

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, NOVEMBER 20, 2002

SESSION OF 2002

186TH OF THE GENERAL ASSEMBLY

No. 76

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

PRAYER

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

Let us pray:

God almighty, Lord eternal, origin of all that is and maker of all that is made, enable us to thank You as we ought. Forgive us when we take Your creation for granted and do not thank You at all, when we thank You with no more attention than the paid person who holds open a door before us, when we thank You with our lips but not with our lives. Quicken our senses; make us aware. Giver of all, teach us to be grateful for one more day to do the right thing.

Lord of light, we thank You for bringing these miners out of the darkness and back into the light. At times when our time here on earth seems to be running out, we are quick to turn toward You in hopes that You do exist. We praise You upon our rescue, the recovery from illness, the hope when all seemed lost. But what about those ordinary times in our lives? Help us to not need a crisis to turn our thoughts toward You. Teach us to see while yet there is light. So much of our life is spent after the fact – half of the day at end before we are even aware it had a beginning. Shock us early with Your presence, we pray. Confront, meet, reveal.

We assemble again in this House and we ask that You would enable us to do the deed for which we have come. Save us from wandering thoughts and chaotic affections, and capture our minds with Your majesty and glory, Your purity and holiness, Your goodness and love. Keep us from such engrossment with our petty obsessions that we have no time to listen for Your commands, and guard us against so filling ourselves with dread and anxiety that we have no room for trust and assurance. Prevent us from being no better human beings at the end of our day than we were at its start. May we serve You and this Commonwealth in a way that would bring honor to You and a sense of accomplishment to our hearts. Thank you for hearing our prayers. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Tuesday, November 19, 2002, will be postponed until printed. The Chair hears no objection.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Argall, for an announcement.

Mr. ARGALL. Thank you, Madam Speaker.

The House Appropriations Committee is in need of an immediate meeting in room 245; immediate meeting.

The SPEAKER pro tempore. The Appropriations Committee will meet immediately.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2021 By Representatives GRUCELA, BELFANTI, BISHOP, DALEY, GEORGE, HARHART, JAMES, KELLER, LAUGHLIN, LEDERER, SATHER and THOMAS

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

Referred to Committee on INSURANCE, November 20, 2002.

No. 2990 By Representatives GRUCELA, BISHOP, COSTA, DALEY, FRANKEL, GEORGE, HARHAI, JAMES, KIRKLAND, LAUGHLIN, MANN, MELIO, ROBERTS, SOLOBAY, STABACK, SURRA, THOMAS and McCALL

An Act amending Title 25 (Elections) of the Pennsylvania Consolidated Statutes, further providing for qualifications to register and for eligibility for primaries; and making repeals.

Referred to Committee on STATE GOVERNMENT, November 20, 2002.

No. 2991 By Representative ROONEY

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

Referred to Committee on JUDICIARY, November 20, 2002.

No. 2992 By Representative MARKOSEK

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for general powers of the Pennsylvania Liquor Control Board.

Referred to Committee on LIQUOR CONTROL, November 20, 2002.

No. 2993 By Representatives GEIST, BROWNE, CAPPELLI, CREIGHTON, HORSEY, MANN, SATHER, SCAVELLO, STERN, THOMAS, WATSON, WOJNAROSKI, HARPER, HERSHEY, G. ARMSTRONG, HESS and E. Z. TAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension of operating privilege and for careless driving.

Referred to Committee on TRANSPORTATION, November 20, 2002.

No. 2994 By Representatives LEWIS, SCAVELLO, BROWNE, DALLY, SATHER, WATSON and PICKETT

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

Referred to Committee on JUDICIARY, November 20, 2002.

No. 2995 By Representatives LEWIS, SCAVELLO, BROWNE, DALLY, WATSON and PICKETT

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for shareholder proxies.

Referred to Committee on STATE GOVERNMENT, November 20, 2002.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 740 By Representatives FICHTER, BEBKO-JONES, BROWNE, CASORIO, JAMES, MELIO, READSHAW, ROBERTS, SATHER, SOLOBAY, THOMAS, WALKO, WATSON, YUDICHAK, RAYMOND, YOUNGBLOOD, HARPER, MANDERINO, HERSHEY, G. WRIGHT and BUNT

A Resolution directing the Legislative Budget and Finance Committee to conduct a study, in cooperation with the Department of Community and Economic Development and the House of Representatives Urban Affairs Committee, of the adequacy of current State and local programs to combat urban blight and report its findings to the House of Representatives.

Referred to Committee on RULES, November 20, 2002.

No. 742 By Representatives BISHOP, D. EVANS, CALTAGIRONE, HENNESSEY, LAUGHLIN, MYERS,

MELIO, TIGUE, HERSHEY, ROEBUCK, PISTELLA, ROBERTS, THOMAS and J. WILLIAMS

A Resolution directing the appointment of a special committee to study the expansion practices of the Southeastern Pennsylvania Transportation Authority.

Referred to Committee on RULES, November 20, 2002.

SENATE BILLS FOR CONCURRENCE

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

SB 133, PN 2354

Referred to Committee on GAME AND FISHERIES, November 20, 2002.

SB 457, PN 2398

Referred to Committee on TRANSPORTATION, November 20, 2002.

SB 514, PN 532

Referred to Committee on URBAN AFFAIRS, November 20, 2002.

SB 1478, PN 2362

Referred to Committee on FINANCE, November 20, 2002.

SB 1505, PN 2239

Referred to Committee on STATE GOVERNMENT, November 20, 2002.

SB 1542, PN 2269

Referred to Committee on STATE GOVERNMENT, November 20, 2002.

SB 1554, PN 2394

Referred to Committee on STATE GOVERNMENT, November 20, 2002.

SB 1560, PN 2332

Referred to Committee on STATE GOVERNMENT, November 20, 2002.

SB 1567, PN 2341

Referred to Committee COMMERCE AND ECONOMIC DEVELOPMENT, November 20, 2002.

SB 1576, PN 2365

Referred to Committee on STATE GOVERNMENT, November 20, 2002.

SB 1578, PN 2351

Referred to Committee on STATE GOVERNMENT,
November 20, 2002.

BILLS REMOVED FROM TABLE

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

Mr. PHILLIPS. Madam Speaker, I move that the following bills be taken off the table:

SB 1208;
SB 1396; and
SB 831.

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

BILLS ON SECOND CONSIDERATION

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

SB 1208, PN 2388; SB 1396, PN 1914; and SB 831, PN 2289.

BILLS RECOMMITTED

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

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

SB 1208;
SB 1396; and
SB 831.

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

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 1459, PN 2254.**

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

The clerk of the Senate, being introduced, returned **HB 152, PN 4644**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 413, PN 2385; and SB 654, PN 2386.**

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

ACTUARIAL NOTES

The SPEAKER pro tempore. The Chair acknowledges receipt of the actuarial notes to amendment No. 5406 to HB 2655, PN 4563, and amendment No. 5619 to HB 2655, PN 4563.

(Copies of actuarial notes are on file with the Journal clerk.)

BILL REMOVED FROM TABLE

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

Mr. PHILLIPS. Madam Speaker, I move that HB 659 be removed from the table.

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

BILL TABLED

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

Mr. PHILLIPS. Madam Speaker, I move that HB 659 be placed on the table.

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

REPORT SUBMITTED

The SPEAKER pro tempore. The Chair acknowledges receipt of the report of the task force on Commonwealth-owned lands in Pennsylvania submitted pursuant to HR 49.

(Copy of report is on file with the Chief Clerk.)

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The lady, Mrs. Taylor, calls for an immediate meeting of the Rules Committee at the majority leader's desk.

**BILL ON CONCURRENCE
REPORTED FROM COMMITTEE****HB 2207, PN 4559**

By Rep. E. Z. TAYLOR

An Act amending the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law, further providing for the appointment of licensed geologists to the board and for the procedure for licensing as a professional land surveyor.

RULES.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House, as the guests of Representative Kate Harper and Representative Eugene McGill, eighth grade gifted Wissahickon Middle School students that are here today presenting a project in the East Wing rotunda on how to use computers to map available handicapped parking spaces and businesses in the town of Ambler. They are seated in the gallery with their teacher, Seamus Clune. Would they please rise.

The Chair is also pleased to welcome to the hall of the House, as the guests of Representative Dante Santoni, the senior government class at Antietam High School. They are also seated in the balcony. Would they please rise.

The Chair is also pleased to welcome to the hall of the House Adam Engleman, a junior at Muhlenberg High School, and Matt Dobrosky, who is a legislative assistant in Representative Dante Santoni's district office. They are seated to the left of the Speaker. Would they please rise.

The Chair is also pleased to welcome, as guest pages of Representative Mario Scavello from Monroe County, Kimberly LaRezza, Meghan Leming, Joseph Kenosky, and Zack Lewis. All are guest pages, and they attend Monsignor McHugh High School. Would they please rise.

We are also pleased to welcome the mothers of the guest pages – Dawn LaRezza, Trudy Leming, Diane Kenosky, and Kim Lewis. They are seated in the balcony. Would they please rise.

BILL REREPORTED FROM COMMITTEE**HB 2256, PN 4587**

By Rep. ARGALL

An Act amending the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, further providing for exemption from licensure requirements.

APPROPRIATIONS.

LEAVES OF ABSENCE

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

The Chair recognizes the gentleman, Mr. Argall, who asks for leaves for the gentleman from Delaware County, Mr. GANNON; the gentleman from Lycoming County, Mr. FEESE; and the gentleman from Philadelphia County, Mr. KENNEY. Without objection, the leaves of absence are granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—195

Adolph	Egolf	Maitland	Saylor
Allen	Evans, D.	Major	Scavello
Argall	Evans, J.	Manderino	Schroder
Armstrong, G.	Fairchild	Mann	Schuler
Armstrong, T.	Fichter	Markosek	Scrimenti
Baker, J.	Fleagle	Marsico	Semmel
Baker, M.	Flick	Mayernik	Shaner
Bard	Forcier	McCall	Smith, B.
Barrar	Frankel	McGeehan	Solobay
Bastian	Freeman	McGill	Staback
Bebko-Jones	Gabig	McIlhattan	Stairs
Belardi	Geist	McIlhinney	Steelman
Belfanti	George	McNaughton	Steil
Benninghoff	Godshall	Melio	Stern
Birmelin	Gordner	Metcalfe	Stetler
Bishop	Grucela	Michlovic	Stevenson, R.
Blaum	Gruitza	Micozzie	Stevenson, T.
Boyes	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	Taylor, J.
Cappelli	Hasay	O'Brien	Thomas
Casorio	Hennessey	Oliver	Tigue
Cawley	Herman	Pallone	Travaglio
Civera	Hershey	Petrarca	Trello
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Turzai
Cohen, L. I.	Hutchinson	Pickett	Vance
Cohen, M.	Jadlowiec	Pippy	Veon
Colafella	James	Pistella	Vitali
Coleman	Josephs	Preston	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kirkland	Reinard	Waters
Coy	Krebs	Rieger	Watson
Creighton	LaGrotta	Roberts	Williams, J.
Cruz	Laughlin	Robinson	Wilt

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—8

Brooks	Gannon	Perzel	Trich
Feese	Kenney	Smith, S. H.	Zimmerman

GREENSBURG CENTRAL CATHOLIC HIGH SCHOOL BOYS BASEBALL TEAM PRESENTED

The SPEAKER pro tempore. The Chair is pleased to recognize the gentleman, Representative Tangretti, for the purpose of a citation.

