

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, MAY 12, 2003

SESSION OF 2003

187TH OF THE GENERAL ASSEMBLY

No. 34

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (JOHN M. PERZEL)
PRESIDING**

MOMENT OF SILENCE

The SPEAKER. We were all deeply saddened today to learn of the passing of our friend and our colleague, Karl Boyes. Will the members and guests please rise for a moment of silence.

(A moment of silence was observed.)

PRAYER

REV. MARY ELLEN BECKMAN, Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

Amazing and most high God, we have had rest and relaxation the past weekend. We have spent time with family and friends, and we have been a blessing to one another.

Father, as we continue to remember Karl Boyes and his family, we ask a special blessing upon them. We give You thanks for the work that he has done here in the House; we give You thanks, Father, for his creativity; we give You thanks for his faithfulness. Be with his family, Father, as they mourn his death but as they celebrate his life.

As we gather as members of the House, make us aware of the responsibilities we bring with us, the people and the communities we represent. Be with Speaker Perzel as he once again strikes the gavel to begin another session. May the members be reminded at all times and in all places that they represent all people across the Commonwealth. They can and will make a difference that will be a part of our future, and we ask a blessing.

As issues are presented, discussed, and voted upon, I pray, Father, that all those involved will do so with all the integrity that is within them. Our concerns are so great among the private citizens – budget cuts, welfare, child care, gambling, elder care, new job opportunities, and many, many more issues that concern us and affect each of us.

I pray that the House will always keep before them what is best for the people and not their own successes. They have a very difficult task and great responsibility and will never be able to please all people at all times. May they choose wisely each day. I pray that they will be open to hear the ideas of those that

they work with and respect the viewpoints even of those that are not always in agreement with them.

Father, the day before us starts out on a relaxed level but will move into issues that will require a great deal of Your time, concentration, and, Father, as we move further and further into the budget of these issues, I ask that You would bless the members of the House and the work that they have been appointed and committed to do. For we pray this in Your name, and at all times and in all places we give You thanks. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Wednesday, May 7, 2003, will be postponed until printed. The Chair hears no objection.

JOURNAL APPROVED

The SPEAKER. The Journal of Monday, March 3, 2003, is in print and, without objection, will be approved. The Chair hears none.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1418 By Representatives PETRONE, NAILOR, LEDERER, ARGALL, COSTA, PRESTON, KENNEY, LaGROTTA, McGEEHAN, CAPPELLI, PISTELLA, SAINATO, GEIST, GRUCELA and KIRKLAND

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for removal of political advertisements.

Referred to Committee on JUDICIARY, May 12, 2003.

No. 1419 By Representatives BLAUM, GINGRICH, ZUG, MACKERETH, S. MILLER, LAUGHLIN, JAMES, HARHAI, McNAUGHTON, GRUCELA, SATHER, WALKO, HARPER, TIGUE, TRUE, BAKER, COY, MANN, KOTIK, HASAY, WEBER, WANSACZ, EGOLF, E. Z. TAYLOR, DALEY, CRAHALLA, BUNT, CLYMER, GOODMAN, MELIO, CORRIGAN and J. TAYLOR

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding definitions; further providing for inspection of court files and records, for disposition of delinquent child and for limitation on and change in place of commitment; and providing for involuntary treatment of dangerous juvenile sex offenders.

Referred to Committee on JUDICIARY, May 12, 2003.

No. 1420 By Representatives JOSEPHS, CURRY, FRANKEL, HORSEY, JAMES, THOMAS, WASHINGTON and YOUNGBLOOD

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the incidence and rate of tax.

Referred to Committee on FINANCE, May 12, 2003.

No. 1421 By Representatives READSHAW, MARKOSEK, DIVEN, MAHER, HUTCHINSON, DAILEY, DeWEESE, D. EVANS, FABRIZIO, FRANKEL, GEORGE, GERGELY, GOODMAN, HANNA, HARHAI, HENNESSEY, HERSHEY, KOTIK, LaGROTTA, LESCOVITZ, LEVDANSKY, PALLONE, SHANER, B. SMITH, SOLOBAY, R. STEVENSON, T. STEVENSON, SURRA, TIGUE, TRAVAGLIO, WALKO, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of April 8, 1949 (P.L.418, No.58), entitled, "An act to provide for and regulate the accumulation, investment, and expenditure of funds by cities, boroughs, incorporated towns and townships for preparing plans for sewage disposal systems, and for the construction, improvement or replacement of sewage disposal systems for which plans have been approved by the Sanitary Water Board of the Commonwealth," further providing for definitions and for expenditure of fund.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 12, 2003.

No. 1422 By Representatives READSHAW, MARKOSEK, DIVEN, MAHER, HUTCHINSON, DAILEY, DeWEESE, D. EVANS, FABRIZIO, FRANKEL, GEORGE, GERGELY, GOODMAN, HANNA, HARHAI, HENNESSEY, HERSHEY, KOTIK, LaGROTTA, LESCOVITZ, LEVDANSKY, PALLONE, SHANER, B. SMITH, SOLOBAY, R. STEVENSON, T. STEVENSON, SURRA, TIGUE, TRAVAGLIO, WALKO, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act, further providing for definitions; and providing for additional use of funds for financial assistance.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 12, 2003.

No. 1423 By Representatives TRUE, ROSS, THOMAS, BOYD, VANCE, YOUNGBLOOD, TANGRETTI, ROHRER, STERN, HENNESSEY, R. MILLER, SCAVELLO, E. Z. TAYLOR, HICKERNELL, SATHER, BARRAR, HERSHEY, NICKOL, B. SMITH, McILHATTAN, GILLESPIE, McNAUGHTON, CREIGHTON, CRAHALLA,

ARMSTRONG, BALDWIN, BENNINGHOFF, CAPPELLI, CLYMER, COLEMAN, EGOLF, FRANKEL, GEIST, GOODMAN, HARHART, HARRIS, KIRKLAND, MANN, S. MILLER, NAILOR, RUBLEY, TIGUE and WALKO

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing, in adoption, for voluntary relinquishment to adults, for an alternative procedure, for reports of intention and for consent.

Referred to Committee on JUDICIARY, May 12, 2003.

No. 1424 By Representatives THOMAS, RUBLEY, BISHOP, BELFANTI, BEBKO-JONES, CAPPELLI, CRUZ, DALEY, GEORGE, HARHAI, HORSEY, JAMES, McGEEHAN, WASHINGTON, WATERS, YOUNGBLOOD, BROWNE, CREIGHTON and CRAHALLA

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, imposing a restitution fee for convictions; and establishing the Juvenile and Criminal Justice Technology Enhancement Fund.

Referred to Committee on JUDICIARY, May 12, 2003.

No. 1425 By Representatives STURLA, WILLIAMS, CREIGHTON, HORSEY, HENNESSEY, KIRKLAND, LEDERER, REICHLEY, SAINATO, LESCOVITZ, MUNDY, LAUGHLIN, BIANCUCCI, YUDICHAK, KOTIK, GERGELY, MANDERINO, MELIO, TANGRETTI, BROWNE, YOUNGBLOOD, GRUCELA, CAWLEY, THOMAS, SOLOBAY, STETLER, CURRY, BELFANTI, EACHUS, BELARDI, FRANKEL, DIVEN, WALKO and WOJNAROSKI

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, creating the Housing Insurance Fund; providing for the Home Mortgage Insurance Program; and making an appropriation.

Referred to Committee on URBAN AFFAIRS, May 12, 2003.

No. 1426 By Representatives KELLER, TIGUE, LEDERER, CAPPELLI, COSTA, HENNESSEY, HORSEY, JOSEPHS, LAUGHLIN, LEACH, McGEEHAN, McNAUGHTON, PRESTON, RUFFING, SOLOBAY, THOMAS, WATSON, YOUNGBLOOD and YUDICHAK

An Act amending the act of May 24, 1945 (P.L.991, No.385), known as the Urban Redevelopment Law, further providing for provisions of the redevelopment contract; and making repeals.

Referred to Committee on URBAN AFFAIRS, May 12, 2003.

No. 1427 By Representatives DeWEESE and VEON

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in malt beverage tax, for imposition.

Referred to Committee on FINANCE, May 12, 2003.

No. 1428 By Representatives VEON and DeWEESE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in sales and use tax, for the definitions of "processing" and "mobile telecommunication service"; and in utilities gross receipts tax, for the imposition of tax.

Referred to Committee on FINANCE, May 12, 2003.

No. 1429 By Representative COY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for property tax relief; establishing a Property Tax Relief Trust Fund; and making appropriations.

Referred to Committee on FINANCE, May 12, 2003.

No. 1430 By Representatives LEACH and WHEATLEY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for distress in school districts of the first class; and providing for tax relief in school districts of the first class.

Referred to Committee on FINANCE, May 12, 2003.

No. 1431 By Representatives WALKO, CURRY, MANDERINO, D. EVANS, BEBKO-JONES, COSTA, DeLUCA, FABRIZIO, FREEMAN, GERGELY, JOSEPHS, KOTIK, LAUGHLIN, LEACH, LEVDANSKY, PISTELLA, RUFFING, SHANER, SOLOBAY, STEIL, TANGRETTI, WASHINGTON, WOJNAROSKI, YOUNGBLOOD, HARHAI and J. TAYLOR

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for restrictions on gasoline taxes and motor license fees.

Referred to Committee on TRANSPORTATION, May 12, 2003.

No. 1432 By Representatives NICKOL, HERMAN, BAKER, BALDWIN, BARD, BEBKO-JONES, BENNINGHOFF, BUNT, BUXTON, CALTAGIRONE, CAPPELLI, CAUSER, CLYMER, CRAHALLA, CURRY, DALLY, DeWEESE, FEESE, FREEMAN, GABIG, GEIST, GERGELY, GOODMAN, HARHAI, HUTCHINSON, JAMES, KIRKLAND, LAUGHLIN, LEACH, LEH, LEWIS, MANN, MARSICO, McILHATTAN, MICOZZIE, R. MILLER, S. MILLER, NAILOR, PAYNE, PETRI, PHILLIPS, PICKETT, ROBERTS, RUBLEY, SAINATO, SATHER, SHANER, B. SMITH, SOLOBAY, STEIL, STERN, STETLER, TANGRETTI, E. Z. TAYLOR, THOMAS, TRAVAGLIO, VANCE, WANSACZ, WILT, YOUNGBLOOD and J. TAYLOR

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

Referred to Committee on LOCAL GOVERNMENT, May 12, 2003.

No. 1433 By Representatives GANNON, BARRAR, ADOLPH, MICOZZIE, CIVERA and FLICK

An Act making an appropriation to the Department of Education for certain grants to public libraries for the fiscal year 2003-2004; and making a repeal.

Referred to Committee on APPROPRIATIONS, May 12, 2003.

No. 1434 By Representatives GANNON, BEBKO-JONES, BELFANTI, BENNINGHOFF, BISHOP, BROWNE, BUNT, CAWLEY, CRAHALLA, DALEY, DALLY, DERMODY, DeWEESE, J. EVANS, FRANKEL, FREEMAN, GEORGE, HARHAI, HARPER, HENNESSEY, HERMAN, JAMES, KOTIK, LAUGHLIN, LEACH, LEDERER, MANDERINO, MANN, McNAUGHTON, MELIO, S. MILLER, NAILOR, O'NEILL, PETRARCA, ROSS, SANTONI, STERN, R. STEVENSON, THOMAS, VANCE, WALKO, WANSACZ, WASHINGTON, WATSON, WEBER, YOUNGBLOOD and J. TAYLOR

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentencing generally; providing for confinement with drug treatment; and establishing the Drug Treatment for Offenders Program.

Referred to Committee on JUDICIARY, May 12, 2003.

No. 1435 By Representatives LEVDANSKY, STEIL, FREEMAN, BARRAR, BEBKO-JONES, CAPPELLI, CAWLEY, CREIGHTON, DAILEY, DeWEESE, GILLESPIE, GORDNER, GRUCELA, HENNESSEY, HESS, HORSEY, JOSEPHS, KIRKLAND, LAUGHLIN, LEDERER, LEH, LESCOVITZ, MANDERINO, MANN, McGEEHAN, McNAUGHTON, MELIO, MUNDY, O'NEILL, RUFFING, B. SMITH, SOLOBAY, STURLA, TANGRETTI, E. Z. TAYLOR, THOMAS, TIGUE, WALKO, WANSACZ, WASHINGTON, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, further providing for legislative findings, declaration of policy and goals, for definitions and for facilities operation and recycling relating to leaf waste.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 12, 2003.

No. 1436 By Representatives GOODMAN, DeWEESE, ALLEN, BEBKO-JONES, BELFANTI, BROWNE, BUNT, CAWLEY, CORRIGAN, COY, CREIGHTON, DAILEY, FABRIZIO, FICHTER, GEIST, GEORGE, GERGELY, GRUCELA, HARHAI, HESS, HORSEY, JAMES, KELLER, KOTIK, LAUGHLIN, MARKOSEK, PHILLIPS, READSHAW, ROBERTS, SHANER, B. SMITH, STERN, TANGRETTI, J. TAYLOR, THOMAS, TIGUE, TRAVAGLIO, WASHINGTON, YOUNGBLOOD and LESCOVITZ

An Act providing for compensation to veterans of the Persian Gulf Conflicts and administration of a compensation program; imposing penalties; and making an appropriation.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, May 12, 2003.

No. 1437 By Representatives GOODMAN, BEBKO-JONES, BUNT, DeWEESE, FABRIZIO, FAIRCHILD, GEORGE, JAMES, LAUGHLIN, PISTELLA, REICHLEY, SATHER, SOLOBAY, STABACK, TANGRETTI, THOMAS, TIGUE, WASHINGTON, WHEATLEY and YOUNGBLOOD

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, restricting the use of appropriations to the Department of Corrections.

Referred to Committee on JUDICIARY, May 12, 2003.

No. 1438 By Representatives J. TAYLOR, BARRAR, BUNT, CAPPELLI, CAWLEY, CRAHALLA, CURRY, DALLY, FLEAGLE, FRANKEL, HARHAI, HARPER, HERSHEY, HUTCHINSON, KELLER, LAUGHLIN, MANN, NICKOL, PICKETT, REICHLEY, RUBLEY, SANTONI, E. Z. TAYLOR, THOMAS, WASHINGTON, YOUNGBLOOD and YUDICHAK

An Act amending the act of June 15, 1982 (P.L.502, No.140), known as the Occupational Therapy Practice Act, further providing for practice and referral.

Referred to Committee on PROFESSIONAL LICENSURE, May 12, 2003.

No. 1439 By Representatives J. TAYLOR, BAKER, BELFANTI, BROWNE, BUNT, CAPPELLI, CAWLEY, COSTA, CRAHALLA, CURRY, DALLY, FRANKEL, GEORGE, HARHAI, HARPER, HUTCHINSON, KELLER, KIRKLAND, LAUGHLIN, LEDERER, LEH, MUNDY, O'NEILL, REICHLEY, RUBLEY, E. Z. TAYLOR, THOMAS, WASHINGTON, WATSON, YOUNGBLOOD and YUDICHAK

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for occupational therapy services.

Referred to Committee on INSURANCE, May 12, 2003.

No. 1440 By Representatives BELARDI, ROONEY, MUNDY, BELFANTI, SOLOBAY, LEDERER, READSHAW, GEIST, GRUCELA, LEACH, THOMAS, WATERS, TIGUE, YOUNGBLOOD, BEBKO-JONES, SHANER, HARHAI, SURRA, JAMES, GOODMAN, SCAVELLO, TANGRETTI, FRANKEL, WALKO, CORRIGAN and LAUGHLIN

An Act amending the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972, further defining "broker-dealer"; and providing for investments in terrorist-sponsoring nations.

Referred to Committee on COMMERCE, May 12, 2003.

No. 1441 By Representatives BELARDI, ROONEY, KELLER, LAUGHLIN, LEDERER, GRUCELA, THOMAS, WATERS, YOUNGBLOOD, SHANER, HARHAI, SURRA and WALKO

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for identification of purchaser of telephone card.

Referred to Committee on CONSUMER AFFAIRS, May 12, 2003.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 278 By Representatives HORSEY, ARMSTRONG, BARRAR, BEBKO-JONES, BELARDI, BELFANTI, BISHOP, BUNT, CAPPELLI, CAWLEY, CIVERA, CLYMER, COSTA, DALLY, DeWEESE, FRANKEL, GEIST, GEORGE, GODSHALL, GOODMAN, GRUCELA, HARHAI, HENNESSEY, JAMES, JOSEPHS, KELLER, KIRKLAND, LAUGHLIN, LEACH, LEDERER, MANN, McGEEHAN, MELIO, PAYNE, PHILLIPS, PISTELLA, REICHLEY, ROBERTS, SAYLOR, SCHRODER, SOLOBAY, SURRA, THOMAS, TIGUE, WALKO, WANSACZ, WATSON, WOJNAROSKI, YOUNGBLOOD, YUDICHAK and J. TAYLOR

A Resolution supporting Federal legislation protecting the property and credit of military personnel.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, May 12, 2003.

