 39 East Wing, for an Environmental meeting. Thank you.

The SPEAKER. The Chair thanks the gentleman.

There will be an Environmental Resources and Energy Committee meeting tomorrow morning at 10 o'clock in room 39, East Wing.

**VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS COMMITTEE MEETING**

The SPEAKER. The gentleman, Mr. Semmel.  
Mr. SEMMEL. Thank you, Mr. Speaker.

The Veterans Affairs and Emergency Preparedness Committee will meet on Wednesday, November 13, at 11 a.m. in room 60, East Wing. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Veterans Affairs and Emergency Preparedness Committee will meet tomorrow morning at 11 a.m. in room 60, East Wing.

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

**HB 2270, PN 4564 (Amended)** By Rep. GANNON

An Act amending Titles 5 (Athletics and Sports), 18 (Crimes and Offenses), 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for harassment and stalking; and making conforming amendments.

JUDICIARY.

**HB 2962, PN 4565 (Amended)** By Rep. GANNON

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

JUDICIARY.

**BILL ON CONCURRENCE  
REPORTED FROM COMMITTEE**

**HB 1493, PN 4156**

By Rep. GANNON

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

JUDICIARY.

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. For the information of the members, Dolores Preski, the mother of the majority leader's chief of staff, Brian Preski, recently died. There is a funeral tomorrow morning at 10 o'clock at St. John Cantius Church, 4415 Almond Street in Philadelphia.

If you wish to send condolences or cards, check with the majority leader's office or the Chief Clerk's Office and they can give you the addresses.

**BILLS AND RESOLUTIONS PASSED OVER**

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

**ADJOURNMENT**

The SPEAKER. Does the majority leader or minority leader have any further business? Any further reports or corrections to the record?

The Chair recognizes the gentleman from Erie, Mr. Evans.

Mr. J. EVANS. Mr. Speaker, I move this House do now adjourn until Wednesday, November 13, 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 6:07 p.m., e.s.t., the House adjourned.