Mr. TANGRETTI. Thank you, Madam Speaker.

It is my proud honor to introduce to you, the members of this House, the 2002 PIAA Class A baseball championship team – Greensburg Central Catholic Centurions.

In June of this year in Williamsport, they beat the Schuylkill Haven baseball team, which I thought was pretty terrific, by a score of 4 to 1. Oh, by the way, this is the first baseball team from Westmoreland County to ever win a State championship.

With me on the dais is coach Jack Korpar; Justin Pennavaria; Rob Altieri; Warren Schaeffer, who just signed a scholarship to Virginia Tech; and Blase Caranese. In the back we have John Sullivan, athletic director; Terry Meehan, principal; Sister Maureen; the rest of the team and parents and various other supporters.

I would ask my members, the colleagues, to give them a warm welcome and to thank them for coming all this way to receive this citation. Madam Speaker, on behalf of the House, I would like to present this citation.

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

The SPEAKER. The House will please come to order.

Members will please take their seats. Sergeants at Arms, I do not expect it will be necessary to remind you to keep the people down in the back of the rail and to keep the members from conversing during this brief interlude. The groups chatting towards the back in that center aisle, please break up. Staff personnel, off the floor or be seated on the floor.

QUEECREEK MINERS PRESENTED

The SPEAKER. We here in the House of Representatives are fortunate today to have in our presence true international heroes. With us are the 18 men – 9 who escaped and 9 who were rescued – and their rescuers, who this past summer uplifted America’s spirit with an amazing rescue from a watery tomb.

This Chair and this House welcomes the miners who stand before us, behind the 10 helmets that represent the 9 who were rescued and the last, the will of Providence that delivered them safely from harm’s way.

The epic story of our honored guests refreshes our respect for Pennsylvania’s miners, who, willingly, daily stare death in the face in order to extract from the earth the resources Pennsylvanians need to prosper.

At this time I am going to invite the gentleman, Dr. Bastian, to the rostrum to preside temporarily. Dr. Bastian.

THE SPEAKER PRO TEMPORE (BOB BASTIAN) PRESIDING

The SPEAKER pro tempore. I thank you much, Mr. Speaker.

Mr. Speaker, Somerset County, though rich in history and having a proud tradition as a cross section of the American system, was paid little attention before 2001. We are the land of milk and maple; we are the land of a hard work ethic. Then something happened. Twice in a span of 11 months, events occurred that drew not only the nation’s attention but world-wide attention. The first, of course, was the terrorist attack of September 11. Then for 77 hours this past following summer, 18 men – 9 who were trapped helplessly more than 240 feet below the earth and 9 who escaped fighting for at least an hour to get to the portal of the mine through deep water in very narrow spaces – defied the odds by outlasting the peril until their rescue.

The word “miracle” is often used inappropriately in our society today, but we have properly in Somerset County labeled this chapter in our history as “the mine miracle.” This miracle had distinct components that made it possible. Secretary Hess made the statement following the rescue that we needed to have 22 different things happen at the proper time and in the right sequence, and all 22 things happened at the right time and in the proper sequence.

Alive in each of the miners was the never-say-die spirit. From the moment water began rapidly filling their narrow confines, they possessed a rugged determination to stay alive. Succumbing to an unexpected demise while on the job was never an option.

Their optimism was probably best evidenced when the ordeal ended and one of the rescuers talked down the radio line that had been put down the 6-inch hole. One of the miners said, “What took you guys so long?” And another one said, “Send down some snuff.”

Their resilience was matched by the unyielding resolve of their coworkers, who worked feverishly aboveground to beat the clock, all the while never questioning the possibility that these guys were hanging on for dear life, and there were probably more than 200 men and women aboveground working at a lot of different events, not only in the 30-inch hole or the 6-inch hole; there were probably a dozen other holes in the surrounding area, trying to pump water for those 77 hours.

Most importantly, though, it is all through Providence. The prayers of their loved ones and friends were answered. Governor Schweiker and Secretary Hess fulfilled their leadership roles dutifully and with competence beyond what anyone could have expected.

Having endured the mine miracle, the people of Somerset County, like all Americans, renewed our sense of community. We were given a deeper appreciation of heroism and reawakened our faith in God, and I appreciate very much our Chaplain’s prayer this morning for what did happen in Somerset County.

At no time in the near future will Americans take for granted the hard work our coal miners undertake so they can provide our energy needs, and when we turn the lights on in Pennsylvania, 60 percent of that energy still comes from coal.

Let us now give a great Somerset County and a great House of Representatives welcome to the 14 men sitting in front of me here right now.

We have five of the nine who escaped initially and all nine of the nine who were trapped underneath the ground, and as I call their names, they can just raise their hand to identify themselves – Barry Carlson, Dave Petree, Ryan Petree, Frank Stewart, Larry Summerville, Randy Fogel, Tom Foy, Dennis Hall, Ron Hileman, Blaine Mayhugh, John Phillippi, Mark Popernack, Bob Pugh, and finally, John Unger. Let us give them another round of applause.

In the back of the hall are a number of their family members, wives, and some of the children came along, and also two other individuals that I want to introduce briefly – one is Bill Arnold, who has been a dairy farm client for a long time, a friend and now a constituent, and who owns the farm in Somerset County that this mine miracle happened on, and also John Weir, who was the PBS Coals representative, played a major role in the rescue on top and made things happen and got things to happen in a timely fashion. Would they all please stand for an applause, too.

Mr. Speaker, thank you very much for the opportunity to introduce these brave men from Somerset County.

We are now going to have a short video that was taken at the time of the rescue, if you want to pay attention to the screen in front. Thank you.

(A video was presented.)

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

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. BASTIAN called up **HR 726, PN 4551**, entitled:

A Resolution commending the heroic and unyielding efforts of those persons involved in the rescue of the coal miners trapped at Quecreek, Somerset County, July 24 through 27, 2002.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Brooks	Gannon	Perzel	Trich
Feese	Kenney	Smith, S. H.	Zimmerman

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 1243, PN 1600**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the allocation of revenues within the Game Fund.

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Godshall, who withdraws his proposed amendment.

Do you wish to make a statement on it or roll the bill?
Roll the bill.

On the question recurring,
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—195

Adolph	Egolf	Maitland	Saylor
Allen	Evans, D.	Major	Scavello
Argall	Evans, J.	Manderino	Schroder
Armstrong, G.	Fairchild	Mann	Schuler
Armstrong, T.	Fichter	Markosek	Scrimenti
Baker, J.	Fleagle	Marsico	Semmel
Baker, M.	Flick	Mayernik	Shaner
Bard	Forcier	McCall	Smith, B.
Barrar	Frankel	McGeehan	Solobay
Bastian	Freeman	McGill	Staback
Bebko-Jones	Gabig	McIlhattan	Stairs
Belardi	Geist	McIlhinney	Steelman
Belfanti	George	McNaughton	Steil
Benninghoff	Godshall	Melio	Stern
Birmelin	Gordner	Metcalfe	Stetler
Bishop	Grucela	Michlovic	Stevenson, R.
Blaum	Gruitza	Micozzie	Stevenson, T.
Boyes	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	Taylor, J.
Cappelli	Hasay	O'Brien	Thomas
Casorio	Hennessey	Oliver	Tigue
Cawley	Herman	Pallone	Travaglio
Civera	Hershey	Petrarca	Trello
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Turzai
Cohen, L. I.	Hutchinson	Pickett	Vance
Cohen, M.	Jadlowiec	Pippy	Veon
Colafella	James	Pistella	Vitali
Coleman	Josephs	Preston	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kirkland	Reinard	Waters
Coy	Krebs	Rieger	Watson
Creighton	LaGrotta	Roberts	Williams, J.
Cruz	Laughlin	Robinson	Wilt

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Brooks	Gannon	Perzel	Trich
Feese	Kenney	Smith, S. H.	Zimmerman

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

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

* * *

BILLS PASSED OVER

The SPEAKER. SB 1416 and HB 2962 on page 2 are over.
Bills on page 3 are over.
The first two bills on page 4 are over.

RULES SUSPENDED

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

Mr. HERMAN. Mr. Speaker, I move that the rules of the House be suspended to permit the immediate consideration of HB 2411, PN 4509.

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

The following roll call was recorded:

YEAS—195

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

Bishop	Grucela	Michlovic	Stevenson, R.
Blaum	Gruitza	Micozzie	Stevenson, T.
Boyes	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	Taylor, J.
Cappelli	Hasay	O'Brien	Thomas
Casorio	Hennessey	Oliver	Tigue
Cawley	Herman	Pallone	Travaglio
Civera	Hershey	Petrarca	Trello
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Turzai
Cohen, L. I.	Hutchinson	Pickett	Vance
Cohen, M.	Jadlowiec	Pippy	Veon
Colafella	James	Pistella	Vitali
Coleman	Josephs	Preston	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kirkland	Reinard	Waters
Coy	Krebs	Rieger	Watson
Creighton	LaGrotta	Roberts	Williams, J.
Cruz	Laughlin	Robinson	Wilt
Curry	Lawless	Roebuck	Wojnaroski
Dailey	Lederer	Rohrer	Wright, G.
Daley	Leh	Rooney	Wright, M.
Dally	Lescovitz	Ross	Yewcic
DeLuca	Levdansky	Rubley	Youngblood
Dermody	Lewis	Ruffing	Yudichak
DeWeese	Lucyk	Sainato	Zug
DiGirolamo	Lynch	Samuelson	
Diven	Mackereth	Santoni	Ryan,
Donatucci	Maher	Sather	Speaker
Eachus			

NAYS—0

NOT VOTING—0

EXCUSED—8

Brooks	Gannon	Perzel	Trich
Feese	Kenney	Smith, S. H.	Zimmerman

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 2411, PN 4509**, entitled:

An Act amending Title 5 (Athletics and Sports) of the Pennsylvania Consolidated Statutes, revising provisions relating to athlete agents.

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 Chair recognizes the lady from Philadelphia County, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.
May I interrogate the maker of this bill, please?
The SPEAKER. The gentleman, Mr. Herman, will stand for interrogation. You may begin.