No. 279 By Representatives WATERS, BISHOP, JAMES, MYERS, THOMAS, BELFANTI, CASORIO, CREIGHTON, DALEY, DeWEESE, D. EVANS, GOODMAN, GRUCELA, GRUITZA, HARHAI, HORSEY, JOSEPHS, KIRKLAND, LaGROTTA, LAUGHLIN, PALLONE, READSHAW, SHANER, TIGUE, WALKO, WASHINGTON, YOUNGBLOOD and WILLIAMS

A Resolution directing the Children and Youth Committee to investigate the effects of violent interactive video games on the children of this Commonwealth.

Referred to Committee on RULES, May 12, 2003.

SENATE BILLS FOR CONCURRENCE

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

SB 157, PN 822

Referred to Committee on CONSUMER AFFAIRS, May 12, 2003.

SB 279, PN 289

Referred to Committee on TRANSPORTATION, May 12, 2003.

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 582, PN 817**.

BILL SIGNED BY SPEAKER

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

SB 582, PN 817

An Act providing for the capital budget for the fiscal year 2002-2003, itemizing public improvement and redevelopment assistance projects to be constructed or acquired or assisted by the Department of General Services and the Department of Community and Economic Development, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services and the Department of Community and Economic Development; stating the estimated useful life of the projects; providing an exemption; and making appropriations.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. S. SMITH. Mr. Speaker, I move that the following bills be taken off the table:

HB 674;
HB 1284; and
HB 1287.

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

BILLS ON SECOND CONSIDERATION

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

HB 674, PN 1547; HB 1284, PN 1690; and HB 1287, PN 1759.

BILLS RECOMMENDED

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

HB 674;
HB 1284; and
HB 1287.

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

LEAVES OF ABSENCE

The SPEAKER. Are there requests for leaves of absence?
The Chair recognizes the majority whip, who calls for a leave of absence for the gentleman from York, Mr. SAYLOR. Without objection, the leave will be granted.

The Chair recognizes the minority whip, who moves that leaves be granted for the gentleman from Allegheny, Mr. KOTIK, and the gentleman from Erie, Mr. SCRIMENTI. Without objection, the leaves will be granted.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll. The members will proceed to vote.

The following roll call was recorded:

PRESENT—197

Adolph	Egolf	Levdansky	Sainato
Allen	Evans, D.	Lewis	Samuelson
Argall	Evans, J.	Lynch	Santoni
Armstrong	Fabrizio	Mackereth	Sather
Baker	Fairchild	Maher	Scavello
Baldwin	Feese	Maitland	Schroder
Bard	Fichter	Major	Semmel
Barrar	Fleagle	Manderino	Shaner
Bastian	Flick	Mann	Smith, B.
Bebko-Jones	Forcier	Markosek	Smith, S. H.
Belardi	Frankel	Marsico	Solobay
Belfanti	Freeman	McCall	Staback
Benninghoff	Gabig	McGeehan	Stairs
Biancucci	Gannon	McGill	Steil
Birmelin	Geist	McIlhattan	Stern
Bishop	George	McIlhinney	Stetler
Blaum	Gergely	McNaughton	Stevenson, R.
Boyd	Gillespie	Melio	Stevenson, T.
Browne	Gingrich	Metcalfe	Sturla
Bunt	Godshall	Micozzie	Surra
Butkovitz	Goodman	Miller, R.	Tangretti
Buxton	Gordner	Miller, S.	Taylor, E. Z.
Caltagirone	Grucela	Mundy	Taylor, J.
Cappelli	Gruitza	Myers	Thomas
Casorio	Habay	Nailor	Tigue
Causar	Haluska	Nickol	Travaglio
Cawley	Hanna	O'Brien	True
Civera	Harhai	Oliver	Turzai
Clymer	Harhart	O'Neill	Vance
Cohen	Harper	Pallone	Veon
Coleman	Harris	Payne	Vitali
Cornell	Hasay	Petrarca	Walko
Corrigan	Hennessey	Petri	Wansacz
Costa	Herman	Petrone	Washington
Coy	Hershey	Phillips	Waters
Crahalla	Hess	Pickett	Watson
Creighton	Hickernell	Pistella	Weber
Cruz	Horsely	Preston	Wheatley
Curry	Hutchinson	Raymond	Williams
Dailey	James	Readshaw	Wilt
Daley	Josephs	Reed	Wojnaroski

Dally	Keller	Reichley	Wright
DeLuca	Kenney	Rieger	Yewcic
Denlinger	Kirkland	Roberts	Youngblood
Dermody	LaGrotta	Roebuck	Yudichak
DeWeese	Laughlin	Rohrer	Zug
DiGirolamo	Leach	Rooney	
Diven	Lederer	Ross	
Donatucci	Leh	Rubley	Perzel,
Eachus	Lescovitz	Ruffing	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Kotik	Saylor	Scrimenti
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BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 544, PN 646

By Rep. CLYMER

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for the Pennsylvania State Police; and making a repeal.

STATE GOVERNMENT.

HB 700, PN 1049

By Rep. CLYMER

An Act selecting, designating and adopting celestite, more commonly known as celestine, as the official State mineral of the Commonwealth of Pennsylvania.

STATE GOVERNMENT.

GUESTS INTRODUCED

The SPEAKER. The Chair welcomes Guy and Joe Costa, the brother and nephew of Representative Paul Costa. They are in the rear of the hall of the House. Would the guests please rise.

JUNIATA HIGH SCHOOL WRESTLING TEAM PRESENTED

The SPEAKER. The Chair recognizes Representative Harris for the purpose of presenting a citation.

Mr. HARRIS. Thank you, Mr. Speaker.

It is my great honor today to welcome to the hall of the House the 2003 AA State wrestling championship team from my alma mater, Juniata High School. These young men are seated in the rear of the House. Please stand to be recognized.

I would also like to acknowledge and present a citation to the fine coaching staff that helped these gentlemen achieve the State championship. Behind me is coach Bob Hart. Coach Hart was recognized as the PIAA AA Coach of the Year in Pennsylvania. Also with us is athletic director Ed Apple, coach Gary Price, and a gentleman that I used to see on almost a weekly basis, my old principal, Steven Dreibelbis.

Welcome to the House of Representatives, and congratulations, gentlemen.

GUESTS INTRODUCED

The SPEAKER. The Chair welcomes Thomas and Catherine Newman, guest pages in the front of the House; also their parents, Dewayne and Carol Newman. Thomas and Catherine attend Hollidaysburg Junior High and are the guests of Representative Jerry Stern. The parents are to the left of the Speaker. Will the guests please rise.

MEADVILLE HIGH SCHOOL HOCKEY TEAM PRESENTED

The SPEAKER. The Chair recognizes Representative Teresa Forcier for the purposes of a citation presentation.

Mrs. FORCIER. Thank you, Mr. Speaker.

Good afternoon.

In a tradition of great hockey, the Meadville Bulldogs hockey team has brought home State titles in 1987, '89, and '92 through '96. Today Representatives Wilt, Evans, and myself wish to acknowledge their latest accomplishment.

Mr. J. EVANS. Under the guidance of head coach Jamie Plunkett and assistant coaches Richard Holabaugh, Ben Corey, and Scott Phillips, the Meadville Bulldogs brought home their eighth State title in a 5-4 victory over Malvern Prep. The young men on the Bulldog hockey team have not only shown a great deal of skill, but along the way they have exemplified good sportsmanship.

Mr. WILT. Guys, all your hard work and dedication has paid off, and we are very proud of your accomplishments back home, and we celebrate the examples that you have set for our young people, especially the members of the Crawford County Youth Hockey. I hope you appreciate the time your parents and coaches have given you to help you achieve this highest honor in high school hockey, and at this time I would like to ask the Meadville Bulldogs in the back of the room to please stand, and I invite my colleagues to recognize their achievements.

And, Mr. Speaker, Representatives Forcier, Evans, and I would like you to declare today, unofficially, Meadville as Hockeytown, Pennsylvania.

The SPEAKER. Without objection, that is approved.

GUESTS INTRODUCED

The SPEAKER. The Chair recognizes Amanda Gumbrecht, a senior at Upper Dublin High School, who is visiting the Capitol for Career Day. She is the guest of Representatives Ellen Bard and Kate Harper. She is in the balcony. Would she please rise.

Serving as a guest page today from Indiana County, as the guest of Representative David Reed and Representative Jeff Coleman, is Cassandra Pissone. Cassandra is an eighth grade honor student and a descendant of Mr. John Harris, the founder of Harrisburg. Would the guest please rise.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. FREEMAN called up **HR 178, PN 1295**, entitled:

A Resolution paying tribute to and honoring the memory of Captain Christopher Scott Seifert of the 101st Army Airborne Division, who tragically lost his life while on active duty at Camp Pennsylvania in Kuwait.

On the question,
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Freeman. One second, Mr. Freeman. I would like to get a little order. The gentleman deserves to be heard.

Mr. FREEMAN. Thank you, Mr. Speaker, and my thanks to the members of this House for their attention.

Today we have before us a resolution which pays tribute to and honors the memory of Capt. Christopher Scott Seifert of the U.S. Army's 101st Airborne Division. Captain Seifert was a constituent of mine. He grew up in Williams Township in Northampton County, in the 136th District, and was Pennsylvania's first casualty in the war with Iraq, dying tragically at Camp Pennsylvania in Kuwait City.

Chris was a young man of great promise and great ability whose life was tragically cut short. In the short time in which he was upon this earth, however, he touched the hearts of many of his fellow citizens. As a graduate of Wilson Area High School and then later Moravian College, he made tremendous friendships and was fondly remembered in so many ways after his loss. Chris was a person that many people from Northampton County thought very highly of, and this resolution honors that memory, honors his service to this country and to our State.

GUESTS INTRODUCED

Mr. FREEMAN. With us today we are joined by Chris's widow, Terri Seifert, who is to the left of the Speaker's rostrum, as well as Terri's mother, Barbara Flowers, and Terri's son, Ben, who is just 6 months old, who is in the gallery. I would ask the House to please join me in acknowledging their presence here today.

Mr. Speaker, I urge a unanimous vote in favor of HR 178 to pay tribute to this fine Pennsylvanian.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—197

Adolph	Egolf	Levdansky	Sainato
Allen	Evans, D.	Lewis	Samuelson
Argall	Evans, J.	Lynch	Santoni
Armstrong	Fabrizio	Mackereth	Sather
Baker	Fairchild	Maher	Scavello
Baldwin	Feese	Maitland	Schroder
Bard	Fichter	Major	Semmel

Barrar	Fleagle	Manderino	Shaner
Bastian	Flick	Mann	Smith, B.
Bebko-Jones	Forcier	Markosek	Smith, S. H.
Belardi	Frankel	Marsico	Solobay
Belfanti	Freeman	McCall	Staback
Benninghoff	Gabig	McGeehan	Stairs
Biancucci	Gannon	McGill	Steil
Birmelin	Geist	McIlhattan	Stern
Bishop	George	McIlhinney	Stetler
Blaum	Gergely	McNaughton	Stevenson, R.
Boyd	Gillespie	Melio	Stevenson, T.
Browne	Gingrich	Metcalfe	Sturla
Bunt	Godshall	Micozzie	Surra
Butkovitz	Goodman	Miller, R.	Tangretti
Buxton	Gordner	Miller, S.	Taylor, E. Z.
Caltagirone	Grucela	Mundy	Taylor, J.
Cappelli	Gruitza	Myers	Thomas
Casorio	Habay	Nailor	Tigue
Causar	Haluska	Nickol	Travaglio
Cawley	Hanna	O'Brien	True
Civera	Harhai	Oliver	Turzai
Clymer	Harhart	O'Neill	Vance
Cohen	Harper	Pallone	Veon
Coleman	Harris	Payne	Vitali
Cornell	Hasay	Petrarca	Walko
Corrigan	Hennessey	Petri	Wansacz
Costa	Herman	Petrone	Washington
Coy	Hershey	Phillips	Waters
Crahalla	Hess	Pickett	Watson
Creighton	Hickernell	Pistella	Weber
Cruz	Horsey	Preston	Wheatley
Curry	Hutchinson	Raymond	Williams
Dailey	James	Readshaw	Wilt
Daley	Josephs	Reed	Wojnaroski
Dally	Keller	Reichley	Wright
DeLuca	Kenney	Rieger	Yewcic
Denlinger	Kirkland	Roberts	Youngblood
Dermody	LaGrotta	Roebuck	Yudichak
DeWeese	Laughlin	Rohrer	Zug
DiGirolamo	Leach	Rooney	
Diven	Lederer	Ross	
Donatucci	Leh	Rubley	Perzel,
Eachus	Lescovitz	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Kotik Saylor Scrimenti

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

REPUBLICAN CAUCUS

The SPEAKER. Caucus announcements?
Representative Taylor.

Mrs. TAYLOR. Thank you, Mr. Speaker.

There will be a majority Republican caucus called at the recess, and we have a number of bills to go over today.

The SPEAKER. Approximately how much time will you need for your caucus?

Mrs. TAYLOR. I would say about an hour and a half.

The SPEAKER. The Chair thanks the lady.

DEMOCRATIC CAUCUS

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the Democrats will also caucus immediately upon the call of the recess to go over this week's calendar.

The SPEAKER. Mr. Cohen, is an hour and a half sufficient for you?

Mr. COHEN. I believe it is. We will let you know if—

The SPEAKER. The Chair thanks the gentleman.

**GAME AND FISHERIES
COMMITTEE MEETING**

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

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

There will be a meeting of the Game and Fisheries Committee, room 39, East Wing. It will be at 3 o'clock.

Thank you, Mr. Speaker.

The SPEAKER. Game and Fisheries will meet in room 39, East Wing, at 3 o'clock.

**LOCAL GOVERNMENT
COMMITTEE MEETING**

The SPEAKER. The Chair recognizes Representative Herman.

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

A meeting of the House Local Government Committee will likewise take place at 3 o'clock today in room 60, East Wing. I appreciate it.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Local Government will meet at 3 o'clock in room 60, East Wing.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes Representative Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

The House Appropriations Committee will meet at 1:45 in room 245.

The SPEAKER. The Chair thanks the gentleman.

Appropriations will meet at 1:45 in room 245.

The Chair recognizes Representative Smith.

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

Since we are going back into session at 3, I would like the Game and Fisheries Committee to meet at 2:30 in room 39, East Wing, if we can get in the room.

Thank you, Mr. Speaker.

The SPEAKER. Thank you.

Game and Fish will meet at 2:30 in room 39, East Wing.

The Chair recognizes Representative Herman.

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

I have just been apprised that we intend to return to the floor at 3 p.m. Therefore, I would like to call a meeting of the

House Local Government Committee in room 60, East Wing, at 2:45 promptly.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Local Government will meet at 2:45 in room 60, East Wing.

RECESS

The SPEAKER. This chamber stands in recess until 3 o'clock.

RECESS EXTENDED

The time of recess was extended until 3:30 p.m.

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE**HB 19, PN 29**

By Rep. ARGALL

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

APPROPRIATIONS.**HB 68, PN 83**

By Rep. ARGALL

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, requiring the Department of Health to make inspections of long-term nursing facilities on an unannounced basis and not near the time of the facilities' annual license renewal.

APPROPRIATIONS.**HB 100, PN 1574**

By Rep. ARGALL

An Act providing for the availability of and access to a comprehensive trauma care system; and imposing powers and duties upon the Department of Public Welfare.

APPROPRIATIONS.**HB 158, PN 1578**

By Rep. ARGALL

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for reporting; and providing for public disclosure of information concerning physicians.

APPROPRIATIONS.**HB 165, PN 185**

By Rep. ARGALL

An Act providing for the acquisition of property by the Commonwealth and local government units to mitigate flood hazards.

APPROPRIATIONS.

HB 197, PN 226

By Rep. ARGALL

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for the appointment of a single collector of taxes; and making a repeal.

APPROPRIATIONS.

HB 318, PN 364

By Rep. ARGALL

An Act repealing the act of March 27, 1903 (P.L.100, No.80), entitled "An act to prevent the spread of the disease known as rabies, or hydrophobia; and to authorize the quarantine, restraint, confinement, or muzzling of dogs, during outbreaks of this disease; and to empower the State Live Stock Sanitary Board to enforce the provisions of this act."

APPROPRIATIONS.