Ms. JOSEPHS. Thank you, Mr. Speaker.
Mr. Speaker, since this bill was conceived, drafted, and put into final form, we have had a court decision, mainly *Gmerek v. Ethics*, in which the Supreme Court has told us that we may not regulate the behavior of lawyer lobbyists, that only the court may regulate the behavior of lawyers as they act as lobbyists.

Looking over this bill, it appears to me that we are very closely regulating the roles of lawyers as they act as agents for student athletes. My question to the speaker is, have we looked at this bill in light of *Gmerek v. Ethics*, and if so, what conclusion was drawn from that analysis?

The SPEAKER. Mr. Herman.
Mr. HERMAN. Thank you very much, Mr. Speaker.

I think the answer to that question is, specifically has it been looked at in terms of that decision, and the answer to that is probably no. However, the reason for that is because under current law, you know, agents who deal with professional athletes are already regulated including the legal profession as you incurred, and this would extend that same provision then to those attorneys in the legal profession who do such business with student athletes. So it would be consistent in that vein.

Ms. JOSEPHS. Thank you, Mr. Speaker.
My interrogation has ended. I would wish to make a few remarks.

The SPEAKER. The lady is in order.
Ms. JOSEPHS. The answer was that this bill had not been looked at in light of a recent Supreme Court case which covers the same material.

I then ask we move to delay this bill. I would appreciate it if you would put it into artful parliamentary terms for me, Mr. Speaker, until we have an opportunity to analyze this bill in light of *Gmerek v. Ethics*.

The SPEAKER. Ms. Josephs, are you suggesting it be set aside for a date certain? Considering that we have a rather short schedule, it would be a date very soon, or just put it over generally, and if it should be called up in the next day or two, you might have to make the same argument again. I will do what you want.

Ms. JOSEPHS. Why do we not put it over until Monday, the 25th.

The SPEAKER. I am prepared to make that motion.
I call to your attention that effectively kills the bill because of the timing. I feel sure you know that.

Ms. JOSEPHS. Well, as a courtesy to the maker, I would say let us then put it over generally so that we have some time to look at this.

The SPEAKER. Very good; very good.
Ms. JOSEPHS. Thank you.

MOTION TO POSTPONE

The SPEAKER. The lady moves that HB 2411 be postponed.

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

The SPEAKER. On the question of postponement, the gentleman, Mr. Herman.

Mr. HERMAN. I defer to the lady, Ms. Josephs. I think she was going to say something further.

The SPEAKER. Very good.

Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I do not think it is a really good idea for us as legislators to ignore the findings, the opinions, of our court. Our court is an equal partner in this government to the Commonwealth of Pennsylvania. They have said very clearly that it is not constitutional for us to regulate lawyers in their roles as lobbyists. I do not see any way to distinguish between lawyers—

The SPEAKER. Ms. Josephs, you are on the substance of the bill now, and what we have before us is the motion to postpone.

Ms. JOSEPHS. So I think that we need to look at this issue. We need to postpone this bill so we can look at the issue to see whether or not we are violating a Supreme Court opinion which is fairly recent. I believe my oath of office requires me to do that in this deliberative manner, and I invite other folks here on the floor who take their oath of office so seriously as I do to vote to postpone this bill until it can be analyzed, until we can figure out what it is actually going to do in light of a new Supreme Court decision.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Herman.

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

I encourage all the members to vote against this motion to postpone.

I did answer the lady's inquiry initially, and I will repeat and I will add some more information, that since 1998 the Commonwealth of Pennsylvania has in place a law that regulates agents dealing with athletes, professional athletes – it is already in law – including those in the legal profession, which has not been challenged in the courts. The decision of Gmerek versus whomever that the lady mentioned deals with lobbyists and really has no effect, in my opinion, on this bill whatsoever. There is absolutely no reason to look into this any further.

I think her whole question is moot, and because of the timeframe involved, we obviously have to pass this bill today to get it to the Senate and be put in place into law and on the Governor's desk.

So I am going to ask everyone in this chamber to please vote against the motion to postpone.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I rise to—

The SPEAKER. Will the gentleman, Mr. Markosek, yield.

There are too many conferences in the area of the gentleman, Mr. Markosek.

Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I rise to respectfully oppose my colleague on this side of the aisle's motion to postpone.

For the reasons that the previous gentleman just spoke, we would like to see this bill moved. This bill has been hashed out in our committee, Professional Licensure, over and over, and it

has finally got to this point, and with the very short time left, we would urge the members to vote “no” on postponement and vote the bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the Democratic whip, Mr. Cohen.

Mr. COHEN. Caucus chairman, Mr. Speaker.

The SPEAKER. Caucus chairman; pardon me. The election is tomorrow.

Mr. COHEN. Yes, I am aware of that, and I do not want you starting any rumors, Mr. Speaker.

The SPEAKER. Maybe they were not rumors; maybe they were results.

Mr. COHEN. Mr. Speaker, on this bill, the Supreme Court issued a somewhat complicated decision on the Lobbyist Registration Act, and I think that the short postponement to give lawyers a chance to read that decision and read this bill could pay enormous dividends in the long run. The Attorney General's Office actively litigated the decision, the Gmerek case. They are intimately familiar with it. I am sure if we get one or two of the people in the Attorney General's Office who litigated this decision to read this bill, we may get advice that Ms. Josephs' concerns are not relevant. We may get advice that changing a sentence here or a sentence there would safeguard this bill from constitutional attack. I think it is a reasonable thing to seek a very short postponement. We are going to be here 3 days next week, and we can quickly pass this bill once we know whether or not this bill has any infirmities under the Gmerek decision.

I therefore support the motion to postpone.

The SPEAKER. Mr. Herman.

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

You know, I have to reiterate that, you know, we already have in place in current law since 1998 the Athletic Agent Registration Act. That act has not come under attack by any lawyers or any judgeships or any kind of courts that have ruled on that as a result of the court decision affecting the Lobbyist Registration Act. These are two different and separate acts in current law that do not have any effect on this legislation.

This Uniform Athletic Agents Act is very important to be passed today before this sine die session, because it would establish a very clear set of high standards for agent conduct. It would provide critical protections for susceptible student athletes. It would ensure that the student athletes, their parents, and the institutions of higher education receive important consumer information from agents, provide those institutions of higher education legal recourse to pursue unscrupulous agents of student athletes.

I might add, Mr. Speaker, I think the bottom line in all of this is that this legislation provides uniformity and consistency for Pennsylvania State law with other States across this nation that is going to benefit the athletic agents, will protect the student athletes and the institutions of higher education, their parents, and their families.

And I might also add, Mr. Speaker, that this legislation has been looked at very carefully by both staffs of the House of Representatives and the State Senate, and also that the Pennsylvania State Athletic Commission is very much in favor of this legislation.

So again, I ask the members to please oppose this motion to postpone and proceed with an affirmative vote for HB 2411.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman. Mr. Argall.

Mr. ARGALL. Just to repeat one important thing: Certainly in a chamber in which we are always very proud to bring forth young athletes, championship athletes, this postponement can at this time of the year have the unfortunate result of killing the bill, and so while I understand it says motion to postpone, it could as easily, realistically, say motion to kill.

So I would strongly support Representative Herman and ask that this motion be defeated.

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

The following roll call was recorded:

YEAS—46

Bebko-Jones	James	Rieger	Surra
Belardi	Josephs	Roberts	Tangretti
Casorio	Lawless	Robinson	Thomas
Cawley	Lucyk	Roebuck	Tigue
Cohen, M.	Manderino	Rooney	Travaglio
Dermody	Mann	Scrimenti	Vitali
Donatucci	McGeehan	Shaner	Wansacz
Evans, D.	Melio	Staback	Washington
Freeman	Myers	Steelman	Waters
Gruitza	Pallone	Stetler	Williams, J.
Harhai	Petrarca	Sturla	Wright, G.
Horsey	Preston		

NAYS—148

Adolph	DeLuca	Leh	Ruffing
Allen	DeWeese	Lescovitz	Sainato
Argall	DiGirolamo	Levdansky	Samuelson
Armstrong, G.	Diven	Lewis	Santoni
Armstrong, T.	Eachus	Lynch	Sather
Baker, J.	Egolf	Mackereth	Saylor
Baker, M.	Evans, J.	Maher	Scavello
Bard	Fairchild	Maitland	Schroder
Barrar	Fichter	Major	Schuler
Bastian	Fleagle	Markosek	Semmel
Belfanti	Flick	Marsico	Smith, B.
Benninghoff	Forcier	Mayernik	Solobay
Birmelin	Frankel	McCall	Stairs
Bishop	Gabig	McGill	Steil
Blaum	Geist	McIlhattan	Stern
Boyes	George	McIlhinney	Stevenson, R.
Browne	Godshall	McNaughton	Stevenson, T.
Bunt	Gordner	Metcalfe	Strittmatter
Butkovitz	Grucela	Michlovic	Taylor, E. Z.
Buxton	Habay	Micozzie	Taylor, J.
Caltagirone	Haluska	Miller, R.	Trello
Cappelli	Hanna	Miller, S.	Tulli
Civera	Harhart	Mundy	Turzai
Clark	Harper	Nailor	Vance
Clymer	Hasay	Nickol	Veon
Cohen, L. I.	Hennessey	Oliver	Walko
Colafella	Herman	Petrone	Watson
Coleman	Hershey	Phillips	Wilt
Cornell	Hess	Pickett	Wojnaroski
Corrigan	Hutchinson	Pippy	Wright, M.
Costa	Jadlowiec	Pistella	Yewcic
Coy	Kaiser	Raymond	Youngblood
Creighton	Keller	Readshaw	Yudichak
Cruz	Kirkland	Reinard	Zug
Curry	Krebs	Rohrer	

Dailey	LaGrotta	Ross	
Daley	Laughlin	Rubley	Ryan,
Dally	Lederer		Speaker

NOT VOTING—1

O'Brien

EXCUSED—8

Brooks	Gannon	Perzel	Trich
Feese	Kenney	Smith, S. H.	Zimmerman

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

On the question recurring,
Shall the bill pass finally?

The SPEAKER. Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the sponsor of the bill, please.

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

Mr. TIGUE. Mr. Speaker, I understand the concern about the student athletes, but when you read the bill, it says that all of this will apply to agents dealing with individuals and student athletes, which would to me mean anyone who is currently a professional, whether they are with Pennsylvania teams or some other teams or in fact they are Pennsylvania residents. How does that change what goes on today between the agent and the person he represents?

Mr. HERMAN. Could the gentleman please repeat the question, Mr. Speaker?

The SPEAKER. Mr. Tigue.

Mr. TIGUE. Okay.

The question – let me see if I can make it more succinct – the question would be, this bill—

The SPEAKER. Will the gentleman yield.

The undercurrent of conversation, please. This could be a long day or it could be a short day depending on the cooperation of the members.

Mr. Tigue.

Mr. TIGUE. This bill is under the guise of dealing with student athletes, and I understand that part of it, that we want to protect student athletes from losing their eligibility, et cetera, from unscrupulous agents. However, it does say in the bill, individuals and student athletes. How does that change today's relationship between agents and athletes who are professionals?

Mr. HERMAN. Mr. Speaker, the quick answer to that is it does not change the relationship, because, as I mentioned previously, we already have in place in current law the Athletic Agent Registration Act passed in 1998. All this bill does is reaffirm that and also extend those provisions or protections to student athletes as the bill outlines.

Mr. TIGUE. Well, if you would, please, indulge me. Let me ask again. This changes the current rules, regulations, and actual statute of how agents and athletes work with each other or for each other. What does this do that we— What does this require

of agents and/or athletes, not student athletes, but professionals, that we do not require now?

Mr. HERMAN. What this bill does, Mr. Speaker, is I think if you want to focus on what it does specifically, is it provides for some consistency between other States and with Pennsylvania and basically in the penalty provisions, and that is that, for example, if an agent would be penalized in another State that had this same kind of legislation in place – and other States already do – that through reciprocity they could also be, the agent or the student athlete, could be protected because the agent would not be able to do business here in Pennsylvania.

The penalty provisions I think are what are very, very important in this legislation in that the agent is penalized here in Pennsylvania and they can also be penalized in other States, but more importantly, the agents are also protected because the agents themselves, who are described in this profession, have some idea of some consistency with other States and what is expected of them lawfully, and that means that with consistency between the other States, that they now, instead of having a mishmash of 50 different States of different kinds of laws, that they would have some uniformity.

This is, for the information of the members here, this is a goal nationwide that is taking place in the athletic arena regarding student agents and their relationship with student athletes, and hopefully, we are going to be one of a number of States or a dozen or more that already have this legislation and hopefully everybody across the nation is going to get on board with this.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to speak on the bill, please.

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

Mr. TIGUE. Thank you, Mr. Speaker.

I am not sure what it does based on the gentleman's response. I am not interested in what other States do, really. That is why I supported Representative Josephs' motion to hold over.

I understand the NCAA (National Collegiate Athletic Association) and our great institutions, like Penn State, were here, and we talked to the coaches about it and they want it for student athletes. My concern is beyond student athletes, with professional athletes. So I cannot tell you in good conscience that this is a great thing or a poor thing. All I do know is that I do not fully understand what the impact is, and therefore, I have to vote "no."

Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—192

Adolph	Eachus	Major	Saylor
Allen	Egolf	Manderino	Scavello
Argall	Evans, D.	Mann	Schroder
Armstrong, G.	Evans, J.	Markosek	Schuler
Armstrong, T.	Fairchild	Marsico	Scrimenti
Baker, J.	Fichter	Mayernik	Semmel
Baker, M.	Fleagle	McCall	Shaner
Bard	Flick	McGeehan	Smith, B.

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

NAYS—3

Horsey	Josephs	Tigue
--------	---------	-------

NOT VOTING—0

EXCUSED—8

Brooks	Gannon	Perzel	Trich
Feese	Kenney	Smith, S. H.	Zimmerman

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. KAISER**

The SPEAKER. In keeping with our practice for retiring members, the Chair at this time invites the gentleman from Allegheny County, Mr. Kaiser, to preside and make such closing remarks as he sees fit.

Mr. KAISER. Thank you, Mr. Speaker.

There are two very special people here today that I would like to introduce – my wife, Susan, whom I have known for

30 years, and my son, Christopher. As you know, family plays a very important part in every one of us being here.

Well, my time in the legislature is almost over. At this time I would like to thank all the support staff that has helped me over my 14 years. Everyone from the pages to graphic arts, broadcasting, photography, print shop, and the Legislative Information Office, you all did your part to make me look so good to my constituents.

To Sandy Altland, my secretary in Harrisburg, and Debbie Duff, my part-time secretary in my district office, thank you. A very special thanks to Linda Abernathy, who started to work for me in January of 1989, my very first month in office. Your dedication, hard work, and people skills were my best asset. You turned great constituent service into the best goodwill a legislator could ever have.

To the communities and their residents that I have represented during my years here in office – Brentwood, Baldwin Borough, Bethel Park, Castle Shannon, Pleasant Hills, South Park Township, and Whitehall – thank you for allowing me to have this great privilege and honor to represent you in Harrisburg.

Be it political life or private life, what is most important are family and friends. To my wife, Susan; and son, Christopher; my daughter, Jacqueline; my seven sisters, Rose, Beth, Alice, Bernice, Madge, Dorothy, and Joyce; my four brothers, Bill, Paul, Jim, and Ed; and my parents, William and Estella Kaiser, thank you for your support, love, and independent spirit. From day one you were in my corner. Thank you for your help.

To my family, friends, campaign volunteers, constituents, House members, particularly those House members from Allegheny County, here is my story of why I am at the Speaker's rostrum today, because you certainly deserve an explanation.

I worked for United States Steel, Duquesne Works, until the plant closed in 1984. In 1980 there were 25,000 United States Steel employees in the Mon Valley. In 1985 there were only 5,000, and I was one of 20,000 employees who lost their job. I was laid off during the early eighties for 72 weeks before losing my job. The last complete year that I worked before being laid off by United States Steel in 1981, I made \$31,000. In 1985, my first year after the mill closed, I made \$13,000. I was like many people in western Pennsylvania and throughout the State who lost a good-paying job and ended up making less than half their former salary. I tell people that I gained a million dollars' worth of life experience but would not give you a nickel to relive it again.

I remember when I started my campaign in 1988 for State Representative. No one thought I had a chance to win but my family and campaign volunteers. Times were tough back in 1988. Even though the 41st District had a registration of 53 percent Democrat, 38 percent Republican, and 9 percent Independent, no Democrat had ever held this swing seat. The Democrats in the district were soft Democrats or Reagan Democrats and supported Republican candidates.

I was approached by the Democratic leadership to run for State Representative. Living from payday to payday and working two jobs, I had no money to run a campaign, so I took the title for my automobile to the Duquesne Credit Union and was given a loan for \$4,400. I quit my part-time evening job and began my campaign. I had 30,000 pieces of literature printed and began door knocking on July 3, 1988. It was one of the

hottest summers on record, with 38 days over 90 degrees. That summer would make the past summer we just had seem mild. With the exception of 4 days from July 3 to the general election on November 8, I door-knocked every day. That is Monday through Friday after work, 4 p.m. to 9 p.m., for a total of 25 hours during the workweek. On Saturdays I would door-knock from 11 a.m. to 9 p.m., 10 more hours, and then on Sundays from 1 to 9 p.m., for an additional 8 hours. Regardless of the weather, I door-knocked. That is a total of 43 hours a week door knocking while holding a full-time job during the week.

On election night in November of 1988, out of the 203 Representatives running for election, only three incumbents lost their seats – two in Allegheny County and one in Erie County. I was fortunate to defeat an incumbent Republican to win one of those seats. Twenty-five thousand people voted in the 1988 election for State Representative in the 41st District, and I won by 168 votes. My family covered all the voting districts but five, which were covered by volunteers. Being a candidate from Brentwood Borough was difficult because at the time the borough was a split community that had two legislators and I had less than 5 percent of the population from my hometown in the 41st Legislative District, which meant I had no base.

The world of politics at times is no different than the real world. It has every human emotion from love to hate and everything in between. In the 1988 election I took a legislative district that the Republicans always had, so I knew I would have to campaign very hard in my first reelection. Again with a strong campaign base of family, volunteers, and door knocking, I was able to defeat a very strong and good Republican candidate. I won by more than a 2-to-1 margin, losing only three voting districts. Those three voting districts I lost in 1990 would be the last ones I would ever lose in the Democratic primary or general election. In the 1992 general election, I defeated a resident of Bethel Park, who has been the Republican jury commissioner in Allegheny County since 1997, by a 3-to-1 margin – 21,000 votes to 7,000 votes – winning all districts. In the elections of 1994, 1996, and 1998, I won both the Democratic and Republican nominations in the primary.

Perhaps my finest victory was in the 1998 Republican primary against a local Republican councilman when I won on a write-in in the primary. He spent a substantial amount of money on political mail and had every voting district covered with campaign workers. In the 2000 general election I defeated a local Republican mayor, who spent a ton of money on his campaign, winning all voting districts with a margin of 20,000 votes to 9,000 votes. I aggressively door-knocked for 5 years to ensure that the 41st District would become a Democratic stronghold in the suburbs of Allegheny County, and it worked.

I am proud to be the first Democrat elected in the 41st District, and since my legislative district is moving to Lancaster County, I can say the first and the last Democrat elected in the 41st District. It happens.

When I look at my record since 1990, my first reelection, I have won 637 voting districts while losing only 3 voting districts in the Democratic primary and general elections. As a candidate on the Democratic ticket as well as a write-in candidate on the Republican ticket, since 1988, the year I was elected into the House, I won 906 voting districts and lost 33.

Please remember, 17 out of those 33 districts I lost since 1988 were in the Republican primaries.

Wife Susan, son Chris, daughter Jacqueline, brothers and sisters, aunts and uncles, nieces and nephews, and campaign volunteers: this record is yours, not mine. Thank you so much for your efforts on my behalf.

If you are old enough, you can remember where you were when President John F. Kennedy was assassinated on November 22, 1963. The date of September 11, 2001, is another one of those dates that you will remember what you were doing that day for many years to come.

On that day I woke up at 5 a.m. and left Allegheny County to attend a Labor Relations meeting. At approximately 9 a.m. I was on Front Street in Harrisburg on the way to the Capitol when I heard on the radio that a plane had struck one of the World Trade Center towers. I was under the impression that it was a small aircraft. Within minutes of arriving at the Capitol, it was apparent that it was very serious and not an accident. I attended the meeting, but it was cut short as it was obvious that what happened at the World Trade Center was deliberate. The Capitol was being locked down, and everyone was told to go home. I drove back home, and I was like millions of other Americans who were glued to their television sets observing the terrible events that happened that day, not only in New York City but Washington, DC, and Somerset County in Pennsylvania.

At 8:35 that evening I received a call regarding the reapportionment process. Information from a third party informed me that my legislative district was to be moved out of Allegheny County and that my good friend, Harry Readshaw, and I would be placed in the same district, and that Dave Mayernik's North Hills district was to be moved out of Allegheny County. This was being done not by the Republican leadership but by my own Democratic leadership. I told the caller I put very little faith in what he said, because the Allegheny County delegation historically in past practice had always completed their own reapportionment process and that our own delegation chairman and delegation members had worked on our plan during the better part of the summer and it was complete. I told the caller that I went through the reapportionment process in 1991, and that is how it works.

Furthermore, I informed this individual that my legislative district had next to no population loss compared to other legislators in Allegheny County, particularly those in the city of Pittsburgh, who took a tremendous hit on population loss. One city legislator lost 26 percent of his population, another 23 percent of his population, and the city has been losing population for the past 50 years. If a seat would have to go, logically it would be a city Democratic seat. Plus, the city of Philadelphia had suffered a severe population loss especially in Democratic districts.