HB 349, PN 1573

By Rep. ARGALL

An Act amending the act of May 24, 1945 (P.L.991, No.385), known as the Urban Redevelopment Law, further defining "city."

APPROPRIATIONS.

HB 418, PN 482

By Rep. ARGALL

An Act providing for procedures for students expelled from school and for powers and duties of boards of school directors.

APPROPRIATIONS.

HB 471, PN 1258

By Rep. ARGALL

An Act regulating the closure of State-operated mental health facilities; and providing remedies.

APPROPRIATIONS.

HB 500, PN 1788 (Amended)

By Rep. ARGALL

An Act providing for a residential neighborhood enhancement program to be administered by the Department of Community and Economic Development.

APPROPRIATIONS.

HB 514, PN 608

By Rep. ARGALL

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the offense of littering.

APPROPRIATIONS.

HB 545, PN 647

By Rep. ARGALL

An Act amending the act of August 31, 1971 (P.L.398, No.96), known as the County Pension Law, changing vesting rights; and providing additional class options.

APPROPRIATIONS.

HB 564, PN 1789 (Amended)

By Rep. ARGALL

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for community college financial programs and reimbursements; establishing the Community College Nonmandated Capital Fund; and abrogating a regulation.

APPROPRIATIONS.

HB 607, PN 709

By Rep. ARGALL

An Act designating State Route 291 in Delaware County as the Senator Clarence D. Bell Memorial Highway.

APPROPRIATIONS.

HB 651, PN 757

By Rep. ARGALL

An Act amending the act of June 22, 1931 (P.L.594, No.203), referred to as the Township State Highway Law, adding Colebrook Road, East Donegal Township, Lancaster County to the State highway system.

APPROPRIATIONS.

HB 655, PN 761

By Rep. ARGALL

An Act amending the act of February 1, 1974 (P.L.34, No.15), known as the Pennsylvania Municipal Retirement Law, further providing for disability retirement of police officers.

APPROPRIATIONS.

HB 656, PN 1397

By Rep. ARGALL

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

APPROPRIATIONS.

HB 674, PN 1547

By Rep. ARGALL

An Act regulating child labor; conferring powers and duties on the Department of Labor and Industry and the Department of Education; imposing penalties; and making a repeal.

APPROPRIATIONS.

HB 851, PN 989

By Rep. ARGALL

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

APPROPRIATIONS.

HB 895, PN 1059

By Rep. ARGALL

An Act designating the Fish Dam Wild Area in Clinton County as the Russell P. Letterman Wild Area.

APPROPRIATIONS.

HB 898, PN 1482

By Rep. ARGALL

An Act prohibiting false claims; imposing duties on the Attorney General and on district attorneys; and providing for procedures and for penalties.

APPROPRIATIONS.

HB 1284, PN 1690

By Rep. ARGALL

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

APPROPRIATIONS.

HB 1287, PN 1759

By Rep. ARGALL

An Act establishing the Mcare Assessment Need Program.

APPROPRIATIONS.

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 165, PN 185**, entitled:

An Act providing for the acquisition of property by the Commonwealth and local government units to mitigate flood hazards.

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—196

Adolph	Egolf	Lewis	Sainato
Allen	Evans, D.	Lynch	Samuelson
Argall	Evans, J.	Mackereth	Santoni
Armstrong	Fabrizio	Maher	Sather
Baker	Fairchild	Maitland	Scavello
Baldwin	Feese	Major	Schroder
Bard	Fichter	Manderino	Semmel
Barrar	Fleagle	Mann	Shaner
Bastian	Flick	Markosek	Smith, B.
Bebko-Jones	Forcier	Marsico	Smith, S. H.
Belardi	Frankel	McCall	Solobay
Belfanti	Freeman	McGeehan	Staback
Benninghoff	Gabig	McGill	Stairs
Biancucci	Gannon	McIlhattan	Steil
Birmelin	Geist	McIlhinney	Stern
Bishop	George	McNaughton	Stetler
Blaum	Gergely	Melio	Stevenson, R.
Boyd	Gillespie	Metcalfe	Stevenson, T.
Browne	Gingrich	Micozzie	Sturla
Bunt	Godshall	Miller, R.	Surra

Butkovitz	Goodman	Miller, S.	Tangretti
Buxton	Gordner	Mundy	Taylor, E. Z.
Caltagirone	Grucela	Myers	Taylor, J.
Cappelli	Gruitza	Nailor	Thomas
Casorio	Habay	Nickol	Tigue
Causer	Haluska	O'Brien	Travaglio
Cawley	Hanna	Oliver	True
Civera	Harhai	O'Neill	Turzai
Clymer	Harhart	Pallone	Vance
Cohen	Harper	Payne	Veon
Coleman	Harris	Petrarca	Vitali
Cornell	Hasay	Petri	Walko
Corrigan	Hennessey	Petrone	Wansacz
Costa	Herman	Phillips	Washington
Coy	Hershey	Pickett	Waters
Crahalla	Hess	Pistella	Watson
Creighton	Hickernell	Preston	Weber
Cruz	Horsey	Raymond	Wheatley
Curry	Hutchinson	Readshaw	Williams
Dailey	Josephs	Reed	Wilt
Daley	Keller	Reichley	Wojnaroski
Dally	Kenney	Rieger	Wright
DeLuca	Kirkland	Roberts	Yewcic
Denlinger	LaGrotta	Roebuck	Youngblood
Dermody	Laughlin	Rohrer	Yudichak
DeWeese	Leach	Rooney	Zug
DiGirolamo	Lederer	Ross	
Diven	Leh	Rublely	
Donatucci	Lescovitz	Ruffing	Perzel,
Eachus	Levdansky		Speaker

NAYS—0

NOT VOTING—1

James

EXCUSED—3

Kotik Saylor Scrimenti

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

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

* * *

The House proceeded to third consideration of **HB 545, PN 647**, entitled:

An Act amending the act of August 31, 1971 (P.L.398, No.96), known as the County Pension Law, changing vesting rights; and providing additional class options.

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—197

Adolph	Egolf	Levdansky	Sainato
Allen	Evans, D.	Lewis	Samuelson
Argall	Evans, J.	Lynch	Santoni
Armstrong	Fabrizio	Mackereth	Sather
Baker	Fairchild	Maher	Scavello
Baldwin	Feese	Maitland	Schroder
Bard	Fichter	Major	Semmel
Barrar	Fleagle	Manderino	Shaner
Bastian	Flick	Mann	Smith, B.
Bebko-Jones	Forcier	Markosek	Smith, S. H.
Belardi	Frankel	Marsico	Solobay
Belfanti	Freeman	McCall	Staback
Benninghoff	Gabig	McGeehan	Stairs
Biancucci	Gannon	McGill	Steil
Birmelin	Geist	McIlhattan	Stern
Bishop	George	McIlhinney	Stetler
Blaum	Gergely	McNaughton	Stevenson, R.
Boyd	Gillespie	Melio	Stevenson, T.
Browne	Gingrich	Metcalfe	Sturla
Bunt	Godshall	Micozzie	Surra
Butkovitz	Goodman	Miller, R.	Tangretti
Buxton	Gordner	Miller, S.	Taylor, E. Z.
Caltagirone	Grucela	Mundy	Taylor, J.
Cappelli	Gruitza	Myers	Thomas
Casorio	Habay	Nailor	Tigue
Causer	Haluska	Nickol	Travaglio
Cawley	Hanna	O'Brien	True
Civera	Harhai	Oliver	Turzai
Clymer	Harhart	O'Neill	Vance
Cohen	Harper	Pallone	Veon
Coleman	Harris	Payne	Vitali
Cornell	Hasay	Petrarca	Walko
Corrigan	Hennessey	Petri	Wansacz
Costa	Herman	Petrone	Washington
Coy	Hershey	Phillips	Waters
Crahalla	Hess	Pickett	Watson
Creighton	Hickernell	Pistella	Weber
Cruz	Horsey	Preston	Wheatley
Curry	Hutchinson	Raymond	Williams
Dailey	James	Readshaw	Wilt
Daley	Josephs	Reed	Wojnaroski
Dally	Keller	Reichley	Wright
DeLuca	Kenney	Rieger	Yewcic
Denlinger	Kirkland	Roberts	Youngblood
Dermody	LaGrotta	Roebuck	Yudichak
DeWeese	Laughlin	Rohrer	Zug
DiGirolamo	Leach	Rooney	
Diven	Lederer	Ross	
Donatucci	Leh	Rubley	Perzel,
Eachus	Lescovitz	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

* * *

The House proceeded to third consideration of **HB 100, PN 1574**, entitled:

An Act providing for the availability of and access to a comprehensive trauma care system; and imposing powers and duties upon the Department of Public Welfare.

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Schroder, for the purpose of suspending the rules to offer amendment A0730.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, this is a technical amendment that is being offered at the request of the Governor's Office, and I would ask for an immediate suspension of the rules for the consideration of amendment A0730.

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

The following roll call was recorded:

YEAS—197

Adolph	Egolf	Levdansky	Sainato
Allen	Evans, D.	Lewis	Samuelson
Argall	Evans, J.	Lynch	Santoni
Armstrong	Fabrizio	Mackereth	Sather
Baker	Fairchild	Maher	Scavello
Baldwin	Feese	Maitland	Schroder
Bard	Fichter	Major	Semmel
Barrar	Fleagle	Manderino	Shaner
Bastian	Flick	Mann	Smith, B.
Bebko-Jones	Forcier	Markosek	Smith, S. H.
Belardi	Frankel	Marsico	Solobay
Belfanti	Freeman	McCall	Staback
Benninghoff	Gabig	McGeehan	Stairs
Biancucci	Gannon	McGill	Steil
Birmelin	Geist	McIlhattan	Stern
Bishop	George	McIlhinney	Stetler
Blaum	Gergely	McNaughton	Stevenson, R.
Boyd	Gillespie	Melio	Stevenson, T.
Browne	Gingrich	Metcalfe	Sturla
Bunt	Godshall	Micozzie	Surra
Butkovitz	Goodman	Miller, R.	Tangretti
Buxton	Gordner	Miller, S.	Taylor, E. Z.
Caltagirone	Grucela	Mundy	Taylor, J.
Cappelli	Gruitza	Myers	Thomas
Casorio	Habay	Nailor	Tigue
Causer	Haluska	Nickol	Travaglio
Cawley	Hanna	O'Brien	True
Civera	Harhai	Oliver	Turzai
Clymer	Harhart	O'Neill	Vance
Cohen	Harper	Pallone	Veon
Coleman	Harris	Payne	Vitali
Cornell	Hasay	Petrarca	Walko
Corrigan	Hennessey	Petri	Wansacz
Costa	Herman	Petrone	Washington
Coy	Hershey	Phillips	Waters
Crahalla	Hess	Pickett	Watson
Creighton	Hickernell	Pistella	Weber
Cruz	Horsey	Preston	Wheatley
Curry	Hutchinson	Raymond	Williams
Dailey	James	Readshaw	Wilt

Daley	Josephs	Reed	Wojnaroski
Dally	Keller	Reichley	Wright
DeLuca	Kenney	Rieger	Yewcic
Denlinger	Kirkland	Roberts	Youngblood
Dermody	LaGrotta	Roebuck	Yudichak
DeWeese	Laughlin	Rohrer	Zug
DiGirolamo	Leach	Rooney	
Diven	Lederer	Ross	
Donatucci	Leh	Rubley	Perzel,
Eachus	Lescovitz	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Kotik	Saylor	Scrimenti
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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. **SCHRODER** offered the following amendment No. **A0730**:

Amend Sec. 3, page 2, line 16, by inserting after "THEREAFTER,"
upon Federal approval of an amendment to the Medicaid State plan,
Amend Sec. 3, page 2, line 16, by inserting after "ANNUALLY"
from funds appropriated for this purpose

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

The **SPEAKER**. On that question, the Chair recognizes Mr. Schroder.

Mr. **SCHRODER**. Thank you, Mr. Speaker.

As I said, it is being offered at the request of the Governor's Office. This amendment is agreed to by the various parties that have been working on this bill. All it does is require that the Federal funding be in place before the funding for the trauma centers is driven out.

So I would ask for the support for this amendment. Thank you.

The **SPEAKER**. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—197

Adolph	Egolf	Levdansky	Sainato
Allen	Evans, D.	Lewis	Samuelson
Argall	Evans, J.	Lynch	Santoni
Armstrong	Fabrizio	Mackereth	Sather
Baker	Fairchild	Maher	Scavello
Baldwin	Feese	Maitland	Schroder
Bard	Fichter	Major	Semmel

Barrar	Fleagle	Manderino	Shaner
Bastian	Flick	Mann	Smith, B.
Bebko-Jones	Forcier	Markosek	Smith, S. H.
Belardi	Frankel	Marsico	Solobay
Belfanti	Freeman	McCall	Staback
Benninghoff	Gabig	McGeehan	Stairs
Biancucci	Gannon	McGill	Steil
Birmelin	Geist	McIlhattan	Stern
Bishop	George	McIlhinney	Stetler
Blaum	Gergely	McNaughton	Stevenson, R.
Boyd	Gillespie	Melio	Stevenson, T.
Browne	Gingrich	Metcalfe	Sturla
Bunt	Godshall	Micozzie	Surra
Butkovitz	Goodman	Miller, R.	Tangretti
Buxton	Gordner	Miller, S.	Taylor, E. Z.
Caltagirone	Grucela	Mundy	Taylor, J.
Cappelli	Gruitza	Myers	Thomas
Casorio	Habay	Nailor	Tigue
Causar	Haluska	Nickol	Travaglio
Cawley	Hanna	O'Brien	True
Civera	Harhai	Oliver	Turzai
Clymer	Harhart	O'Neill	Vance
Cohen	Harper	Pallone	Veon
Coleman	Harris	Payne	Vitali
Cornell	Hasay	Petrarca	Walko
Corrigan	Hennessey	Petri	Wansacz
Costa	Herman	Petrone	Washington
Coy	Hershey	Phillips	Waters
Crahalla	Hess	Pickett	Watson
Creighton	Hickernell	Pistella	Weber
Cruz	Horsley	Preston	Wheatley
Curry	Hutchinson	Raymond	Williams
Dailey	James	Readshaw	Wilt
Daley	Josephs	Reed	Wojnaroski
Dally	Keller	Reichley	Wright
DeLuca	Kenney	Rieger	Yewcic
Denlinger	Kirkland	Roberts	Youngblood
Dermody	LaGrotta	Roebuck	Yudichak
DeWeese	Laughlin	Rohrer	Zug
DiGirolamo	Leach	Rooney	
Diven	Lederer	Ross	
Donatucci	Leh	Rubley	Perzel,
Eachus	Lescovitz	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

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

The following roll call was recorded:

YEAS—197

Adolph	Egolf	Levdansky	Sainato
Allen	Evans, D.	Lewis	Samuelson
Argall	Evans, J.	Lynch	Santoni
Armstrong	Fabrizio	Mackereth	Sather
Baker	Fairchild	Maher	Scavello
Baldwin	Feese	Maitland	Schroder
Bard	Fichter	Major	Semmel
Barrar	Fleagle	Manderino	Shaner
Bastian	Flick	Mann	Smith, B.
Bebko-Jones	Forcier	Markosek	Smith, S. H.
Belardi	Frankel	Marsico	Solobay
Belfanti	Freeman	McCall	Staback
Benninghoff	Gabig	McGeehan	Stairs
Biancucci	Gannon	McGill	Steil
Birmelin	Geist	McIlhattan	Stern
Bishop	George	McIlhinney	Stetler
Blaum	Gergely	McNaughton	Stevenson, R.
Boyd	Gillespie	Melio	Stevenson, T.
Browne	Gingrich	Metcalfe	Sturla
Bunt	Godshall	Micozzie	Surra
Butkovitz	Goodman	Miller, R.	Tangretti
Buxton	Gordner	Miller, S.	Taylor, E. Z.
Caltagirone	Grucela	Mundy	Taylor, J.
Cappelli	Gruitza	Myers	Thomas
Casorio	Habay	Nailor	Tigue
Causser	Haluska	Nickol	Travaglio
Cawley	Hanna	O'Brien	True
Civera	Harhai	Oliver	Turzai
Clymer	Harhart	O'Neill	Vance
Cohen	Harper	Pallone	Veon
Coleman	Harris	Payne	Vitali
Cornell	Hasay	Petrarca	Walko
Corrigan	Hennessey	Petri	Wansacz
Costa	Herman	Petrone	Washington
Coy	Hershey	Phillips	Waters
Crahalla	Hess	Pickett	Watson
Creighton	Hickernell	Pistella	Weber
Cruz	Horsey	Preston	Wheatley
Curry	Hutchinson	Raymond	Williams
Dailey	James	Readshaw	Wilt
Daley	Josephs	Reed	Wojnaroski
Dally	Keller	Reichley	Wright
DeLuca	Kenney	Rieger	Yewcic
Denlinger	Kirkland	Roberts	Youngblood
Dermody	LaGrotta	Roebuck	Yudichak
DeWeese	Laughlin	Rohrer	Zug
DiGirolamo	Leach	Rooney	
Diven	Lederer	Ross	
Donatucci	Leh	Rubley	Perzel,
Eachus	Lescovitz	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

* * *

The House proceeded to third consideration of **HB 418, PN 482**, entitled:

An Act providing for procedures for students expelled from school and for powers and duties of boards of school directors.