Since Philadelphia had several freshman Representatives, they would have to lose at least one seat through the reapportionment process. In fact, my legislative district was up to 59 percent Democrat, and when I was first elected, it was 53 percent. This was due to the fact that the Democrats in the city of Pittsburgh were leaving and moving into the suburban communities of the 41st District. The reapportionment meant one Republican seat and one Democratic seat had to be eliminated in Allegheny County.

I also pointed out to the caller that his information was wrong because Tom Michlovic was retiring and he specifically stated to Democratic leadership that his seat was to be used in the reapportionment to protect incumbent Democrats in Allegheny County. So with one Democratic seat and one Republican seat to be lost in Allegheny County, I felt I was in a good position to run for reelection in 2002. Besides, if my legislative district in the South Hills and the 29th District in the North Hills were eliminated, our Democratic Caucus would be in the minority until the next reapportionment in 2011. I explained to the caller, the only way the House Republicans could lose the majority would be if they experienced a nuclear meltdown like the House Democrats had when five Democratic members switched parties. I also pointed out that after I did not vote for the 1991 tax increase, I was excommunicated from the Democratic Caucus. I was in my second term, but I was expected to put up the tax vote and ended up behind the eight ball with the Democratic leadership for a number of years.

I told the caller that recently the minority leader and I played golf together, had lunch, and discussed what needed to be done to bring our caucus together. We both felt we could meet on common ground to move our Democratic Caucus forward. It was a great day, and I was very optimistic about the healing process in the Democratic House Caucus. In the election of 2000, the minority leader gave me a campaign contribution of \$2,000, and when I took the oath for my seventh term, I received three very good committees, and I felt that, too, was a good sign that the healing process had begun in our caucus. The Democratic whip never talked to me in years, but I never got in his face or deliberately tried to cause him any grief or aggravation.

The phone conversation lasted 30 minutes, and I put very little faith in what I was being told. I thanked the caller for the information, hung up the phone, and continued to watch the tragic attack on America by terrorists on that unforgettable September 11, 2001, a date as Americans we will never forget. Within the next 48 hours, with additional information, I realized that what the caller had told me on the evening of September 11 was true. My legislative district would be a victim of the reapportionment process.

Harry Readshaw, Dave Mayernik, and I decided to fight this reapportionment plan. We prepared a petition with arguments as to why this plan and its new mystery map should be rejected. There was much merit in the petition, because it was based on a Democratic member specifically giving up his House seat to be used in the reapportionment process. Plus, our Allegheny County delegation chairman and members had worked on the original plan almost the entire summer. Every member of the Allegheny County delegation signed the petition except one member. We felt we had a very strong case. Unfortunately, the judge rejected our petition, saying that the House Democratic members of the Reapportionment Commission could treat their own members any way they wanted, as it was their business and not his. I received this information through a well-informed third party, and this time I believed it.

God bless Tom Michlovic. He felt strongly what happened to Allegheny County was wrong and wanted to help fight this preliminary plan. He had a wealth of knowledge regarding the reapportionment plan, as he had been our chairman of the Allegheny County Democratic delegation in 1991, the last reapportionment. Plus, he had given up his seat in this plan so

no Allegheny County Democratic member would lose their seat and would have to run against a fellow Democrat. It was always in Allegheny County one Democratic seat and one Republican seat. Now it was two Democratic seats and no Republican seats. He along with other members of our delegation met with our leadership, but their plan was set in stone.

I was faced with the reality of running against my good friend, Harry Readshaw, in the Democratic primary. He is a good man, and one thing this institution needs is good people. My philosophy in life has always been, step aside for a good man or a good woman, so I decided to retire. If I had run, it would have been a tough race, because I get into campaigns to win, not to lose. But life is too short, and it was my time to move on. Sometimes we make decisions that affect what path you will travel in life; other times people make those decisions for you and you accept it.

At that time I knew I was in my last term and on November 30, 2002, I would be leaving the House. I was only in my 9th month of a 24-month term, and I told my staff that we would continue to work hard and act like this did not happen, because we always provided good service to our constituents during the past 6 terms and we would continue that service during my 7th and last term.

I lost my job in 1984 because of decisions made in the corporate boardroom at United States Steel, and now I was losing my job as a legislator by a decision not made by the Republican leadership but by my very own Democratic leaders. I decided at that time not to curse what had happened to me or to curse those who did this to me but to take the high road and look at the positive side of a job that I would be leaving within days now after 14 years of service.

I am thankful for all the great people I have met during the past 14 years. Many people have had a positive effect on my life. Being a legislator has taught me how to handle many different situations in a professional manner and to work as hard as I could. When I worked at United States Steel, any time on the job over 40 hours I was paid time and a half. If I were paid time and a half for working over 40 hours as a legislator, I could retire and not have to work. Saturdays, Sundays, holidays, and the many evenings attending meetings and dinners all taught me to give 110 percent no matter what the circumstances are.

I am State Representative Ralph Kaiser; in a few days I will be Ralph Kaiser, private citizen. I know that it will only be a matter of time before someone will ask me, what was it like being a legislator? My answer will be quite simple: Being a legislator is the most rewarding job I have ever had and also the most difficult. The vast majority of legislators give 110 percent every day.

To the young members of the Allegheny County Democratic delegation, I prepared this speech specifically for you, because in 10 years you will go through the reapportionment process again. Ten years sounds like a long time, but before you know it, it will be here. Much in the process is not written or recorded in public records, so my knowledge and what happened to me I give to you, because a very sacred bond in the reapportionment process based on trust and honesty was broken between the House Democratic leadership and our Allegheny County Democratic delegation.

Past practice and historically we always completed our own reapportionment based on trust and honesty. Now the rules are changed. You will go through this process again, and I hope in

10 years that sacred bond of trust and honesty between our leadership and our delegation will somehow find its way back home to Allegheny County.

To those members who are retiring like myself, I wish you the best, and may God bless you each and every day. To those members who will return for another term, may God give you the grace, courage, and wisdom to face the difficult days ahead, and most important – most important – every member's point of view must be respected.

I am leaving the House in good spirits, and I would like to leave the entire House with this Chinese proverb. It is my favorite:

If there is light in the soul, there will be beauty in the person.

If there is beauty in the person, there will be harmony in the house.

If there is harmony in the house, there will be order in the nation.

If there is order in the nation, there will be peace in the world.

Mr. Speaker, it has been an honor and privilege to be a member of the Pennsylvania House of Representatives for the past 14 years. Thank you very much.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1461, PN 2277**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey certain tracts of land situate in Haverford Township, Delaware County.

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.

(Members proceeded to vote.)

The SPEAKER. Mr. Cohen, are you seeking recognition?

Mr. COHEN. Yes, Mr. Speaker. Could we hold up the vote until we have it on the screens.

VOTE STRICKEN

The SPEAKER. Strike the vote.

Randee, are we ready to start over again?

SB 1461. Those in favor will vote "aye"; opposed, "no." Your last vote did not take, so be sure you vote.

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—195

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Brooks	Gannon	Perzel	Trich
Feese	Kenney	Smith, S. H.	Zimmerman

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

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

RULES SUSPENDED

The SPEAKER. Page 1 of today's calendar, HB 2614, PN 4364.

The Chair recognizes the gentleman, Mr. Raymond.

Mr. RAYMOND. Mr. Speaker, I move that the rules of the House be suspended to allow for the immediate consideration of this bill.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Brooks	Gannon	Perzel	Trich
Feese	Kenney	Smith, S. H.	Zimmerman

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 2614, PN 4364**, entitled:

An Act prohibiting certain facsimiles, commercial electronic transmissions and the use of text, graphic or image messaging systems of wireless telephone systems to transmit unsolicited commercial messages; imposing penalties; authorizing the blocking of commercial electronic mail by interactive computer service; and providing for the powers of the Attorney General.

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—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Brooks	Gannon	Perzel	Trich
Feese	Kenney	Smith, S. H.	Zimmerman

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

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

BILL ON THIRD CONSIDERATION POSTPONED

The House proceeded to third consideration of **HB 2969, PN 4562**, on third consideration postponed, entitled:

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.

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

RULES SUSPENDED

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

Mr. STURLA. Mr. Speaker, I move that the rules of the House be suspended to permit me to have amendment 5867 immediately considered.

AMENDMENT WITHDRAWN

The SPEAKER. Prior to recognizing Mr. Sturla, the Chair recognizes Mr. Zug, who withdraws amendment 5394 to this bill. Without objection, the amendment is withdrawn. Is that what you sought recognition for?

Mr. ZUG. Yes, Mr. Speaker. I wanted to withdraw my amendment to replace it with an amendment that Representative Sturla and I have drafted to resolve a matter that we had on the floor yesterday.

The SPEAKER. Very good.

On the question of suspension of the rules in order to consider the amendment immediately, those in favor will vote “aye”; opposed, “no.”

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

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Brooks	Gannon	Perzel	Trich
Feese	Kenney	Smith, S. H.	Zimmerman

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

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

Mr. STURLA offered the following amendment No. **A5867**:

Amend Sec. 6 (Sec. 11.4), page 16, line 20, by striking out “\$1.00” and inserting

\$1.25

Amend Sec. 6 (Sec. 11.4), page 16, line 26, by inserting after “services.”

Twenty-five cents of this monthly fee shall be placed in a separate fund established in subsection (b.1).

Amend Sec. 6 (Sec. 11.4), page 17, by inserting between lines 28 and 29

(b.1) Emergency Services Fund.—There is hereby established in the State Treasury a nonlapsing restricted interest-bearing account to be known as the Emergency Services Fund. This fund shall consist of 25¢ for each fee collected under subsection (b). Moneys in the fund and the interest it accrues shall be appropriated annually to the Pennsylvania Emergency Management Agency to be disbursed by the agency for grants to paid and volunteer fire and rescue companies and ambulance services.

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

(Members proceeded to vote.)

The SPEAKER. Mr. Cawley, do you desire to speak on this matter?

Mr. CAWLEY. On final passage, Mr. Speaker.

The SPEAKER. We are still on the Sturla amendment, so you take your time getting dressed.

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

The following roll call was recorded:

YEAS—176

Adolph	Evans, D.	Mann	Schuler
Allen	Evans, J.	Markosek	Scrimenti
Argall	Fichter	Marsico	Semmel
Armstrong, G.	Fleagle	Mayernik	Shaner
Armstrong, T.	Flick	McCall	Smith, B.
Baker, J.	Frankel	McGeehan	Solobay
Baker, M.	Freeman	McGill	Staback
Bard	Gabig	McIlhattan	Stairs
Barrar	Geist	McIlhinney	Steelman
Bastian	George	McNaughton	Stern
Bebko-Jones	Godshall	Melio	Stetler
Belardi	Gordner	Michlovic	Stevenson, R.
Belfanti	Grucela	Micozzie	Stevenson, T.
Benninghoff	Gruitza	Miller, R.	Strittmatter
Bishop	Haluska	Miller, S.	Sturla

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

NAYS-19

Birmelin	Egolf	Lewis	Ross
Clark	Fairchild	Maitland	Rubley
Coleman	Forcier	Metcalf	Steil
Creighton	Habay	Nickol	Wilt
Dailey	Leh	Rohrer	

NOT VOTING-0

EXCUSED-8

Brooks	Gannon	Perzel	Trich
Feeze	Kenney	Smith, S. H.	Zimmerman

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

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guests of Representative Pat Vance, two groups of fourth graders from the Green Ridge Elementary School, who are visiting the Capitol with their teachers, Mrs. Sillfee, Ms. Conner, Mrs. Novich, and Mrs. Holloway. Would those groups please acknowledge their presence.

CONSIDERATION OF HB 2969 CONTINUED

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

Mr. SEMMEL offered the following amendment No. A5396:

Amend Sec. 1 (Sec. 2), page 2, line 7, by striking out "telephone" and inserting

account

Amend Sec. 1 (Sec. 2), page 2, line 8, by striking out "telephone" and inserting

account

Amend Sec. 1 (Sec. 2), page 2, line 14, by striking out "(name of jurisdiction)" and inserting

Pennsylvania

Amend Sec. 3 (Sec. 4), page 8, line 5, by inserting after "PSAPs" and wireless providers

Amend Sec. 3 (Sec. 4), page 8, line 12, by inserting after "data." Nothing contained herein shall be construed to impose on wireless providers any obligations beyond those created by applicable Federal Communications Commission orders and regulations.

Amend Sec. 4 (Sec. 4.1), page 9, line 18, by striking out "or wireless E-911 surcharge"

Amend Sec. 4 (Sec. 4.1), page 9, line 19, by inserting after "line" or a wireless E-911 surcharge upon wireless service customers

Amend Sec. 6 (Sec. 11.2), page 12, line 3, by striking out "advisory board" and inserting

wireless advisory subcommittee

Amend Sec. 6 (Sec. 11.3), page 12, line 26, by striking out "wireless"

Amend Sec. 6 (Sec. 11.3), page 12, line 28, by striking out "wireless"

Amend Sec. 6 (Sec. 11.4), page 15, line 19, by striking out "they are" and inserting

the

Amend Sec. 6 (Sec. 11.4), page 15, line 20, by striking out "and"

Amend Sec. 6 (Sec. 11.4), page 15, line 21, by inserting after "and"

the eligible expenses

Amend Sec. 6 (Sec. 11.4), page 17, line 20, by striking out "telephone" and inserting

account

Amend Sec. 6 (Sec. 11.4), page 17, line 21, by striking out "carrier's" and inserting

Provider's

Amend Sec. 6 (Sec. 11.4), page 19, line 27, by striking out ". deposit and adjustment" and inserting

and deposit

Amend Sec. 6 (Sec. 11.6), page 24, line 8, by striking out "board" and inserting

committee

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-194

Adolph	Eachus	Maher	Saylor
Allen	Egolf	Maitland	Scavello
Argall	Evans, D.	Major	Schroder
Armstrong, G.	Evans, J.	Manderino	Schuler
Armstrong, T.	Fairchild	Mann	Scrimenti
Baker, J.	Fichter	Markosek	Semmel
Baker, M.	Fleagle	Marsico	Shaner
Bard	Flick	Mayernik	Smith, B.
Barrar	Forcier	McCall	Solobay

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

NAYS-0

NOT VOTING-1

Rubley

EXCUSED-8

Brooks	Gannon	Perzel	Trich
Feese	Kenney	Smith, S. H.	Zimmerman

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

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

Mr. **BARRAR** offered the following amendment No. **A5397**:

Amend Sec. 6 (Sec. 11.4), page 20, by inserting between lines 4 and 5

(h) Surcharge sunset.—The wireless E-911 surcharge fee established in subsection (b) shall terminate on June 30, 2007, unless extended by an act of the General Assembly.

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

The following roll call was recorded:

YEAS-195

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

NAYS-0

NOT VOTING-0

EXCUSED-8

Brooks	Gannon	Perzel	Trich
Feese	Kenney	Smith, S. H.	Zimmerman

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On the question of final passage, the Chair recognizes the properly attired gentleman, Mr. Gaynor Cawley.

Mr. CAWLEY. Thank you, Mr. Speaker.

I would like to interrogate the sculptor of this bill, Mr. Speaker.

The SPEAKER. Mr. Semmel?

Mr. CAWLEY. Yes.

Mr. SEMMEL. I did not know I had that artistic ability.

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. Speaker, what percent of the \$1 surcharge will the counties receive that have the 911 system?

Mr. SEMMEL. First of all, Mr. Speaker, first of all, the counties have to voucher their expenses. I would imagine basically up to 75 cents.

Mr. CAWLEY. Thank you.

These are just for clarifications; I do not know the answers to them, but I would like to get the answer. If a call is made from Wayne County and it is received in Lackawanna County by the 911 system, who turns the voucher in? Who is going to get credit for that call being made? Is it where the call was sent from or the 911 system that receives it?

Mr. SEMMEL. By and large, it is not a per-call basis; it is the county that turns it in.

Mr. CAWLEY. Turns what in, Mr. Speaker?

Mr. SEMMEL. It would really be the county that is helping to build out the system.

Mr. CAWLEY. Does this affect in any way counties that already have an enhanced 911 system? They have ALI (automatic location information) and they have – what is the other guy's name? – ANI (automatic number identification). Does this affect the systems that are already up and running? Are they going to receive less money than other counties who do not have enhanced systems?

Mr. SEMMEL. Absolutely not. It is operational costs.

Mr. CAWLEY. And the last question – I thank you for your cooperation – the last question, Mr. Speaker, the moneys that are going to go to the counties for their 911 systems, are there any restrictions as to how the county is going to expend those dollars and/or can they use those dollars for administrative purposes?

Mr. SEMMEL. Now, the most important thing to remember, the moneys will be going to PEMA (Pennsylvania Emergency Management Agency), and the distribution will be made to the counties. Again, the costs that are incurred by the county will be expended.

Mr. CAWLEY. So they are going to receive, Mr. Speaker, so they are going to receive the moneys from PEMA. I am asking, once they receive those dollars, can they hire another person on a 911 system? Can they use it for administrative purposes?

Mr. SEMMEL. Basically, 70 percent of the personnel costs will be covered—

Mr. CAWLEY. Okay, and the last question.

Mr. SEMMEL. —once the system would be built out.

Mr. CAWLEY. Mr. Speaker, PEMA is going to receive for their department handling these dollars no more than 1 percent of the approximately \$60 million. Is that correct?

Mr. SEMMEL. Basically, the amount should be about more or less \$300,000 per year.

Mr. CAWLEY. Well, that would not be more than 1 percent. Correct?

Mr. SEMMEL. Less than one-half.

Mr. CAWLEY. Okay. So let us say, let us say 98 cents of the dollar is still left, and the counties are going to receive 70 percent or somewhere in the neighborhood of 70 cents on the dollar, and I am doing this as a pie. Where does the other 30 percent go or 30 cents of the dollar?

Mr. SEMMEL. As indicated, system buildout, we have phase 1, phase 2. So it would be for system buildout.

One of the other things I think we need to point out, there may be some recurring costs that come upon us, so I think that should be included in the final answer.

Mr. CAWLEY. Thank you.

And in order for the counties to submit a voucher for payment from PEMA, what criteria are those counties going to use to establish how much money they are going to ask for from PEMA? Is it going to be based on calls received? For instance, Lackawanna County receives about 1,100 calls a day of which about 33 percent of them are from cell phones. How do they arrive at how much they are going to ask for?

Mr. SEMMEL. Certainly PEMA will be monitoring this. The documentation of the number of calls will have to be accounted by the counties, and certainly that will be the predetermination. There is also a—

The SPEAKER. The gentleman will please yield.

Members, please take your seats. There are entirely too many conversations on the floor.

Mr. SEMMEL. Certainly PEMA will make—

The SPEAKER. The gentleman will yield.

The conversations on the floor, please cease. The staff personnel who are not seated, I would appreciate it if you would take seats.

The gentleman may proceed.

Mr. SEMMEL. Certainly it will be PEMA's responsibility to maintain the accuracy of the ratio of the voucher expenditures by the counties, so there should be no problem that any county would receive a disproportionate share.

Mr. CAWLEY. Okay. And, Mr. Speaker, just so the public can be informed about this, I do not know about the rest of the State, but I do know the people up in my district are paying right now a \$1.25 surcharge. This is now going to be \$2.50 a month that they are going to be paying. I just want to make sure that the public knows that this, what we are passing today, is because of an FCC (Federal Communications Commission) order. Is that correct?

Mr. SEMMEL. Well, certainly that is the premise for the basis of this. It was back in '96 that the Feds indicated we wanted to have this enhanced 911. I think the thing that is most important here today is the issue of equity. Basically, about 40, 45 percent of the telephone usage in the Commonwealth today is by cell phone, and I think what we are saying, we want to make it equitable to the folks, the landline payers of the surcharge today, and with that, we are spreading the costs across the board so that we are equitable among all users.

Mr. CAWLEY. My only problem is we are going to be charging a dollar and a quarter now for people who presently are paying a dollar and a quarter from their phones at home. They are now going to be paying another dollar and a quarter because of the fact that they have a cell phone, and if we are doing this to help out those who are presently paying for their landlines with no reduction, I do not think that the public is going to come up to my house with a dozen roses and say, thank you for doing this, Mr. Cawley. But why I am saying this is not to be smart or to kill the bill or anything else. I just want the public to be well aware that this is an FCC order, because if in fact it is, I am going to make sure that we distribute the telephone number of the person from the FCC, because I know this dollar and a quarter is going to upset a lot of people who are already paying a dollar and a quarter.

Mr. SEMMEL. One of the things that I would probably say in conclusion, keep in mind, on the wire, or the landlines rather, the cost may be anywhere from 75 cents to a dollar and a half, and it is a sliding scale on a county basis.

Now the issue that you brought up. I think the effort was done on the Federal level to make sure there are enhanced services across the Commonwealth.

Mr. CAWLEY. And the last question: If we refuse this order from the FCC, are there any sanctions that Pennsylvania would receive if we say no to this FCC order?

Mr. SEMMEL. I think the bottom line, to answer that question, our county governments would have to bear the brunt of the expense to bring this system online, and I think what we are trying to do is reduce that overall obligation on our counties.

Mr. CAWLEY. And the last question for all of the members, why was Sprint allowed not to opt in to this? Do you have any— And yet the other companies with the cell phones have to opt in, and Sprint was allowed not to opt in.

Mr. SEMMEL. That would be incorrect. All carriers are going to be covered.