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 gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Just as a comment, as you are getting more proficient at your job, it is becoming harder and harder to stay on top of things, because you are getting faster and faster. It was great when you were a little tentative, but now that you are getting really good at it, it is harder to follow. My only request is that we just perhaps slow it down a little bit.

I am just trying to slow it down to get an explanation of what this does. I did not really have time to find it in the program before we voted on it.

So I would like to interrogate and get a brief explanation.

The SPEAKER. The gentleman is in order and may proceed. The gentleman, Mr. Egolf, consents to a brief interrogation.

Could the gentleman, Mr. Egolf, please give a brief explanation of the bill?

Mr. EGOLF. Thank you, Mr. Speaker.

A brief explanation of the bill, is that the request?

The SPEAKER. Yes, sir.

Mr. EGOLF. This bill would require that a student who is expelled from a school, that the parents would have to pay for the alternative education while that student is expelled. As it is currently, the school picks up the cost for the education in most cases. This would require the parents to do so. There are provisions, however, if the parents are financially unable to. Then they can present their case to the school, and if it is appropriate, the school then would pick up the cost or they could also assign a community work project for the parents in place of the financial responsibility.

Mr. VITALI. May I continue with my interrogation, Mr. Speaker?

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

Mr. VITALI. Have any of the usual educational groups weighed in on this? For example, the School Boards Association or PSEA (Pennsylvania State Education Association) or PFT (Pennsylvania Federation of Teachers), have any of them taken a position on this?

Mr. EGOLF. Yes, they have. The School Boards Association strongly supports this, as well as PSEA, the union, supports it also.

Mr. VITALI. Are there any issues, constitutional issues or other issues, with regard to the State's obligation to provide for a free public education and a particular student who is expelled not getting it? Has this issue been dealt with?

Mr. EGOLF. Mr. Speaker, the 1987 *Agostine v. Philadelphia School District* declared that the right to a public education in Pennsylvania is a statutory right and does not guarantee any specific level or quality of education.

Mr. VITALI. Right. But which way does that case cut?

Mr. EGOLF. They are saying that it is a statutory, not a constitutional, right, and we are statutorily making a change to this legislation.

Mr. VITALI. Oh, I see.

Do you know the experience of any other States? Do other States do this, or would we be breaking new ground here?

Mr. EGOLF. I am unaware of other States doing this. I do not know if they are or not.

Mr. VITALI. Okay. Thank you.

That concludes my interrogation. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. EGOLF. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the author of the bill?

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, a couple questions for clarification.

I understand that there is a due process requirement in the bill, but what would happen in a situation where a parent is unable to pay for that child's education during the next 12 months?

Mr. EGOLF. The option to paying for the education, first, is to show that they are unable to, and if the school administration determines that they are able, they can ask for a hearing in front of the school board, and if the school board does not agree and says they are financially able, then they can go through the court system. So they have really several appeal fields there that they can use.

Mr. THOMAS. I understand that, but I guess what I am trying to find out is, what happens in a situation where the school board concludes that this parent is unable to pay? And let me share with you what I am thinking about.

We know as a matter of fact that there has been an explosion in the Commonwealth of Pennsylvania of grandparents and extended family members having to come back and now raise grandchildren or nieces or nephews. Those grandparents in many cases have exhausted most of their resources and really are not in a position to be raising the kids, but rather than see their grandchildren go into a shelter or somewhere and they want to keep the family together, they try to make ends meet. So there are going to be a lot of situations where these grandparents or extended caregivers will not have the income to pay for a child's education during that 12-month period.

So what does your bill provide in a situation where there is a factual decision that the parent or guardian is unable to pay for that child's education?

Mr. EGOLF. The school district can decide to pay for that or pay for all or part of it. There is also community service as an alternative. This, again, can be worked out with the school district, but showing what their financial ability is.

Mr. THOMAS. And I guess that is what my concern is. It appears as though the discretion really is left on the school district to decide whether or not that family can pay, and if the school district concludes that the family can pay, then the

family is really left to have to fend for themselves. Is that correct?

Mr. EGOLF. No. There is still that further appeal, that they can then go through the court system, and then the court would decide strictly on the financial aspect of it. So they have that extra appeal. Even if the school twice would refuse, would decide that they are able to pay, they can take it to the local court system.

Mr. THOMAS. So the court can direct the school district to pay for that child's education during the 12 months?

Mr. EGOLF. Yes; that is correct.

Mr. THOMAS. My second concern is whether or not a first or second grade student, second grade child, can be expelled under these circumstances.

Mr. EGOLF. There is no age limit put on this. It is just strictly whatever the school's criteria are now for expulsion. It is not like there are a lot of children expelled. Certainly, the schools do not want to do that. I mean, in practice that we have seen in the past, the normal procedures now, even without this act, make expulsion very hard. I mean, they have got to show good reason.

But as far as age, there is no requirement in law now that eliminates certain grades or ages from expulsion. It is strictly whether they are going against the school's rules.

Mr. THOMAS. Thank you.

My last concern runs to expulsion versus suspension. Is your bill tailored to apply only under expulsion, or would it also apply in situations where a child is suspended?

Mr. EGOLF. This is strictly on expulsion.

Mr. THOMAS. Pardon me?

Mr. EGOLF. Strictly on expulsion.

Mr. THOMAS. Oh, strictly expulsion, not suspension.

Mr. Speaker, thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I wondered if the author of this bill would stand for brief interrogation.

The SPEAKER. The gentleman indicates he will stand.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I want to address an issue which I think is at the core of this particular piece of legislation, and I wondered if I might have some order, Mr. Speaker.

The SPEAKER. The gentleman is correct. The gentleman deserves to be heard. Would conferences please cease.

Mr. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

My concern is about how expulsion is used in school systems and particularly the reality that expulsion seems to be used more against minority students than nonminority students. Specifically, Mr. Speaker, the problem is that statistically, across the nation, it is clear that minority students are expelled at a higher rate than nonminority students, and even for the same offense, that is true.

Now, when we discussed this bill previously, I raised this issue last session, and I wondered if the gentleman has done anything in the language of this bill to address the problem of the unequal application of expulsion across the school districts of Pennsylvania.

Mr. EGOLF. No, Mr. Speaker. That really is left up to the school. In other words, if that is a problem now with expulsion, that ought to be in a separate issue, in my opinion. This does not deal with that at all. So it is just strictly when the school makes a decision that a student has done something serious enough to be expelled, then this comes into effect.

Mr. ROEBUCK. But, Mr. Speaker, do we not have a responsibility as legislators to guarantee that the laws that we adopt are applied fairly and equally against all those to whom those laws might apply, and if we know there is a problem, Mr. Speaker, how can we advance legislation that by its impact is clearly discriminatory?

Mr. EGOLF. Mr. Speaker, with all due respect though, I do not have figures that say that there is an inequity in expulsion, and you know, if you do, I would suggest that that can be dealt with separately.

All this is doing is, after the decision is made by a school through their processes, and of course, that is a local decision, what they decide constitutes behavior that would require—In some cases, actually, it is mandated, such as carrying a weapon to school and that sort of thing, but other than that, it is up to the local school as to what their criteria are for expulsion.

So I would say that that probably needs to be looked into, and if you have statistics that show that it is not equal, that there is discrimination, I would suggest, you know, that that be dealt with as the criteria for expulsion.

But this only deals with what happens after expulsion and who is responsible, that is it the taxpayers' responsibility to pay for it or is it the individual, and in this case, his parents.

I believe it is a separate issue. I am not saying that you are not correct. I do not know. I do not have statistics. But I am just saying that this does not really deal with that. This is just dealing with something that is already going on. The system is there now for expulsion, and so this deals with that, after that fact.

Mr. ROEBUCK. Let me make sure I understand what you are saying, Mr. Speaker.

The fact that the law we are about to enact, by its impact, discriminates against a category of individuals, is it your argument that because you are only dealing with the aftereffect of that decision, the fact that the law provides for the avenue to do that, that is not a concern of this legislative body or a concern of you as the author of this legislation?

Mr. EGOLF. Mr. Speaker, actually, I am hoping that with this legislation, there will be fewer expulsions. One of the main reasons for drafting this legislation was to get the parents involved, and I think there are plenty of statistics now that show that when parents are involved with their child's education, whatever that involvement may be even, but just be involved to know what their child is doing in school, the behavior and the educational accomplishments of the children go up when the parents are involved, and what this is designed to do is, because of, in this case, a monetary responsibility, if their child is expelled, the parents, by having to pay for their alternative education, hopefully—now, probably in some cases it is not going to occur, but I think there will be occasions when it will occur—the parent will become more involved, and hopefully then their behavior will turn around; there will not be further expulsions.

So maybe this will help in that way of what you are saying, that it will cut down and, maybe even by knowing ahead of time

that this responsibility is there, get the parents involved before expulsion takes place, and again, this could result in correcting what you are saying, because it would cut down on the number of expulsions, hopefully. I do not know that until we implement it, but having been a teacher, I think it is going to go a long way to helping that situation and curing it. Thank you.

Mr. ROEBUCK. Thank you.

If I might speak on the bill?

The SPEAKER. The gentleman is in order.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I think that the intent of the gentleman in offering this legislation is to address a particular problem, and I would not deny that there are indeed problems with student behavior and the need to bring about parental responsibility. However, Mr. Speaker, I do think that this legislation is fatally flawed in that it applies a system that is inherently discriminatory and advances that system.

It is established and I have shared with the gentleman those figures that I have that document that in many instances the application of expulsion as a penalty against minority students, against African-American students, is used more frequently than it is against nonminority students. If indeed we adopt this legislation, we merely then make that problem worse by adding an additional penalty into a discriminatory policy.

If there is a problem, Mr. Speaker, let us address the problem, but let us do it in a way that is fair. If you are going to expel students, expel them at the same rate and with the same penalties across the board. Do not single out one group of students and apply harsher penalties against them and then with this law apply that penalty even further so it affects not only that student but it affects in a more dramatic way their families and their family life. That is fundamentally wrong, Mr. Speaker.

If you want to do this, do it right. If you want to do it, address the problem at its source, and if the penalty that you are applying is not applied in a fair manner, then we need to do something about that. It is not enough to say, oh, that is not merely our problem that comes before this. It is our problem, Mr. Speaker, and it is wrong to adopt this kind of legislation that will merely continue a pattern of applying in a discriminatory, unfair way policies against a category of students within the public school system.

It is wrong, Mr. Speaker. We should address the flaws of the legislation, bring it back and do it right, Mr. Speaker, but do not do it in this way where we know there are problems and we know that some students are having the law applied against them in an unfair manner.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

GUEST INTRODUCED

The SPEAKER. Just for one moment, I would like to ask the members to try to keep it down a little bit. At times the chamber here seems like a sports facility, and I am about to announce the gentleman that has been doing arrests at Veterans Stadium for quite some time. The Chair welcomes to the chamber Judge Seamus McCaffery, the guest of all of the members of the Philadelphia delegation.

Now, please behave yourselves.

CONSIDERATION OF HB 418 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

Would the gentleman rise for a brief interrogation?

The SPEAKER. The gentleman indicates he will.

Mr. EACHUS. Thank you, Mr. Speaker.

My question centers on the effect on children who have individual education plans, those that are covered under IDEA (Individuals with Disabilities Education Act), the Federal act. I know that there is provision under your bill to ensure that those children are not expelled. Is that correct, sir?

Mr. EGOLF. This legislation cannot override the provisions of IDEA.

Mr. EACHUS. However, my concern centers on the next sentence, which is really waiting for the Federal government's changes to IDEA. What concerns me greatly, Mr. Speaker, is that if we put this in place and the Federal regulators weaken the ability for protection under IDEA, that your bill could potentially make it easier to expel children with special education needs, those with oppositional defiant disorder, those who might have attention deficit hyperactivity disorder, or even those who may be autistic. That concerns me greatly.

Can you give me your opinion on that?

Mr. EGOLF. This legislation would not make it any easier for expulsion, if I understand your question correctly. Again, this says that IDEA cannot be abrogated, cannot be changed by this legislation. That takes precedence, but if IDEA was changed in any way or lessened as you say, then this still would not change that if they— Well, if any student can meet the criteria and be expelled, then this comes into play after that.

Mr. EACHUS. Thank you.

On the bill, Mr. Speaker?

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

Mr. EACHUS. Mr. Speaker, I have two main concerns with this legislation – one, that there is no lower limit age criteria, that essentially a 7-year-old second-grader could be expelled if that child acted out and went through a due process hearing. Now, I realize that there is a hearing process and an adjudication process in the School Code for these problems, but I do not think that it is appropriate to be expelling kids that are so young without formal intervention on their behalf.

The second issue is – and I heard what the speaker said – is that if the Federal government weakens the Individuals with Disabilities Education Act and changes certain categories, it may become a foregone conclusion, under this bill, that kids with special education needs get expelled. Now, I realize that what Mr. Egolf has said is that that is not going to happen currently, but I can tell you that all the Federal dialogue and all my attention to detail as a parent who watches issues affecting IDEA, that there is an attempt to weaken that in the Congress. If that happens, I am very concerned that this will allow kids with significant learning disabilities to be expelled without a proper hearing process and without proper protection, and that is why I am voting “no.”

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

Mr. COHEN. Mr. Speaker, I agree with what many of the critics of this bill have said. This bill creates enormous potential problems. It does not really solve any existing problem.

Parents right now have been sentenced to monitor their children. It is not clear what happens under this bill if a parent says that a parent does not have enough money to send the child to an alternative school. It is unclear whether the child just stays home or whether some further action is taken against the parent.

We have heard numerous very, very legitimate concerns about this bill, and I would urge that it be defeated.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Horsey.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, there are 67 counties; there are 501 school systems, and this bill simply allows those 501 school systems to establish their own set of criteria for the expulsion of kids.

Mr. Speaker, listen to what we are talking about in this room – people who shoot people, and we have had principals shot by students in Philadelphia. We, in the last 30 to 60 days, had an incident where middle school kids made an effort to poison and kill a schoolteacher. We have had incidents where young men have raped young women.

Now, I will give you a “no” vote against this bill if you favor those kids going to school with your kids. If you favor those types of kids sitting beside your daughter or your son, I will give you a “no” on that bill.

I favor expulsion, Mr. Speaker, because I recognize when expulsion takes place, it is for a definitive reason. We are not talking about capital punishment; we are not talking about capital punishment. We are talking about sending kids who need to be away from the clear majority of kids out of the system.

Now, I am in favor of voting for this bill, because I have grandkids and I do not want someone who has raped a young lady sitting beside my granddaughter; I do not want a fellow who has shot a teacher or a principal sitting beside my grandson. Those are the people we are talking about expelling, and the fact that you say— And I will bet you money that most of those people who say, “Oh, we shouldn't expel these people,” do not have kids, do not have kids in the school system, and again, if you favor asking someone to vote against this bill, then let me send those kids to sit beside your children in school. Okay? We will expel them and send them to the school where your grandkids or where your kids go. Okay? Because I do not want them sitting beside my grandkids and my kids.

With that, Mr. Speaker, I favor the bill, and I am on record as saying I favor expulsion, because when it is implemented by school systems, by the experts who know better than we do, the ones who are with these kids day to day – and they are not bad people; they are administrators, and they have made education their life; they know what they are doing – they should be in favor and we should allow them as experts to make the decision as to who stays and who goes.

And in this case, Mr. Speaker, I favor HB 418, and I ask my colleagues to vote for HB 418. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery, Mr. Leach.

Mr. LEACH. Mr. Speaker, thank you.

May I interrogate the author of the bill briefly?

The SPEAKER. The gentleman indicates that he will.

Mr. LEACH. Mr. Speaker, my question goes to a different issue. You mentioned parental involvement, and I think that is

very important. The problem is, I used to do some juvenile law back when I practiced law, and I know there are a lot of cases where the parents are very involved and trying very hard to counteract and prevent the disciplinary transactions that lead to the expulsion, and my concern is taking – and my wife is a child psychologist – my concern is taking what can be a brutal experience, which is having an incorrigible child, and compounding the brutality by imposing a financial burden on top of that with parents who are already involved, and my question goes to whether or not your bill has any kind of provision for such a situation, an affirmative defense or some other provision whereby a parent can have the opportunity to show that he has done everything that your bill is asking him to do and has been unsuccessful but should not be burdened by additional costs and expenses that they may or may not be able to afford.

Mr. EGOLF. This does not ask the parents to do anything else other than pay for the cost of the education of their student who has been expelled. Now, you might even ask, is it fair to put that burden on the taxpayers for the additional costs? Why should they have the burden rather than the parents? Now, you know, this does not get into how much the parents have tried or have not tried. And as I said earlier, you are going to have cases of that, I am sure; the parents have done everything they could. But there are other cases – and I experienced this in school – where kids actually maybe were kept after school, for example, or in-school suspension and they have come to me saying later that they appreciated the discipline. I mean, that is hard to believe, but it has actually happened.

So again, I think in many cases just the attention that they get and especially if it is from their parents, that may change their behavior.

Again, nothing is ever 100 percent, but I think and my experience is, you know, that is going to help when you get the parents involved, because so many of these kids come in and the parents could care less where they are or what they are doing or anything else, and maybe this is one way of getting their attention. That is the main idea of this, financially. But again, if they are not able to pay for it, there are plenty of provisions, and I take issue with one of the previous speakers that said that it is not clear. It is very clear in this legislation, very clear, as to their opportunities to appeal and not just once but three times at different levels. They can appeal whether they are able to pay or not and have that taken into consideration.

So again, even the parents that you are talking about who have done everything else, now, if they are able to pay, they pay rather than the taxpayers, but if they cannot, the school will pick it up then.

Mr. LEACH. Mr. Speaker, that concludes my interrogation. May I speak on the bill?

The SPEAKER. The gentleman is in order.

Mr. LEACH. Mr. Speaker, I could support this bill if it contained the sort of provision I was talking about. We have situations right now where we have parents who are fighting day and night to try to get their kids back on the right path. I am not talking about neglectful parents. They should have to pay if their kids are expelled because of their neglect. I am not talking about parents who are not involved. I am talking about parents who are good parents, who are desperately trying to do what is right for their children, but they cannot quite succeed, and as a result, their child is expelled, and then we are going to create an

additional burden for that family, and in the real world, we all know the devastating consequences that sort of burden can have on an already strained family.

Finally, Mr. Speaker, I would just address a point made by Representative Horsey. No one is saying that we should not expel children. That is not what this bill is about. Sometimes, regrettably, that is the only option. But what we are saying is, whose burden should that be? We as a society have decided that it is our burden as taxpayers, as a society, to educate every child, and to say we are going to remove ourselves from that because we have a child who is a problem, even when the parents are good, hardworking, struggling parents, I think is a mistake, and I would urge a “no” vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery, Mr. Curry.

Mr. CURRY. Thank you, Mr. Speaker.

Would the prime sponsor stand for interrogation?

The SPEAKER. The gentleman indicates that he will.

Mr. CURRY. Thank you.

In the bill, you talk about the expelled student’s parents finding the options of another school or a tutorial or correspondence study. Will any of those programs teach to our standards?

Mr. EGOLF. In answer to that, it has to be an approved educational program.

Mr. CURRY. Yes, but currently that does not include the standards that we have, so a correspondence study or tutorial does not necessarily teach to these standards.

Mr. EGOLF. I am not sure if I understand your question. Are you saying that if they do not meet the standards, or are you saying, do they have to meet the standards?

Mr. CURRY. Well, what I am saying is that the alternative, do the people providing the alternative teach these standards or have a curriculum that uses the standards – correspondence study, for example, or a tutorial? I mean, our schools right now who are on top of this are just beginning to get to that.

Mr. EGOLF. Mr. Speaker, you know, it says “...home tutorial or correspondence study, or other approved program...” So really, it is up to the local district, and I think that is the case now, before this, you know— In current law there is a requirement that the parents provide and get this alternative education. However, there is no teeth in it, and what happens is, they just do not do anything, and then it falls back onto the school. So the requirement, this is just toughening the requirement for them to provide that approved education, so this does not really change that part of it. The legislation just says an approved program, and again, that is going to be up to the local school.

Mr. CURRY. Are you saying, Mr. Speaker, that the homeschoolers teach to the standards now, that their curriculum uses the standards?

Mr. EGOLF. My understanding is, if it is homeschooling, it is just like it would be now. If they want to go that route, they still have to be approved by the local school. They go through the normal approval process, and I am sure you are familiar with what they have to do for homeschooling, so I do not see that that would – maybe I am wrong – but I do not see that that would be a problem.

Mr. CURRY. Well, Mr. Speaker, my concern is, when they go into that program, if they are not exposed to the standards and they come back into the public school when the period of expulsion is over and they take the PSSA (Pennsylvania System of School Assessment) and they obviously are not going to do well because they have not been exposed to those standards for a year, that affects the school; that affects the other kids, not that individual who was expelled. It affects the whole school district.

Mr. EGOLF. My answer to you would be, it is the same as it would be now. Somebody at any point can come into the school from homeschooling, and it happens all the time. They will come in at a certain grade. Some go all the way through, but others come in when they get to middle school or high school or whatever, so there really would not be any difference. They still had to have an approved homeschooling program.

Mr. CURRY. But, Mr. Speaker, that is just what is wrong with the current system, and we need to correct that, even for homeschoolers, if they are going to come back into the public system.

So I mean, I think your bill is fine if we could simply say that those expelled who are going to come back into the public system are exposed to those standards in the alternative. You do not say that in your bill; you do not require that in the bill, and therefore, you are putting other students in the public system at risk.

Mr. EGOLF. But in the bill, it does say “approved,” approved school and approved education, so the local school is still going to, if they disapprove of that homeschool, I mean, obviously, if they think the parents cannot do it for whatever reason, they are not going to approve that; they are going to tell them they are going to have to get another program.

Mr. CURRY. Okay. We do not need to belabor this, but the point is, they may take an alternative that does not use the standards, and the consequence of that is bad for the public system.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Franklin, Mr. Fleagle.

Mr. FLEAGLE. Thank you, Mr. Speaker.

Mr. Speaker, I feel the debate here today on HB 418 has been skirting the real issue, and that real issue is parental responsibility. Time after time, I have heard from public school teachers and public school administrators that the one issue that ties their hands is the lack of parental responsibility. If we are indeed to leave no child behind, rich or poor, we must reinforce the educational experience with parental responsibility.

This bill goes to the very heart of that issue, Mr. Speaker. It is a good bill, and I strongly encourage your affirmative vote.

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—149

Adolph	Fabrizio	Lescovitz	Ross
Allen	Fairchild	Levdansky	Rubley
Argall	Feese	Lewis	Ruffing

Armstrong	Fichter	Lynch	Sainato
Baker	Fleagle	Mackereth	Samuelson
Baldwin	Flick	Maher	Santoni
Bard	Forcier	Maitland	Sather
Barrar	Gabig	Major	Scavello
Bastian	Gannon	Mann	Schroder
Belardi	Geist	Markosek	Semmel
Belfanti	George	Marsico	Shaner
Benninghoff	Gergely	McCall	Smith, B.
Bianucci	Gillespie	McGill	Smith, S. H.
Birmelin	Gingrich	McIlhattan	Solobay
Blaum	Godshall	McIlhinney	Staback
Boyd	Goodman	McNaughton	Stairs
Browne	Gordner	Melio	Steil
Bunt	Grucela	Metcalf	Stern
Caltagirone	Gruitza	Micozzie	Stevenson, R.
Casorio	Habay	Miller, R.	Stevenson, T.
Causar	Haluska	Miller, S.	Surra
Cawley	Hanna	Nailor	Tangretti
Civera	Harhai	Nickol	Taylor, E. Z.
Clymer	Harhart	O'Neill	True
Coleman	Harper	Pallone	Turzai
Cornell	Harris	Payne	Vance
Corrigan	Hasay	Petrarca	Vitali
Coy	Hennessey	Petri	Watson
Creighton	Herman	Petrone	Weber
Dailey	Hershey	Phillips	Wilt
Daley	Hess	Pickett	Wojnarowski
Dally	Hickernell	Pistella	Wright
DeLuca	Horsey	Raymond	Yewcic
Denlinger	Hutchinson	Readshaw	Zug
Dermody	Kenney	Reed	
DiGirolamo	LaGrotta	Reichley	
Egolf	Laughlin	Rohrer	Perzel, Speaker
Evans, J.	Leh	Rooney	

NAYS—48

Bebko-Jones	Donatucci	McGeehan	Thomas
Bishop	Eachus	Mundy	Tigue
Butkovitz	Evans, D.	Myers	Travaglio
Buxton	Frankel	O'Brien	Veon
Cappelli	Freeman	Oliver	Walko
Cohen	James	Preston	Wansacz
Costa	Josephs	Rieger	Washington
Crahalla	Keller	Roberts	Waters
Cruz	Kirkland	Roebuck	Wheatley
Curry	Leach	Stetler	Williams
DeWeese	Lederer	Sturla	Youngblood
Diven	Manderino	Taylor, J.	Yudichak

NOT VOTING—0

EXCUSED—3

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

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

* * *

The House proceeded to third consideration of **HB 514, PN 608**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the offense of littering.

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

Mr. STABACK offered the following amendment No. A0303:

Amend Sec. 1 (Sec. 2510), page 2, by inserting between lines 23 and 24

(c) Definition.—As used in this section, the term “normal hunting activities” shall not include a circumstance when a person has fired more than six rounds from a stationary position.

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Staback.

Mr. STABACK. Thank you, Mr. Speaker.

Mr. Speaker, amendment A0303 simply defines the term “normal hunting activities,” and in a circumstance where a person has fired more than six shells in a stationary position, if the individual fails to retrieve the shells or casings, he is not going to be entitled to the exemption provided for in HB 514. On the contrary, he could very easily be charged with littering.

The amendment, as I understand it, is agreed to by the prime sponsor and, additionally, has the support of the Pennsylvania Game Commission.

With that, I would ask for an affirmative vote. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Phillips.

Mr. PHILLIPS. Thank you, Mr. Speaker.

This is an agreed-to amendment.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Levdansky	Ruffing
Allen	Evans, D.	Lewis	Sainato
Argall	Evans, J.	Lynch	Samuelson
Armstrong	Fabrizio	Mackereth	Santoni
Baker	Fairchild	Maher	Sather
Baldwin	Feese	Maitland	Scavello
Bard	Fichter	Major	Schroder
Barrar	Fleagle	Manderino	Semmel
Bastian	Flick	Mann	Shaner
Bebko-Jones	Forcier	Markosek	Smith, B.
Belardi	Frankel	Marsico	Smith, S. H.
Belfanti	Freeman	McCall	Solobay
Benninghoff	Gabig	McGeehan	Staback
Biancucci	Gannon	McGill	Stairs
Birmelin	Geist	McIlhattan	Steil
Bishop	George	McIlhinney	Stern
Blaum	Gergely	McNaughton	Stetler
Boyd	Gillespie	Melio	Stevenson, R.
Browne	Gingrich	Metcalfe	Stevenson, T.
Bunt	Godshall	Micozzie	Sturla
Butkovitz	Goodman	Miller, R.	Surra
Buxton	Gordner	Miller, S.	Tangretti
Caltagirone	Grucela	Mundy	Taylor, E. Z.
Cappelli	Gruitza	Myers	Taylor, J.
Casorio	Habay	Nailor	Thomas
Causer	Haluska	Nickol	Tigue
Cawley	Hanna	O'Brien	Travaglio

Civera	Harhai	Oliver	True
Clymer	Harhart	O'Neill	Turzai
Cohen	Harper	Pallone	Vance
Coleman	Harris	Payne	Veon
Cornell	Hasay	Petrarca	Vitali
Corrigan	Hennessey	Petri	Walko
Costa	Herman	Petrone	Wansacz
Coy	Hershey	Phillips	Washington
Crahalla	Hess	Pickett	Waters
Creighton	Hickernell	Pistella	Watson
Cruz	Horsey	Preston	Weber
Curry	Hutchinson	Raymond	Wheatley
Dailey	James	Readshaw	Williams
Daley	Josephs	Reed	Wilt
Dally	Keller	Reichley	Wojnaroski
DeLuca	Kenney	Rieger	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	LaGrotta	Roebuck	Yudichak
DeWeese	Laughlin	Rohrer	Zug
DiGirolamo	Leach	Rooney	
Diven	Lederer	Ross	
Donatucci	Leh	Rublely	Ryan,
Eachus	Lescovitz		Speaker

NAYS—1

Youngblood

NOT VOTING—0

EXCUSED—3

Kotik Saylor Scrimenti

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

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

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?

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

The following roll call was recorded:

YEAS—197

Adolph	Egolf	Levdansky	Sainato
Allen	Evans, D.	Lewis	Samuelson
Argall	Evans, J.	Lynch	Santoni
Armstrong	Fabrizio	Mackereth	Sather
Baker	Fairchild	Maher	Scavello
Baldwin	Feese	Maitland	Schroder
Bard	Fichter	Major	Semmel
Barrar	Fleagle	Manderino	Shaner
Bastian	Flick	Mann	Smith, B.
Bebko-Jones	Forcier	Markosek	Smith, S. H.
Belardi	Frankel	Marsico	Solobay
Belfanti	Freeman	McCall	Staback
Benninghoff	Gabig	McGeehan	Stairs
Biancucci	Gannon	McGill	Steil
Birmelin	Geist	McIlhattan	Stern
Bishop	George	McIlhinney	Stetler

Blaum	Gergely	McNaughton	Stevenson, R.
Boyd	Gillespie	Melio	Stevenson, T.
Browne	Gingrich	Metcalfe	Sturla
Bunt	Godshall	Micozzie	Surra
Butkovitz	Goodman	Miller, R.	Tangretti
Buxton	Gordner	Miller, S.	Taylor, E. Z.
Caltagirone	Grucela	Mundy	Taylor, J.
Cappelli	Gruitza	Myers	Thomas
Casorio	Habay	Nailor	Tigue
Causer	Haluska	Nickol	Travaglio
Cawley	Hanna	O'Brien	True
Civera	Harhai	Oliver	Turzai
Clymer	Harhart	O'Neill	Vance
Cohen	Harper	Pallone	Veon
Coleman	Harris	Payne	Vitali
Cornell	Hasay	Petrarca	Walko
Corrigan	Hennessey	Petri	Wansacz
Costa	Herman	Petrone	Washington
Coy	Hershey	Phillips	Waters
Crahalla	Hess	Pickett	Watson
Creighton	Hickernell	Pistella	Weber
Cruz	Horsey	Preston	Wheatley
Curry	Hutchinson	Raymond	Williams
Dailey	James	Readshaw	Wilt
Daley	Josephs	Reed	Wojnaroski
Dally	Keller	Reichley	Wright
DeLuca	Kenney	Rieger	Yewcic
Denlinger	Kirkland	Roberts	Youngblood
Dermody	LaGrotta	Roebuck	Yudichak
DeWeese	Laughlin	Rohrer	Zug
DiGiolamo	Leach	Rooney	
Diven	Lederer	Ross	
Donatucci	Leh	Rubley	Perzel,
Eachus	Lescovitz	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Kotik Saylor Scrimenti

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

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

* * *

The House proceeded to third consideration of **HB 655, PN 761**, entitled:

An Act amending the act of February 1, 1974 (P.L.34, No.15), known as the Pennsylvania Municipal Retirement Law, further providing for disability retirement of police officers.