Mr. CAWLEY. In other words, just to clarify this now, persons that have contracts with Sprint and they have cell phones, those persons are now going to be paying a dollar and a quarter a month for that cell phone usage?

Mr. SEMMEL. All wireless carriers must collect this surcharge.

Mr. CAWLEY. And turn it in to PEMA. Is that correct?

Mr. SEMMEL. That is correct.

Mr. CAWLEY. Okay. Thank you. Thank you very much for the information.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Michlovic, from Allegheny County.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

I listened closely to my fellow chairman's explanations and just wanted to emphasize a couple things.

The gentleman, Mr. Cawley, pointed out the scenario where if a person has a landline phone and they also have a cell phone, they are going to be paying double. Yes, they will. They have two different phone systems, so they are going to be paying double. But I also would like to remind the gentleman and everybody in the House that there are a lot of people, and particularly elderly people, that have only the landline phone, and right now they are paying the full brunt of this thing, and we cannot even keep up with the costs of the technology and the staff to operate this thing. Before too long we would be in the

position where we would have to be increasing that landline fee, and I feel that it is much fairer, for one, if we are going to do that, let us put a fee on the cell phones, which are quickly taking up a lot of the time of these 911 operations and they are growing so fast. Everybody is buying a cell phone. Why should they be exempt from paying the 911 fee when the landline person – and many of them are elderly – are paying the full brunt of it?

So the point that Mr. Semmel made is true. This is really about equity with the landlines. And also, the costs that we are going to incur from this point on in that 911 system are going to be largely generated by the FCC order requiring that we have new kinds of technology, ANI and ALI, which is a numbering index system and a locator system so that we can locate a cell phone, know not only who that is but where it is, and those costs are going to be causing this system to rise, the cost of the system to rise dramatically, and why should we lay all of that on the people that are paying for the landline phone? We really have to do this for fairness.

So I think that I would ask for your support of the legislation. In some ways, I cannot believe we are even at this point. As late as late summer, we had no agreement from the major parties in this, the telephone industry, and there is intense, intense competition in this industry. We had no agreement yet from the dispatcher organizations or the counties, and all of a sudden this thing came together. They worked it out at the instruction of the leadership of Chairman Semmel, and we are getting this thing done, and it needs to be done. We have to get on the road to getting it completed.

I also want to point out that before anything starts in any of these counties, they have to submit a plan to PEMA on how they are going to do it, what their projected costs are, and then their reimbursements are going to be based upon that plan. We are not sure at this point what those plans are going to look like. I mean, PEMA does not have this responsibility until we pass this legislation. So some of these questions we really cannot answer at this point, but I think this is a very good start, and I urge every member of the House to support this legislation.

Thank you, Mr. Speaker.

The SPEAKER. On the question, Mr. Semmel.

Mr. SEMMEL. On final passage, I would just like to say thank you for all of the hard work that has been done by the committee and staff over the last two terms on this issue, and I ask for your affirmative vote, and I will submit some remarks for the record.

Thank you.

REMARKS SUBMITTED FOR THE RECORD

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

Thank you, Mr. Speaker.

This legislation has been a 4-year process for the committee which I chair, and I believe that this was a well-designed and agreed-to bill by the County Commissioners Association, PEMA, the memberships of APCO (Association of Public Communication Officials) and NENA (National Emergency Number Association), county 911 centers, and the wireless industry. I would encourage my colleagues to vote in the affirmative on HB 2969, which was co-prime sponsored by myself and the Democratic committee chairman, Rep. Tom Michlovic.

This legislation will give our county governments the financial ability to create an enhanced wireless 911 system, thereby ensuring that county 911 centers will be able to accurately locate a person using a wireless phone to call 911 in an emergency situation across Pennsylvania.

In conclusion, I would like to thank Chairman Michlovic, the members of the House Veterans Affairs and Emergency Preparedness Committee, and staff for all the hard work that went into this bill and their participation at the numerous public hearings conducted across the Commonwealth the past two legislative sessions.

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—176

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

NAYS—19

Birmelin	Forcier	McIlhinney	Smith, B.
Boyes	Habay	Metcalfe	Turzai
Coleman	Jadlowiec	Nickol	Wright, G.

Dailey	Lewis	Rohrer	Yewcic
DeLuca	Maitland	Scrimenti	

NOT VOTING—0

EXCUSED—8

Brooks	Gannon	Perzel	Trich
Feese	Kenney	Smith, S. H.	Zimmerman

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

Mr. CORRIGAN called up **HR 729, PN 4570**, entitled:

A Resolution expressing the sense of the House of Representatives relating to the collection of the additional disposal fee from municipalities and authorities.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

Adolph	Egolf	Major	Scavello
Allen	Evans, D.	Manderino	Schroder
Argall	Evans, J.	Mann	Schuler
Armstrong, G.	Fairchild	Markosek	Scrimenti
Baker, J.	Fichter	Marsico	Semmel
Baker, M.	Fleagle	Mayernik	Shaner
Bard	Flick	McCall	Smith, B.
Barrar	Forcier	McGeehan	Solobay
Bastian	Frankel	McGill	Staback
Bebko-Jones	Freeman	McIlhattan	Stairs
Belardi	Gabig	McIlhinney	Steelman
Belfanti	Geist	McNaughton	Steil
Benninghoff	George	Melio	Stern
Birmelin	Godshall	Metcalfe	Stetler
Bishop	Gordner	Michlovic	Stevenson, R.
Blaum	Grucela	Micozzie	Stevenson, T.
Boyes	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	Taylor, J.
Cappelli	Hasay	O'Brien	Thomas
Casorio	Hennessey	Oliver	Tigue
Cawley	Herman	Pallone	Travaglio
Civera	Hershey	Petrarca	Trello
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Turzai
Cohen, L. I.	Hutchinson	Pickett	Vance
Cohen, M.	Jadlowiec	Pippy	Veon
Colafella	James	Pistella	Vitali
Coleman	Josephs	Preston	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kirkland	Reinard	Waters
Coy	Krebs	Rieger	Watson
Creighton	LaGrotta	Roberts	Williams, J.
Cruz	Laughlin	Robinson	Wilt
Curry	Lawless	Roebuck	Wojnaroski

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

NAYS—0

NOT VOTING—2

Armstrong, T. Harper

EXCUSED—8

Brooks	Gannon	Perzel	Trich
Feese	Kenney	Smith, S. H.	Zimmerman

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

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mr. THOMAS called up **HR 741, PN 4647**, entitled:

A Resolution commending Samuel London Evans on the occasion of his 100th birthday on November 11, 2002.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Adolph	Egolf	Maitland	Saylor
Allen	Evans, D.	Major	Scavello
Argall	Evans, J.	Manderino	Schroder
Armstrong, G.	Fairchild	Mann	Schuler
Armstrong, T.	Fichter	Markosek	Scrimenti
Baker, J.	Fleagle	Marsico	Semmel
Baker, M.	Flick	Mayernik	Shaner
Bard	Forcier	McCall	Smith, B.
Barrar	Frankel	McGeehan	Solobay
Bastian	Freeman	McGill	Staback
Bebko-Jones	Gabig	McIlhattan	Stairs
Belardi	Geist	McIlhinney	Steelman
Belfanti	George	McNaughton	Steil
Benninghoff	Godshall	Melio	Stern
Birmelin	Gordner	Metcalfe	Stetler
Bishop	Grucela	Michlovic	Stevenson, R.
Blaum	Gruitza	Micozzie	Stevenson, T.
Boyes	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	Taylor, J.
Cappelli	Hasay	O'Brien	Thomas
Casorio	Hennessey	Oliver	Tigue
Cawley	Herman	Pallone	Travaglio
Civera	Hershey	Petrarca	Trello

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Brooks	Gannon	Perzel	Trich
Feese	Kenney	Smith, S. H.	Zimmerman

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

SUPPLEMENTAL CALENDAR B

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 2207, PN 4559**, entitled:

An Act amending the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law, further providing for the appointment of licensed geologists to the board and for the procedure for licensing as a professional land surveyor.

On the question,
Will the House concur in Senate amendments?
The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—195

Adolph	Egolf	Maitland	Saylor
Allen	Evans, D.	Major	Scavello
Argall	Evans, J.	Manderino	Schroder
Armstrong, G.	Fairchild	Mann	Schuler
Armstrong, T.	Fichter	Markosek	Scrimenti
Baker, J.	Fleagle	Marsico	Semmel
Baker, M.	Flick	Mayernik	Shaner
Bard	Forcier	McCall	Smith, B.

Barrar	Frankel	McGeehan	Solobay
Bastian	Freeman	McGill	Staback
Bebko-Jones	Gabig	McIlhattan	Stairs
Belardi	Geist	McIlhinney	Steelman
Belfanti	George	McNaughton	Steil
Benninghoff	Godshall	Melio	Stern
Birmelin	Gordner	Metcalfe	Stetler
Bishop	Grucela	Michlovic	Stevenson, R.
Blaum	Gruitza	Micozzie	Stevenson, T.
Boyes	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	Taylor, J.
Cappelli	Hasay	O'Brien	Thomas
Casorio	Hennessey	Oliver	Tigue
Cawley	Herman	Pallone	Travaglio
Civera	Hershey	Petrarca	Trello
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Turzai
Cohen, L. I.	Hutchinson	Pickett	Vance
Cohen, M.	Jadlowiec	Pippy	Veon
Colafella	James	Pistella	Vitali
Coleman	Josephs	Preston	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kirkland	Reinard	Waters
Coy	Krebs	Rieger	Watson
Creighton	LaGrotta	Roberts	Williams, J.
Cruz	Laughlin	Robinson	Wilt
Curry	Lawless	Roebuck	Wojnaroski
Dailey	Lederer	Rohrer	Wright, G.
Daley	Leh	Rooney	Wright, M.
Dally	Lescovitz	Ross	Yewcic
DeLuca	Levdansky	Rubley	Youngblood
Dermody	Lewis	Ruffing	Yudichak
DeWeese	Lucyk	Sainato	Zug
DiGirolamo	Lynch	Samuelson	
Diven	Mackereth	Santoni	Ryan,
Donatucci	Maher	Sather	Speaker
Eachus			

NAYS-0

NOT VOTING-0

EXCUSED-8

Brooks	Gannon	Perzel	Trich
Feese	Kenney	Smith, S. H.	Zimmerman

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

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR C

RULES SUSPENDED

The SPEAKER. The Chair turns to supplemental C calendar, HB 2256.

The Chair recognizes the lady, Mrs. Cohen.

Mrs. COHEN. Mr. Speaker, I ask that the rules of the House be suspended to allow for the immediate consideration of this bill.

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

The following roll call was recorded:

YEAS-195

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

NAYS-0

NOT VOTING-0

EXCUSED-8

Brooks	Gannon	Perzel	Trich
Feese	Kenney	Smith, S. H.	Zimmerman

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 2256, PN 4587**, entitled:

An Act amending the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, further providing for exemption from licensure requirements.