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—197

Adolph	Egolf	Levdansky	Sainato
Allen	Evans, D.	Lewis	Samuelson
Argall	Evans, J.	Lynch	Santoni
Armstrong	Fabrizio	Mackereth	Sather
Baker	Fairchild	Maher	Scavello
Baldwin	Feese	Maitland	Schroder
Bard	Fichter	Major	Semmel
Barrar	Fleagle	Manderino	Shaner
Bastian	Flick	Mann	Smith, B.
Bebko-Jones	Forcier	Markosek	Smith, S. H.
Belardi	Frankel	Marsico	Solobay
Belfanti	Freeman	McCall	Staback
Benninghoff	Gabig	McGeehan	Stairs
Biancucci	Gannon	McGill	Steil
Birmelin	Geist	McIlhattan	Stern
Bishop	George	McIlhinney	Stetler
Blaum	Gergely	McNaughton	Stevenson, R.
Boyd	Gillespie	Melio	Stevenson, T.
Browne	Gingrich	Metcalfe	Sturla
Bunt	Godshall	Micozzie	Surra
Butkovitz	Goodman	Miller, R.	Tangretti
Buxton	Gordner	Miller, S.	Taylor, E. Z.
Caltagirone	Grucela	Mundy	Taylor, J.
Cappelli	Gruitza	Myers	Thomas
Casorio	Habay	Nailor	Tigue
Causer	Haluska	Nickol	Travaglio
Cawley	Hanna	O'Brien	True
Civera	Harhai	Oliver	Turzai
Clymer	Harhart	O'Neill	Vance
Cohen	Harper	Pallone	Veon
Coleman	Harris	Payne	Vitali
Cornell	Hasay	Petrarca	Walko
Corrigan	Hennessey	Petri	Wansacz
Costa	Herman	Petrone	Washington
Coy	Hershey	Phillips	Waters
Crahalla	Hess	Pickett	Watson
Creighton	Hickernell	Pistella	Weber
Cruz	Horsey	Preston	Wheatley
Curry	Hutchinson	Raymond	Williams
Dailey	James	Readshaw	Wilt
Daley	Josephs	Reed	Wojnaroski
Dally	Keller	Reichley	Wright
DeLuca	Kenney	Rieger	Yewcic
Denlinger	Kirkland	Roberts	Youngblood
Dermody	LaGrotta	Roebuck	Yudichak
DeWeese	Laughlin	Rohrer	Zug
DiGiolamo	Leach	Rooney	
Diven	Lederer	Ross	
Donatucci	Leh	Rubley	Perzel,
Eachus	Lescovitz	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Kotik Saylor Scrimenti

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

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

* * *

The House proceeded to third consideration of **HB 607, PN 709**, entitled:

An Act designating State Route 291 in Delaware County as the Senator Clarence D. Bell Memorial Highway.

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

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

The gentleman from Delaware, Mr. Kirkland.
Mr. KIRKLAND. Thank you, Mr. Speaker.
Mr. Speaker, I rise and ask for support for HB 607.

Mr. Speaker, what this bill simply does is changes a portion of highway in Delaware County and names it after someone who has served in this House and the Senate for some 41 years; someone who has dedicated his life to public service, constituent service, and someone who has sat in this House and in the Senate longer than any other legislator or person in public service here in Harrisburg. That someone is a very special person that has been a mentor, that has been a friend, that has been someone who has been a great leader here in Harrisburg and throughout our Commonwealth.

This piece of legislation would designate a portion of Delaware County highway currently known as 291, Route 291, to be named the “Senator Clarence D. Bell Memorial Highway.”

One of the things that Senator Bell did while in office was work very diligently on making sure that our highways are maintained. At one point in time, he was called Senator, I think it was, Pothole Bell. He would always make sure that the Transportation Department knew that these potholes were in our communities and on our highways and that he knew that they were on our highways, in our communities, and that he was making sure that they would be filled. Senator Bell was instrumental not only in that area but also instrumental in Highway 476, the Commodore Barry Bridge, and others.

My mother once told me, Mr. Speaker, that the way you remember someone and not allow them to die is to remember them in your heart, and so today, Mr. Speaker, I am asking that the members of this body would choose not to allow such a great leader, a great politician, and a great public servant not to die and support me as we rename Route 291 the “Senator Clarence D. Bell Memorial Highway.”

I appreciate your positive support on this measure.
The SPEAKER. The Chair thanks the gentleman.

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—197

Adolph	Egolf	Levdansky	Sainato
Allen	Evans, D.	Lewis	Samuelson
Argall	Evans, J.	Lynch	Santoni
Armstrong	Fabrizio	Mackereth	Sather
Baker	Fairchild	Maher	Scavello
Baldwin	Feese	Maitland	Schroder
Bard	Fichter	Major	Semmel
Barrar	Fleagle	Manderino	Shaner
Bastian	Flick	Mann	Smith, B.
Bebko-Jones	Forcier	Markosek	Smith, S. H.
Belardi	Frankel	Marsico	Solobay
Belfanti	Freeman	McCall	Staback
Benninghoff	Gabig	McGeehan	Stairs
Biancucci	Gannon	McGill	Steil
Birmelin	Geist	McIlhattan	Stern
Bishop	George	McIlhinney	Stetler
Blaum	Gergely	McNaughton	Stevenson, R.
Boyd	Gillespie	Melio	Stevenson, T.
Browne	Gingrich	Metcalfe	Sturla
Bunt	Godshall	Micozzie	Surra
Butkovitz	Goodman	Miller, R.	Tangretti
Buxton	Gordner	Miller, S.	Taylor, E. Z.
Caltagirone	Grucela	Mundy	Taylor, J.
Cappelli	Gruitza	Myers	Thomas
Casorio	Habay	Nailor	Tigue
Causer	Haluska	Nickol	Travaglio
Cawley	Hanna	O’Brien	True
Civera	Harhai	Oliver	Turzai
Clymer	Harhart	O’Neill	Vance
Cohen	Harper	Pallone	Veon
Coleman	Harris	Payne	Vitali
Cornell	Hasay	Petrarca	Walko
Corrigan	Hennessey	Petri	Wansacz
Costa	Herman	Petrone	Washington
Coy	Hershey	Phillips	Waters
Crahalla	Hess	Pickett	Watson
Creighton	Hickernell	Pistella	Weber
Cruz	Horsey	Preston	Wheatley
Curry	Hutchinson	Raymond	Williams
Dailey	James	Readshaw	Wilt
Daley	Josephs	Reed	Wojnaroski
Dally	Keller	Reichley	Wright
DeLuca	Kenney	Rieger	Yewcic
Denlinger	Kirkland	Roberts	Youngblood
Dermody	LaGrotta	Roebuck	Yudichak
DeWeese	Laughlin	Rohrer	Zug
DiGirolamo	Leach	Rooney	
Diven	Lederer	Ross	
Donatucci	Leh	Rubley	Perzel,
Eachus	Lescovitz	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Kotik Saylor Scrimenti

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. Representative Pallone would like to introduce guests on the floor of the House today. They are from Burrell High School, and they are Trevor McGaughey, Sarah Crump, Meghan Mooney, Jenn Brown, and Ashley Tarr. Would the guests please rise.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 656, PN 1397, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for exemptions from fishing license 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? Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—197

Table listing names of members who voted 'YEAS' for HB 656, including Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Bard, Barrar, Bastian, Bebko-Jones, Belardi, Belfanti, Benninghoff, Biancucci, Birmelin, Bishop, Blaum, Boyd, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappelli, Casorio, Causer, Cawley, Civera, Clymer, Cohen, Coleman, Cornell, Corrigan, Costa, Coy, Crahalla, Creighton, Cruz, Curry, Egolf, Evans, D., Evans, J., Fabrizio, Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Gergely, Gillespie, Gingrich, Godshall, Goodman, Gordner, Grucela, Gruitza, Habay, Haluska, Hanna, Harhai, Harhart, Harper, Harris, Hasay, Hennessey, Herman, Hershey, Hess, Hickernell, Horsey, Hutchinson, Levdansky, Lewis, Lynch, Mackereth, Maher, Maitland, Major, Manderino, Mann, Markosek, Marsico, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Miller, R., Miller, S., Mundy, Myers, Nailor, Nickol, O'Brien, Oliver, O'Neill, Pallone, Payne, Petrarca, Petri, Petrone, Phillips, Pickett, Pistella, Preston, Raymond, Sainato, Samuelson, Santoni, Sather, Scavello, Schroder, Semmel, Shaner, Smith, B., Smith, S. H., Solobay, Staback, Stairs, Steil, Stern, Stetler, Stevenson, R., Stevenson, T., Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Travaglio, True, Turzai, Vance, Veon, Vitali, Walko, Wansacz, Washington, Waters, Watson, Weber, Wheatley, Williams.

Table listing names of members who did not vote 'YEAS' for HB 656, including Dailey, Daley, Dally, DeLuca, Denlinger, Dermody, DeWeese, DiGirolamo, Diven, Donatucci, Eachus, James, Josephs, Keller, Kenney, Kirkland, LaGrotta, Laughlin, Leach, Lederer, Leh, Lescovitz, Readshaw, Reed, Reichley, Rieger, Roberts, Roebuck, Rohrer, Rooney, Ross, Rubley, Ruffing, Wilt, Wojnaroski, Wright, Yewcic, Youngblood, Yudichak, Zug, Perzel, Speaker.

NAYS—0

NOT VOTING—0

EXCUSED—3

Table listing names of members who were excused: Kotik, Saylor, Scrimenti.

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

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

* * *

The House proceeded to third consideration of HB 898, PN 1482, entitled:

An Act prohibiting false claims; imposing duties on the Attorney General and on district attorneys; and providing for procedures and for penalties.

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—197

Table listing names of members who voted 'YEAS' for HB 898, including Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Bard, Barrar, Bastian, Bebko-Jones, Belardi, Belfanti, Benninghoff, Biancucci, Birmelin, Bishop, Blaum, Boyd, Browne, Egolf, Evans, D., Evans, J., Fabrizio, Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Gergely, Gillespie, Gingrich, Levdansky, Lewis, Lynch, Mackereth, Maher, Maitland, Major, Manderino, Mann, Markosek, Marsico, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Sainato, Samuelson, Santoni, Sather, Scavello, Schroder, Semmel, Shaner, Smith, B., Smith, S. H., Solobay, Staback, Stairs, Steil, Stern, Stetler, Stevenson, R., Stevenson, T., Sturla.

Bunt	Godshall	Micozzie	Surra
Butkovitz	Goodman	Miller, R.	Tangretti
Buxton	Gordner	Miller, S.	Taylor, E. Z.
Caltagirone	Grucela	Mundy	Taylor, J.
Cappelli	Gruitza	Myers	Thomas
Casorio	Habay	Nailor	Tigue
Causer	Haluska	Nickol	Travaglio
Cawley	Hanna	O'Brien	True
Civera	Harhai	Oliver	Turzai
Clymer	Harhart	O'Neill	Vance
Cohen	Harper	Pallone	Veon
Coleman	Harris	Payne	Vitali
Cornell	Hasay	Petrarca	Walko
Corrigan	Hennessey	Petri	Wansacz
Costa	Herman	Petrone	Washington
Coy	Hershey	Phillips	Waters
Crahalla	Hess	Pickett	Watson
Creighton	Hickernell	Pistella	Weber
Cruz	Horsey	Preston	Wheatley
Curry	Hutchinson	Raymond	Williams
Dailey	James	Readshaw	Wilt
Daley	Josephs	Reed	Wojnaroski
Dally	Keller	Reichley	Wright
DeLuca	Kenney	Rieger	Yewcic
Denlinger	Kirkland	Roberts	Youngblood
Dermody	LaGrotta	Roebuck	Yudichak
DeWeese	Laughlin	Rohrer	Zug
DiGirolamo	Leach	Rooney	
Diven	Lederer	Ross	
Donatucci	Leh	Rubley	Perzel,
Eachus	Lescovitz	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Kotik Saylor Scrimenti

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.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Kenney.

Mr. KENNEY. Thank you, Mr. Speaker.

The SPEAKER. I apologize; the gentleman from Montgomery.

Mr. KENNEY. Eastern Montgomery, Mr. Speaker.

Mr. Speaker, I would like to offer some written comments in support of HB 898 for the record.

The SPEAKER. The Chair thanks the gentleman.

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

HB 898 is the Pennsylvania Fraud Against Taxpayers Act. It is essentially the same bill this House passed last session by a vote of 197-0 when it was called the Pennsylvania False Claims Act.

This legislation will enable the Attorney General and the district attorneys to rout out fraud in government contracts. Each year millions, if not billions, of taxpayer dollars are spent on

Commonwealth and municipal contracts. There must be a mechanism, in cases where fraud is found, to get that hard-earned money back. HB 898 is that mechanism.

There has been a false claims act on the Federal level since the Civil War. Congress beefed up its provisions most recently in 1986, and that has paid off handsomely with the return of millions upon millions of dollars to the Federal government.

Here are some of the success stories:

1. February 1997: a \$325 million recovery from a pharmaceutical company that was sending phony bills to Medicare.
2. March 1994: a \$150 million recovery from a military contractor that billed the government for work not performed.
3. July 1998: a \$140 million recovery from a Medicare contractor that fraudulently processed claims.
4. October 1995: an \$88 million recovery from a defense contractor that knowingly sold defective parts to the military.

In fact, the U.S. Justice Department reports that during the last fiscal year alone, the U.S. attorneys recovered a record \$1.6 billion under the False Claims Act. This \$1.6 billion figure pushes the amount recovered by the Federal government since 1986 to over \$11 billion.

Twenty States have enacted fraud against taxpayers acts. Of those 20, 11 plus the District of Columbia already have on the books a statute that is very similar to HB 898. Six other States are currently considering bills much like the one before the House today.

Here are some of the State success stories:

1. California, the first State in the nation to enact its own false claims act, has recovered over \$400 million since 1987.
 - A. A computer company paid \$30 million for illegally selling defective components to State and local government.
 - B. A contractor doing work on the LA subway was ordered to pay \$29.5 million for submitting fraudulent bills.
 - C. A bank paid \$187 million to settle a false claim for improperly retaining unclaimed municipal bonds.
2. In Texas,
 - A. A hospital agreed to pay the State and Federal government \$14.5 million for filing false cost reports.
 - B. An insurance company was ordered to pay \$1 million for having abused the Medicaid program by making improper claims.
3. Montana filed suit against a firm that allegedly billed for equipment it did not provide under Medicaid. The firm agreed to pay \$17 million to Montana, four other States, and the Federal government.
4. Hawaii filed a lawsuit against a company that wrongfully recycled and repackaged unused drugs. Hawaii recovered \$4 million.
5. An emergency physician billing company from Oklahoma paid \$14.9 million to 28 States and the Federal government to settle a false claims lawsuit based upon allegations the firm submitted upcoded bills for medical services.

Pennsylvania does not have a false claims statute, and this has real consequences for the hardworking men and women of Pennsylvania.

When it comes to Medicaid contracts, for example, where 50 cents on every dollar is coming from the Commonwealth, we cannot reap the kind of reward the Federal government can and States with false claims statutes can when our taxpayers are swindled. States like Texas, California, Montana, Oklahoma, and Hawaii can not only recoup the amount plundered but can be awarded triple damages, fines and penalties, the cost of prosecution, and interest.

Because Pennsylvania does not have a false claims act, we can only recover the actual dollar amount lost to deception – no triple damages, no penalties, no interest, and no money for the cost of prosecution.

With so much at stake, Pennsylvania needs a mechanism to recover money stolen from Commonwealth coffers by those who would deceive, defraud, and manipulate. Those that foot the bill in Pennsylvania – our taxpayers – need a remedy that is real and at the ready.

The Commonwealth's economic security and its financial health depend upon money only going to those who provide goods and services honestly. Let us make Pennsylvania one of those States that proclaims it will not tolerate defective products, phantom billing, or misusing public funds for private gain. The hardworking men and women of Pennsylvania deserve no less.

On behalf of each and every taxpayer in Pennsylvania, I urge an affirmative vote on HB 898.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 471, PN 1258**, entitled:

An Act regulating the closure of State-operated mental health facilities; and providing remedies.

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

Mr. **FAIRCHILD** offered the following amendment No. **A0443**:

Amend Sec. 3, page 3, line 8, by striking out “or (c)”

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

The **SPEAKER**. On that question, the Chair recognizes the gentleman, Mr. Fairchild.

Mr. **FAIRCHILD**. Thank you, Mr. Speaker.

This amendment simply strikes an incorrect subsection reference. Thank you.

The **SPEAKER**. The Chair thanks the gentleman.

The Chair recognizes the gentelady from Philadelphia, Ms. Josephs.

Ms. **JOSEPHS**. Thank you, Mr. Speaker.

I have a similar amendment. If we can discuss this for a moment, it may be that I can withdraw mine.

The **SPEAKER**. The House will be at ease.

(Conference held.)

The **SPEAKER**. The Chair recognizes the gentleman from Delaware, Mr. Vitali.

Mr. **VITALI**. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

Mr. **FAIRCHILD**. Yes.

The **SPEAKER**. The gentleman indicates that he will.

Mr. **VITALI**. I am just trying to get a sense for how your amendment would play out. Maybe give me an example of a situation where your language will come into play.

Mr. **FAIRCHILD**. Mr. Speaker, this was simply a drafting error. A couple people picked it up. We went back to the drafting attorneys, and you will see the reference to “or (c)” or parentheses section (c). That is being taken out.

Mr. **VITALI**. Our program that we are using talks about sovereign immunity and removing a waiver of sovereign immunity. That is just incorrect?

Mr. **FAIRCHILD**. This does not affect that at all.

Mr. **VITALI**. I am sorry?

Mr. **FAIRCHILD**. This does not affect that at all. Those amendments are coming.

Mr. **VITALI**. Got you. Thank you.