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?

Do you desire recognition on this bill?

Mr. VITALI. Yes, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. VITALI. I just want a brief explanation of the bill from the maker.

The SPEAKER. Mrs. Cohen, are you in a position to give Mr. Vitali a brief explanation of this bill? The lady and gentleman, please yield.

Conferences on the side aisles, please break up.

Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Would the gentlelady just give a brief explanation. If we caucused on this, I unfortunately missed that portion of the caucus, so if we could just get a brief explanation of the bill.

The SPEAKER. Mrs. Cohen, do you desire to submit to interrogation?

Mrs. COHEN. That is fine. Thank you, Mr. Speaker.

Mr. Speaker, what this bill does is allow for experienced professional marriage and family counselors and therapists to be grandfathered in. These are people who have been practicing their profession for many years, and it just permits them to be grandfathered into the mix.

Mr. VITALI. I may just need a little more background information to understand her explanation. Could you tell me what they are being grandfathered into? What set of requirements they are being grandfathered into.

Mrs. COHEN. State licensure for the number of hours mandated that they have to have graduate degrees and a master's degree.

Mr. VITALI. Okay. Could you just lay out, what are the requirements now that a licensed therapist, family counselor, needs right now?

Mr. COHEN. Under existing law, they need 48 semester hours or 72 quarter hours. They will now need 36 and 54.

Mr. VITALI. Okay. Do you know if any groups have weighed in one way or the other on this?

Mrs. COHEN. Absolutely. Mr. Speaker, I have been deluged with requests from hundreds of practitioners who have been practicing for many years and, under existing law, will suddenly not be qualified to practice the profession in which they are professionals and experts.

Mr. VITALI. Okay. 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—195

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Brooks	Gannon	Perzel	Trich
Feese	Kenney	Smith, S. H.	Zimmerman

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.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today a guest of Representative Ron Marsico and Representative Tulli. The guest's name is Tony Quickle. He is a sophomore at Lower Dauphin High School, and his job today has been to shadow the Speaker, and he is the shadow. Where are you, Shadow? Here he is, up here at the front rostrum.

The Chair welcomes guest pages Rachael Cornett and Jaclyn Boone, who are seventh grade students at Northern Middle School. Representative Bruce Smith of Cumberland and York Counties is the sponsor, and these folks are seated in the front of the House. Would they please rise.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. Yesterday you were all here when we celebrated the 100th birthday of the teddy bear. Today you are all here to celebrate the 56th birthday of Teddy Mazia, our own teddy bear.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 1661, PN 4658 (Amended) By Rep. RAYMOND

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

URBAN AFFAIRS.

HB 1662, PN 4659 (Amended) By Rep. RAYMOND

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for real estate cooperatives.

URBAN AFFAIRS.

HB 1663, PN 4660 (Amended) By Rep. RAYMOND

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

URBAN AFFAIRS.

SB 1423, PN 1971 By Rep. RAYMOND

An Act amending the act of August 5, 1932 (Sp.Sess., P.L.45, No.45), referred to as the Sterling Act, providing for crediting of certain taxes paid by nonresidents.

URBAN AFFAIRS.

SB 1452, PN 2404 (Amended)

By Rep. CLARK

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges of the courts of common pleas; providing for note taking by jurors; further providing for a six-month limitation of actions, for the powers and duties of probation officers concerning juveniles, for inspection of court files and records, for law enforcement records, for taking child into custody, for informal hearings, for notice and hearing, for adjudication, for disposition of dependent child and for deficiency judgments; providing for immunity of State parole officers and county probation officers; conferring powers and duties on the Juvenile Court Judges' Commission; and providing a technical correction to, confirmation of the scope of and clarification of existing law regarding the Rental-Purchase Agreement Act.

JUDICIARY.

DEMOCRATIC CAUCUS

The SPEAKER. Does the gentleman, Mr. Cohen, desire recognition?

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, at the call of the recess there will be a Democratic caucus. We will have both informal discussions and a preliminary discussion on the State's proposed water conservation plan.

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, at the call of recess, the State Government Committee will meet in hearing room No. 1 in the North Office Building, but I just heard that you are going to caucus. Is that an immediate caucus of the Democrat Caucus, Representative Cohen, because I had explained to the members in State Government this morning that SB 1554 dealing with some overviews of IRRC (Independent Regulatory Review Commission) are going to be considered, and if we could have some of your members in attendance just for that, that would be very helpful.

Mr. COHEN. What time—

Mr. CLYMER. Right now. As soon as we adjourn, I would ask the members to make their way over to room No. 1 in the North Office Building so we can consider this legislation.

Mr. COHEN. Thank you.

Mr. Speaker, would it be acceptable if we began the discussion of the water conservation plan at 1:30?

Mr. CLYMER. That would be fine. That would work out fine.

Mr. COHEN. Okay. The caucus, Mr. Speaker, if I would be in order, informal discussions will begin immediately upon the call of the recess. We will have the discussions on the water conservation plan beginning at 1:30 or such later time as is practicable.

The SPEAKER. The Chair thanks both gentlemen.

The State Government Committee will meet immediately in hearing room No. 1 in the North Office Building.

FINANCE COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Boyes, from Erie County, you have an announcement?

Mr. BOYES. Thank you, Mr. Speaker.

There will be an immediate meeting of the Finance Committee at the rear of the House upon the declaration of the recess. I thank the gentleman.

The SPEAKER. The Chair thanks the gentleman.

The Finance Committee will meet at the rear of the House upon the recess.

There are no further votes.

VOTE CORRECTION

The SPEAKER. Mr. Roebuck, I am sorry. I neglected to recognize you.

Mr. ROEBUCK. Mr. Speaker, I would like to correct the record.

Yesterday on HB 2876, amendment 5483, I was not recorded as voting. I wish to be recorded in the negative.

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

Mr. ROEBUCK. Thank you.

BILL SIGNED BY SPEAKER

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

HB 2207, PN 4559

An Act amending the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law, further providing for the appointment of licensed geologists to the board and for the procedure for licensing as a professional land surveyor.

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

VOTE CORRECTION

The SPEAKER. Ms. Josephs.

Ms. JOSEPHS. Thank you.

To correct the record, if I may.

Yesterday, also amendment 5483 to HB 2876, I was not recorded as voting. I would like to be recorded in the negative. Thank you, Mr. Speaker.

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

Any further announcements? Corrections to the record? Statements by the Republican or Democrat floor leaders?

STATEMENT BY DEMOCRATIC LEADER

The SPEAKER. The gentleman, Mr. DeWeese, do you wish to be recognized now? Let me first try and get some order for you.

The House will please come to order. The gentleman, Mr. DeWeese, the Democratic floor leader, has asked permission of the floor. I would ask the members to discontinue all conversations.

Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

I have a few observations on something that took place on this floor a little while ago, and I appreciate the indulgence of the Chair.

Late this summer when the Quecreek disaster that was averted, at least the lethal elements of that calamity were staunchly by a variety of intercessions from the State – from drillers, from prayers, from miners and engineers, mathematicians – I was privileged to be in Tanzania and Uganda with the State Department. I was leading a small group of young State legislators, and it was an amazing phenomenon to see that every hotel lobby, every government building in Dar es Salaam or in Kampala had up-to-date commentaries about the Quecreek men and the endeavors that the Commonwealth was projecting to try to save them.

I am privileged to represent several thousand men and women who mine coal underground, and they work not far away from the men from Quecreek. But I would be remiss if I did not allow this moment at the microphone to serve for the membership and for State government in general as a wake-up call, a wake-up call for our good but outdated mine safety law in Pennsylvania.

Mr. Speaker, the mine permitting procedures and the mine inspection procedures in Pennsylvania need a very, very aggressive review. The efforts, the heroism, that we were lauding today should not be in vain, but they should allow for the General Assembly in the next session with a new administration, especially in the Bureau of Deep Mine Safety of the Department of Environmental Resources, to take one aggressive several-month study on how we can improve mine safety in Pennsylvania. There is no more crucial element of coal mining than its mine safety.

In closing, Mr. Speaker, I wanted to also say something about Pennsylvania, something about collective bargaining, something about unions, something about our middle class, something about people who do not involve themselves in unions. But when I first came back to the United States just a few days after the Quecreek miners were rescued, I called Cecil Roberts in Washington, DC, the president of the United Mine Workers, and I was naively trying to gain some information on what local, what UMWA (United Mine Workers of America) local, these guys were from, and in one of the most prophetic commentaries I have heard in 27 years in public life, which says a great deal not only about Cecil Roberts, the president of the mine workers, but about a union ethos and a real all-American perspective, he said – and he has this rich West Virginia accent – he said, “Bill, those boys aren’t union miners but they’re still our brothers, and we got to make sure they’re safe.” That says so much about the spirit of the UMWA; that says so much about Mr. Roberts, but it also says a lot about the Pennsylvania General Assembly’s commitment to safety in the industrial settings.

So these helmets that covered the heads of these sturdy men should be a palpable, graphic reminder, Mr. Speaker, that the Pennsylvania General Assembly has got to be one of the final repositories for our society’s view on safety at the workplace,

and as the next session unravels, House Democrats will be in the vanguard to try to make certain that new maps, new procedures, new safety efforts are in place so that the Quecreek Mine circumstance will not be repeated.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

Does the majority leader have anything further to add?

There will be no further votes. The Chair is going to hold the desk open to take the report of the Finance Committee.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

SB 1465, PN 2406 (Amended) By Rep. STAIRS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for superintendent compliance with board of school directors action; establishing criteria and authority for school districts to include character education in curriculum planning and the Character Education Grant Program; and further providing for high school certificates.

EDUCATION.

SB 1478, PN 2362 By Rep. BOYES

An Act amending the act of October 6, 1998 (P.L.705, No.92), known as the Keystone Opportunity Zone and Keystone Opportunity Expansion Zone Act, further providing for keystone opportunity zones, for keystone opportunity expansion zones, for application, for review, for criteria for authorization of keystone opportunity zone, for qualified businesses, for tax credit determination and for expiration of act.

FINANCE.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman, Mr. Bunt, who requests certain remarks be made part of the record. The request is granted, and they will be submitted through the page to the recordkeeper.

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Ryan Charles Stauffer, who will be receiving Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Ryan Charles Stauffer.

Whereas, Ryan Charles Stauffer earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. He is a member of Troop 90.

Now therefore, Mr. Speaker and the members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Ryan Charles Stauffer.

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?

Hearing none, the Chair recognizes the gentleman from Cumberland County, Mr. Gabig.

Mr. GABIG. Mr. Speaker, I move that this House do now adjourn until Thursday, November 21, 2002, at 11 a.m., e.s.t., unless sooner recalled by the Speaker or extended by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 1:25 p.m., e.s.t., the House adjourned.