The **SPEAKER**. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—197

Adolph	Egolf	Levdansky	Sainato
Allen	Evans, D.	Lewis	Samuelson
Argall	Evans, J.	Lynch	Santoni
Armstrong	Fabrizio	Mackereth	Sather
Baker	Fairchild	Maher	Scavello
Baldwin	Feese	Maitland	Schroder
Bard	Fichter	Major	Semmel
Barrar	Fleagle	Manderino	Shaner
Bastian	Flick	Mann	Smith, B.
Bebko-Jones	Forcier	Markosek	Smith, S. H.
Belardi	Frankel	Marsico	Solobay
Belfanti	Freeman	McCall	Staback
Benninghoff	Gabig	McGeehan	Stairs
Biancucci	Gannon	McGill	Steil
Birmelin	Geist	McIlhattan	Stern
Bishop	George	McIlhinney	Stetler
Blaum	Gergely	McNaughton	Stevenson, R.
Boyd	Gillespie	Melio	Stevenson, T.
Browne	Gingrich	Metcalfe	Sturla
Bunt	Godshall	Micozzie	Surra
Butkovitz	Goodman	Miller, R.	Tangretti
Buxton	Gordner	Miller, S.	Taylor, E. Z.
Caltagirone	Grucela	Mundy	Taylor, J.
Cappelli	Gruitza	Myers	Thomas
Casorio	Habay	Nailor	Tigue
Causar	Haluska	Nickol	Travaglio
Cawley	Hanna	O'Brien	True
Civera	Harhai	Oliver	Turzai
Clymer	Harhart	O'Neill	Vance
Cohen	Harper	Pallone	Veon
Coleman	Harris	Payne	Vitali
Cornell	Hasay	Petrarca	Walko
Corrigan	Hennessey	Petri	Wansacz
Costa	Herman	Petrone	Washington
Coy	Hershey	Phillips	Waters
Crahalla	Hess	Pickett	Watson
Creighton	Hickernell	Pistella	Weber
Cruz	Horsey	Preston	Wheatley
Curry	Hutchinson	Raymond	Williams
Dailey	James	Readshaw	Wilt
Daley	Josephs	Reed	Wojnarowski
Dally	Keller	Reichley	Wright
DeLuca	Kenney	Rieger	Yewcic
Denlinger	Kirkland	Roberts	Youngblood
Dermody	LaGrotta	Roebuck	Yudichak
DeWeese	Laughlin	Rohrer	Zug
DiGirolamo	Leach	Rooney	
Diven	Lederer	Ross	
Donatucci	Leh	Rubley	Perzel,
Eachus	Lescovitz	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Kotik Saylor Scrimenti

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

On the question,

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

Ms. JOSEPHS offered the following amendment No. A0291:

Amend Sec. 3, page 3, lines 4 through 6, by striking out all of said lines and inserting set forth in section 4(a) and a public hearing is held pursuant to section 4(c).

(2) A court order is obtained under section 4(b).

Amend Sec. 4, page 5, lines 9 and 10, by striking out all of said lines

Amend Sec. 4, page 5, line 11, by striking out “(ix)” and inserting

(viii)

Amend Sec. 4, page 5, line 15, by inserting after ~~judicial~~ legislative

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes Ms. Josephs.

Ms. JOSEPHS. This is an agreed-upon amendment.

I can explain it pretty quickly. We are talking about closing mental health and mental retardation facilities. There was a way to do that, if there was an emergency, by going to court. In the bill when you went to court because you had an emergency, you then had to hold hearings as well.

I believe, I think it makes some just logical sense that if you have a disease in an institution, a flood, a fire, and you go to court to close it, you then do not want to spend time keeping people in that situation by having public hearings. The court will have a hearing. That seems sufficient, and as I said, my understanding is it is an agreed-upon amendment.

The SPEAKER. The Chair thanks the lady.

The gentleman from Union County, Mr. Fairchild.

Mr. FAIRCHILD. Yes, Mr. Speaker, this is an agreed-upon amendment, but I want to point out that this only applies to the court or the hearing that would be prompted by the courts.

Thank you. It is agreed to.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—197

Adolph	Egolf	Levdansky	Sainato
Allen	Evans, D.	Lewis	Samuelson
Argall	Evans, J.	Lynch	Santoni
Armstrong	Fabrizio	Mackereth	Sather
Baker	Fairchild	Maher	Scavello
Baldwin	Feese	Maitland	Schroder
Bard	Fichter	Major	Semmel
Barrar	Fleagle	Manderino	Shaner
Bastian	Flick	Mann	Smith, B.
Bebko-Jones	Forcier	Markosek	Smith, S. H.
Belardi	Frankel	Marsico	Solobay
Belfanti	Freeman	McCall	Staback
Benninghoff	Gabig	McGeehan	Stairs
Biancucci	Gannon	McGill	Steil
Birmelin	Geist	McIlhattan	Stern
Bishop	George	McIlhinney	Stetler
Blaum	Gergely	McNaughton	Stevenson, R.
Boyd	Gillespie	Melio	Stevenson, T.
Browne	Gingrich	Metcalfe	Sturla
Bunt	Godshall	Micozzie	Surra
Butkovitz	Goodman	Miller, R.	Tangretti
Buxton	Gordner	Miller, S.	Taylor, E. Z.
Caltagirone	Grucela	Mundy	Taylor, J.
Cappelli	Gruitza	Myers	Thomas
Casorio	Habay	Nailor	Tigue
Causar	Haluska	Nickol	Travaglio
Cawley	Hanna	O'Brien	True
Civera	Harhai	Oliver	Turzai
Clymer	Harhart	O'Neill	Vance
Cohen	Harper	Pallone	Veon
Coleman	Harris	Payne	Vitali
Cornell	Hasay	Petrarca	Walko
Corrigan	Hennessey	Petri	Wansacz
Costa	Herman	Petrone	Washington
Coy	Hershey	Phillips	Waters
Crahalla	Hess	Pickett	Watson
Creighton	Hickernell	Pistella	Weber
Cruz	Horsey	Preston	Wheatley
Curry	Hutchinson	Raymond	Williams
Dailey	James	Readshaw	Wilt
Daley	Josephs	Reed	Wojnaroski
Dally	Keller	Reichley	Wright
DeLuca	Kenney	Rieger	Yewcic
Denlinger	Kirkland	Roberts	Youngblood
Dermody	LaGrotta	Roebuck	Yudichak
DeWeese	Laughlin	Rohrer	Zug
DiGirolamo	Leach	Rooney	
Diven	Lederer	Ross	
Donatucci	Leh	Rublely	Perzel,
Eachus	Lescovitz	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Kotik Saylor Scrimenti

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?

Ms. JOSEPHS offered the following amendment No. A0292:

Amend Sec. 3, page 3, line 8, by striking out “or (c)”

Amend Sec. 3, page 3, lines 17 through 21, by striking out all of said lines

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

The SPEAKER. On that question, the Chair recognizes Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Before I say anything about this amendment, let me clear up that I am withdrawing amendment 0369. It was misdrafted. So we do not have to deal with that.

Back to amendment 0292, the bill as it stands allows people who feel that they are aggrieved by the process in closing a mental health or mental retardation facility the right to sue the State. We have waived our sovereign immunity if we do not pass my amendment. We have decided not to protect the taxpayer from suits if we do not pass my amendment.

Now, only a few minutes ago we passed a bill by the gentleman from the eastern part of Montgomery County called the Fraud Against Taxpayers, and we passed it with little discussion and unanimously. I argue here that my amendment does almost the same kind of thing. It does, actually, absolutely the same kind of thing as the Fraud Against Taxpayer bill by protecting the taxpayers from suit.

It is very rare for us to waive sovereign immunity. I do not think we ought to be waiving sovereign immunity in this context, and I ask for a “yes” vote.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Union, Mr. Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I rise to respectfully oppose the gentlelady’s amendment.

When you take a look at who we are dealing with here, we are dealing with mental health and mental retardation individuals and those families who have loved and supported them.

I do not think it is the right time to talk about taxpayers, although they are never off of our mind, but sovereign immunity, why that was written into this law is because it is so important. Olmstead gives people with disabilities certain rights, and they should have those rights, but without some remedy built into the bill, what is an average Joe and Susie Citizen going to do? These are people with disabilities, and they need immediate remedies. They cannot wait 2 or 3 years for a lawsuit to go down the line.

What this simply says is that the waiver of sovereign immunity allows an individual, an advocate, or a parent to be able to say, look, the General Assembly passed a law, and they said that you cannot close this facility without a hearing, but we have no remedy in the law to say, what are we going to do? Spank the DPW (Department of Public Welfare) Secretary? That does not happen. So we have to waive the sovereign immunity to be able to give the people of the Commonwealth, the taxpayers of the Commonwealth and especially those with these extraordinary needs, a remedy to rectify the situation. And, yes, keep us in government in order? Make us obey the laws? Boy, that is different. Let us do it.

I oppose the gentlelady’s amendment. Thank you.

The SPEAKER. The gentleman from Mercer, Mr. Gruitza.

Mr. GRUITZA. Thank you, Mr. Speaker.

Mr. Speaker, I am rising to really support what the Representative from Union has just articulated.

I think we are dealing with some of our most vulnerable citizens across Pennsylvania here. To take this language out really would provide them with no remedy in the event that an arbitrary decision has been made and no adequate provisions have been made for alternative care for some of our citizens.

So, you know, if you and I were involved in an accident in Pennsylvania many years ago on a State highway and it was through some design neglect or some problem with PENNDOT, sovereign immunity precluded our right to sue. The courts got rid of that. So we would be protected against negligence on the part of the State if through the negligence of PENNDOT we were injured, but we want to take that right away from our most vulnerable citizens?

I reluctantly, as my colleague has stated, have to oppose this amendment and try to send the strongest bill we can out of this chamber in support of our citizens who really need our support and deserve our support.

Thank you.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Would it be appropriate to interrogate the maker of the bill, not the amendment, at this time? It is related to the amendment.

The SPEAKER. You are more than entitled to interrogate the maker of the bill as long as it pertains to the amendment.

Mr. VITALI. Thank you.

I just want to be clear. Your bill as it currently stands would allow someone to sue the State for damages they have suffered because the State made a decision to close a mental hospital. Is that correct?

Mr. FAIRCHILD. The way I understand it, when I had spoken to the attorneys about this provision, what this would do would be to allow those affected to enforce the provisions of the bill.

Mr. VITALI. Okay. Let me ask it a different way, because would this allow money damages or would this expose the State to a suit by money damages for someone who felt they were aggrieved because they or a loved one were in a hospital that the State made a decision to close?

Mr. FAIRCHILD. If they violate the provisions of the bill—

Mr. VITALI. I am sorry?

Mr. FAIRCHILD. If they violate the provisions of the bill, the language states that “...an action under paragraph (1) the plaintiff may recover actual damages, court costs and reasonable attorney fees.”

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

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

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Josephs amendment.

Mr. Speaker, I appreciate the work that the gentleman, the sponsor of this bill, has done over the years on this particular issue. In fact, as he well knows, there are many members on the Democratic side that have been helpful and supportive as he has worked on this through Republican and Democratic gubernatorial administrations, and I think there is wide and

broad bipartisan support for the concept that he has proposed in HB 471.

Mr. Speaker, I think this amendment is so important that in fact for the Commonwealth to begin in a bill like this, on an issue like this, to remove the Commonwealth's sovereign immunity is a mistake, and, yes, I recognize that there are instances in State law where sovereign immunity has been overturned by courts, for example, but those instances are limited, limited to when individuals in the Commonwealth are injured through some specific negligence. We have seen some examples referred to by a previous speaker with the Pennsylvania Department of Transportation, and I think those exemptions and exceptions are in fact warranted, but, Mr. Speaker, it is a mistake for this legislature to remove sovereign immunity for administrative actions taken by agencies, Cabinet officials, or Governors.

That is a very slippery slope. If we begin to eliminate it for a decision like this made on mental health facilities, for example, what would be the next administrative decision that some justifiably aggrieved member of this legislature would come in front of this body and say that now we ought to remove it for some other administrative judgmental decision made by some official in State government?

Mr. Speaker, it is not necessary. The gentleman said that the people of the Commonwealth ought to have a method, a way to address their grievances, and I would respectfully suggest to the gentleman, the sponsor of this bill, who has done a good job, that we are that avenue for people to in fact come to this body, the legislature, with your grievance and go through a process just like the gentleman did. The sponsor of this bill did a good job in bringing this bill to where it is today. In fact, this bill is going to pass by an overwhelming bipartisan coalition here in the House of Representatives. It is a worthy avenue. The people ought to bring this case to the legislature. If the legislature deems it fit, we ought to pass a bill like this, but it is a mistake, Mr. Speaker, to begin to go down that slippery slope and in fact remove the Commonwealth's sovereign immunity, and I think it is very important that this bill pass but it pass with the Josephs amendment and would ask for an affirmative vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentledady from Philadelphia, Ms. JOSEPHS, for the second time.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Just two or three things. I am kind of confused. The gentleman from Union talked about 2 or 3 years being too much for these aggrieved persons to spend. I agree, but litigation against the State is not going to be fast no matter what words we put on paper.

We are in a very litigious society. People complain constantly about how many suits are being brought against individuals and institutions. The entire debate, it appears, I think falsely, misguidedly, is settled on litigation. What we are doing is encouraging more litigation, and as the gentleman from Beaver said, we are encouraging more litigation based on some administrative decision that quite rightly should be part of the executive branch of government.

I do not want to see a proliferation of lawsuits. I do not want to see them against the State. Please vote "yes" on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader, Mr. Smith.

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

Mr. Speaker, a lot of people have talked about the value of this bill and the importance of it and that everyone wants to support the bill, and I think, if my memory serves me right, it passed the previous session of the House. I think it passed nearly unanimously if not.

From what I understand though, Mr. Speaker, if you really support this bill, then you should not support this amendment, because in essence this amendment, I think, takes away what the bill attempts to do in terms of protecting the patients and the families and the employees of these facilities, and I would urge the members to vote "no" on the Josephs amendment if in fact you really want to support the essence of the bill.

Thank you, Mr. Speaker.

The SPEAKER. Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I would have to respectfully disagree with the majority leader, and let me just try to make a couple of quick and, hopefully, clear points.

The Josephs amendment would still allow any aggrieved citizen to go to court and say that the State of Pennsylvania is not following the law, a law which this legislature has passed, and could, for example, seek to receive an injunction against the Department of Public Welfare for an action that they are taking that those individuals would make the case were contrary to what is already in existing law.

What the gentleman, Mr. Fairchild, does with his bill without including the Josephs amendment is allow any aggrieved individual to not only go to court for the ability to file an injunction to say that the State is acting contrary to State law but allowing any individual in the scenarios the gentleman, Mr. Fairchild, has described to sue the State for monetary damages for an administrative judgment made by the Secretary of DPW.

Mr. Speaker, let me be so presumptuous at this moment and suggest that no Governor, no Governor, Republican or Democrat, is going to sign a bill that does away with sovereign immunity, that gives people the ability to sue the Commonwealth for monetary damages for administrative decisions, and that, in my judgment, without the Josephs amendment, we are in fact jeopardizing, ultimately, the passage and the signature of this bill and having the ability to take this gentleman's concept, HB 471, and have it signed into law. That is a mistake, Mr. Speaker.

We should pass the Josephs amendment. It will leave 99 percent of Mr. Fairchild's ideas and concepts and intent in place in HB 471. It is a bill that can pass and it is a bill that can be signed into law with the Josephs amendment, and I would encourage again an affirmative vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Fairchild, for the second time.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Perhaps this whole issue has some people confused and a little bit blown out of proportion.

All the sovereign immunity does is refer to one section; it is section (1). It is the "Enabling legislation is enacted under the procedure...." In other words, the bill says that we shall vote on whether to close these things. We created them; we fund them,

and the waiver of the sovereign immunity only refers back to that one section, violation of subsection (a).

So what we are saying is, look, we are not going to mess around with these people. These people are truly needy individuals. Health-care costs for some of these individuals can run from \$500 to \$1 million a year. Now, visualize yourself as a parent out there. How would you feel all of a sudden of seeing a law in place, and the State, us, the State, the administration does not follow through, does not obey the law that was passed?

As Representative Josephs said, legislation sometimes can go pretty quickly; sometimes it can take a long time. Why wait? We are waiving it only for a very, very, very narrow distinction and section.

I think most of you know me well enough to know that that would be the last thing I would do, would open this broad brush for penetrating sovereign immunity. I would never do that. This is a limited section. It applies to a limited class of people, and that is the only reason it is being done.

Again, this is the meat and potatoes of this bill, and I urge rejection of amendment A0292.

Thank you.

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

The following roll call was recorded:

YEAS-65

Belardi	Evans, D.	Manderino	Santoni
Bianucci	Fabrizio	McCall	Staback
Bishop	Frankel	McGeehan	Stetler
Blaum	George	Melio	Sturla
Butkovitz	Gergely	Mundy	Thomas
Caltagirone	Goodman	Myers	Travaglio
Casorio	Haluska	Oliver	Veon
Cawley	Horsey	Pallone	Vitali
Cohen	James	Petrone	Walko
Costa	Josephs	Pistella	Wansacz
Cruz	Keller	Preston	Washington
Curry	Kirkland	Readshaw	Waters
DeLuca	LaGrotta	Rieger	Wheatley
Dermody	Laughlin	Roebuck	Williams
DeWeese	Lederer	Rooney	Wojnaroski
Diven	Levdansky	Ruffing	Youngblood
Donatucci			

NAYS-132

Adolph	Evans, J.	Lewis	Sainato
Allen	Fairchild	Lynch	Samuelson
Argall	Feese	Mackereth	Sather
Armstrong	Fichter	Maher	Scavello
Baker	Fleagle	Maitland	Schroder
Baldwin	Flick	Major	Semmel
Bard	Forcier	Mann	Shaner
Barrar	Freeman	Markosek	Smith, B.
Bastian	Gabig	Marsico	Smith, S. H.
Bebko-Jones	Gannon	McGill	Solobay
Belfanti	Geist	McIlhattan	Stairs
Benninghoff	Gillespie	McIlhinney	Steil
Birmelin	Gingrich	McNaughton	Stern
Boyd	Godshall	Metcalfe	Stevenson, R.
Browne	Gordner	Micozzie	Stevenson, T.
Bunt	Grucela	Miller, R.	Surra
Buxton	Gruitza	Miller, S.	Tangretti
Cappelli	Habay	Nailor	Taylor, E. Z.
Causar	Hanna	Nickol	Taylor, J.
Civera	Harhai	O'Brien	Tigue

Clymer	Harhart	O'Neill	True
Coleman	Harper	Payne	Turzai
Cornell	Harris	Petrarca	Vance
Corrigan	Hasay	Petri	Watson
Coy	Hennessey	Phillips	Weber
Crahalla	Herman	Pickett	Wilt
Creighton	Hershey	Raymond	Wright
Dailey	Hess	Reed	Yewcic
Daley	Hickernell	Reichley	Yudichak
Dally	Hutchinson	Roberts	Zug
Denlinger	Kenney	Rohrer	
DiGirolamo	Leach	Ross	
Eachus	Leh	Rubley	Perzel, Speaker
Egolf	Lescovitz		

NOT VOTING-0

EXCUSED-3

Kotik	Saylor	Scrimenti
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Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

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

Ms. JOSEPHS offered the following amendment No. **A0382**:

Amend Title, page 1, lines 1 and 2, by striking out all of said lines and inserting

Amending the act of April 28, 1999 (P.L.24, No.3), entitled "An act requiring public hearings before closing State mental health or mental retardation facilities," further defining "facility"; defining "patient"; further providing for public hearing; and providing for judicial action.

Amend Bill, page 1, line 5; pages 2 through 5, lines 1 through 30; page 6, lines 1 through 16, by striking out all of said lines on said pages and inserting

Section 1. The title of the act of April 28, 1999 (P.L.24, No.3), known as the Mental Health or Mental Retardation Facility Closure Act, is amended to read:

[Requiring public hearings before closing] Regulating the closure of State mental health or mental retardation facilities.

Section 2. The definition of "facility" in section 2 of the act is amended and the section is amended by adding a definition to read:

Section 2. Definitions.

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

* * *

"Facility." A State-operated mental health or mental retardation facility[.], including:

(1) Allentown State Hospital in Lehigh County.

(2) Altoona Center in Blair County.

(3) Clarks Summit State Hospital in Lackawanna County.

(4) Danville State Hospital in Montour County.

(5) Ebensburg Center in Cambria County.

(6) Harrisburg State Hospital in Dauphin County.

(7) Hamburg Center in Berks County.

(8) Mayview State Hospital in Allegheny County.

(9) Norristown State Hospital in Montgomery County.

(10) Polk Center in Venango County.

- (11) Selinsgrove Center in Snyder County.
- (12) Torrance State Hospital in Westmoreland County.
- (13) Warren State Hospital in Warren County.
- (14) Wernersville State Hospital in Berks County.
- (15) White Haven Center in Luzerne County.

“Patient.” An individual who:

- (1) has been diagnosed with mental illness, mental retardation or another developmental disability; and
- (2) resides at a facility.

* * *

Section 3. Section 3 of the act is amended to read:

Section 3. Public hearing.

(a) Requirement.—[Within] Except as provided in section 4.1, within 30 days after a closure announcement or reduction, the department must hold a public hearing in the county where the facility is located. In the case of a closure, the hearing shall be held within 30 days after the department announces a decision to close a facility. In the case of a reduction, the hearing shall be held within 30 days after the resident/patient census or staff reduction of 20% has occurred. Nothing in this act shall require the department to hold additional hearings regarding further reductions at the same facility.

(b) Subjects.—The hearing under subsection (a) must consider each of the following subjects which is relevant to the closure or reduction:

- (1) Estimated time lines for the implementation of the closure or reduction.
- (2) Types and array of available services for individuals with disabilities and their families.
- (3) Rights of individuals with disabilities and their families.
- (4) Process used to develop a community living plan.
- (5) Individual and community monitoring and safeguards to protect health and safety.
- (6) Responsibilities of State and local government.
- (7) Process used to transfer ownership or reuse property.
- (8) Other issues identified by the department which may affect individuals with disabilities and their families, employees and the community.

Section 4. The act is amended by adding a section to read:

Section 4.1. Judicial action.

In lieu of holding a public hearing as required under section 3, the department may implement a facility closure under a court order obtained in accordance with the following:

- (1) The department must petition the court of common pleas of the judicial district in which the facility is located.
- (2) The petition must list as respondents all of the following:
 - (i) Each patient of the facility.
 - (ii) A family member or legal guardian responsible for the care of each patient under subparagraph (i).
- (3) The department must prove, by a preponderance of the evidence, that a health or safety emergency exists at the facility.
- (4) The court may consider the following evidence:
 - (i) Estimated time lines for the department’s action.
 - (ii) The type and array of available and accessible community-based services for residents of the facility and family members.
 - (iii) The rights of patients.
 - (iv) The process used to develop community-living plans.
 - (v) Individual and community monitoring and safeguards to protect health and safety.
 - (vi) Responsibilities of State and local government.

(vii) The process used to transfer ownership or to reuse the property.

(viii) Other issues raised by the petitioner or the respondents.

Section 5. The fact that the department has announced plans to close a facility prior to the effective date of this act shall not affect the applicability of this act to the facility.

Section 6. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

This amendment— Well, let me back up a little bit. In law already, thanks to the gentleman from Union, is a rather complicated procedure which accompanies the closing of a mental health, the proposed closing of a mental health or mental retardation facility, which is that the Department of Public Welfare must have hearings so that the community, so that mental health and mental retardation consumers and their families and friends and advocates, have a chance to be heard, and I think almost everybody in this chamber voted for that bill, and I think that that is good law.

Now, what this amendment would do is to strike all of the language in the gentleman’s bill, the bill that is before us, revert to that procedure which I have just described, which protects to a very considerable degree people who really for whatever reason believe that the facility should not be closed. As well as doing that, it gives to the Department of Public Welfare the opportunity to seek a court order in lieu of holding these public hearings, because, truly, courts hold public hearings, and why have so many multiple procedures?

Without this, the Department of Public Welfare will not be able to close a facility nor will they be able to reduce the staff complement or the census of patients by 20 percent or more without coming to the legislature for our approval. I submit that the Department of Public Welfare is well within its executive privilege to close institutions, institutions which it has opened and institutions to which it commits people voluntarily or involuntarily, as the case may be, and that we are taking over an executive privilege. We are taking out of the jurisdiction of the administration a normal executive kind of decision and making it very, very hard if not impossible to close any mental health or mental retardation facility.

I am not going to make a constitutional argument, but I think that may be there, a separation-of-powers argument. How much executive branch decision can we take without invading their province and taking into our own jurisdiction something which is not our business to have control over?

The administration supports this amendment, and I would ask for a “yes” vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

The Chair now recognizes the gentleman from Union, Mr. Fairchild.

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

I rise again to regretfully oppose this amendment.

The problem is we worked in a bipartisan manner both during the hearing process that we had across the State to enact Act 3 of 1999. The problem is that Act 3 of 1999 is kind of like

a dusty road compared to a superhighway. We have expended all the provisions of that act. In other words, every MH and every MR facility, it is my understanding of the State, has already had the hearings that are called for in Act 3.

Today we could introduce legislation, as we do historically, to basically get rid of Act 3 of 1999 because it is no longer applicable. What we did with '99 is to kind of send a message to everyone – the administration, to the General Assembly – I know a lot of you went to the hearings – to the parents. The parents loved it because finally someone was answering their questions, telling them what was in store for their loved ones and also their lives.

First of all, there is no need to amend another act. We have the act before us. I think that by doing so, we make a drastic mistake because, of course, we get rid of the sovereign immunity issue, which we just voted on the last amendment, and also I am not exactly sure on which public hearing the gentelady wants to do away with, but you cannot, believe me, you cannot do away with the hearing that when these facilities are going to close, that allows parents, that allows individuals to find out what is in store for them in the community or someplace else where they may go.

So with that said, I am going to firmly oppose this amendment. This principally guts the bill, and I think we are going the wrong way.

And the last statement I want to say is we are not saying that there is going to be a hearing tomorrow or anytime in the future. This administration so far has said that no facilities will be closed in the future, and there is nothing in this bill that accounts for downsizing. They are allowed to downsize. We realize that. I wish we could invent a procedure or medication where we could just make everybody well and close the doors on these institutions tomorrow, but it is not possible. The community cannot handle them.

I have the statistics, and I am not going to get into that unless someone would ask me, but we are going the wrong way with the statistics in the community. There are many problems out there. For those of you that served on the hearings, you know the types of problems that are out there. We had our Auditor General that pointed out many problems; we had two studies by the House that pointed out many problems, and the advocates point out many problems. There is a very high turnover in the community. There is a waiting list that instead of going down is going up. And in the vein of being honest here, in no way, shape, or form am I even hinting that it would be due to this newest administration. This has taken part over a long period of time and, quite frankly, we are going to have to address it. It is not going to go away. There is a crisis out there.

Thank you very much, Mr. Speaker. And again I urge defeat of the Josephs amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for interrogation?

The SPEAKER. The gentelady indicates that she will.

Mr. VITALI. First, I just kind of want to make sure I know what this is doing.

So, basically, it takes away the requirement that legislation needs to be passed to close a mental health/mental retardation facility and it requires a court order that the department has to

prove to that court by a preponderance of evidence that a health or safety emergency exists? Is that essentially what it does?

Ms. JOSEPHS. Mr. Speaker, you were quite correct in one aspect. Yes, it takes away the requirement that the Department of Public Welfare come to us when it wants to make what is really an executive decision, but it does not require the Department of Public Welfare to go to court. It merely allows a second option to the Department of Welfare in the case of an emergency. The Department of Welfare would still have to hold the hearings that it is required to hold under Act 3, but if there is bad water or a disease or something that has to be dealt with right away, they could go to court immediately and take care of that emergency.

Mr. VITALI. Okay. So the court situation only occurs if they want to sidestep, if they want an expedited closing. The court procedure only applies if they want an expedited closing.

Ms. JOSEPHS. They could do either one, and I think it would depend upon the circumstances as they see them when they are looking at closing an institution.

Mr. VITALI. Okay.

So if your amendment passed, let us say, and I am going to relate this to my own situation because I had a mental health facility close in my district. It was purely an economic decision. The patient base was shrinking and so forth, and it was not economically feasible to keep it open so they just made a decision to close it. Under your amendment, the Department of Public Welfare, if they went through this hearing process just based on economics, could close it?

Ms. JOSEPHS. If they had no emergency, they would have to go through the hearing process according to the statute that was proposed and passed by the gentleman from Union in 1999.

Mr. VITALI. And your amendment, as I understand it, is supported by the administration?

Ms. JOSEPHS. My amendment is supported by the administration, yes, and also by the Pennsylvania Mental Health Consumers' Association.

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

The SPEAKER. The gentleman from Luzerne, Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

Mr. Speaker, the question is, why are we here today? We are here today because of the good bipartisan work that was led by Mr. Fairchild over the course of a 5-year period, and we are here today because of the arbitrary and capricious decisions made by past Secretaries of Public Welfare that left families and residents without recourse, without a knowledge of where they will be tomorrow, and because the Secretaries made decisions on closure without notification to parents, without notifications to residents, and without notification to this legislature.

Mr. Speaker, can I get some order, please?

The SPEAKER. The gentleman is correct. The noise levels are entirely too loud.

Mr. EACHUS. Thank you, Mr. Speaker.

So once again, the reason why we are here is because Secretaries of Public Welfare have not allowed the people who are involved in this system to be aware of executive decisions that have been made in an extremely arbitrary and capricious way.

I can tell you right now, with the budget cuts that we made in the Rendell budget 1, that our human services departments, that our mental health and mental retardation systems cannot sustain a major dislocation of residents from State centers and

State mental health hospitals for the mentally retarded and mental health patients to be able to move people into the community without good planning.

The purpose of this act is to put in place the ability for us to plan that process, for the legislature to have a role in that decisionmaking, because the decisions that have been made in the past by Secretaries of Public Welfare have not taken into consideration the outcomes for the residents and the family members who are involved in this system.

This is a good bipartisan compromise that puts in place rational decisionmaking and puts in the primary place the legislature's preeminence in closures of State facilities for the mental health patients and mentally retarded residents who have lived in these centers, many of them for their whole lives.

I ask all of us to oppose the Josephs amendment. Thank you.

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

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I again rise to support the gentlelady, Ms. Josephs' amendment to this bill, and I want to commend her for her work that she has done on this because I know she has worked hard to try to articulate this Governor, this administration's position on this issue.

I was hopeful last week that perhaps the sponsor of the bill would work with her more closely so that we could in fact have a bill pass the House today that I believe could be supported by this administration and signed into law by this Governor.

Now, Mr. Speaker, I do want to also take a moment to commend the previous speaker from Luzerne County, because I know how hard he has worked on this issue with the sponsor of the bill. And he is right, that is why we are here today, because of very arbitrary and capricious decisions made by the previous administration, previous Secretaries of Public Welfare, and he is right that the gentleman, Mr. Fairchild, has put a remedy in front of this Assembly here today. In fact, I agree with 99.9 percent of what the gentleman from Luzerne County has talked about here today and has worked on with the sponsor of this bill over the last, really, last year or more. But, Mr. Speaker, the fact is that no Governor is going to sign a bill that gives away the State's right to sovereign immunity, to allow any individual in this Commonwealth, in this case, yes, aggrieved individuals who have a case, as the gentleman from Luzerne County mentioned on the floor of the House, that the decisions were arbitrary, but no Governor is going to sign away the Commonwealth's protection; no Governor is going to sign away the right to sovereign immunity to allow an individual to sue the Commonwealth for monetary damages. It is just not going to happen, Mr. Speaker.

So, unfortunately, we are going to be back here on another day dealing with this same issue in a different way. This bill cannot be signed by this Governor or any Governor, Mr. Speaker. We should pass the Josephs amendment that would give an opportunity for this administration to support the gentleman's efforts in this bill. That is not going to happen. We will have to come back here another day hopefully to do it right the next time.

I would ask for support of the Josephs amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I also rise in support of the Josephs amendment, and I think the nub of the issue is this: Should the executive branch or should the legislative branch determine whether a mental hospital should stay opened or closed? Or maybe putting it another way, should a State law, a new State law, be required to close a mental health/mental retardation facility? And I think that in all fairness it is the appropriateness of the executive branch to decide that, and because it should be an executive branch decision, I am going to support the Josephs amendment.

The reality is, the decision as to whether, you know, a facility should be opened or closed goes to patient populations, whether it is more appropriate to treat someone in an institution versus community living arrangements versus outcare drug facilities, and it seems to me that for the legislature to get involved in that decision would be micromanagement on the part of the legislature. Those decisions are better left to those who focus in on them day in and day out, and that would be the Department of Public Health and Welfare, not the legislature who deals with a multiplicity of issues.

Because I had a mental health facility close in my district, I understand the hue and cry of parents who are upset because their loved one who has been in this facility perhaps a decade or two has to relocate. That is very traumatic. I understand that, and sometimes if you are a politician, politics gets in the way of rational thinking.

We give a budget to the Department of Health and Welfare, and they have to objectively decide how to best use their resources; they have to be divorced from emotion, be divorced from the emotional pleas of constituents. It is their province to make this decision.

So I would support the maker of the amendment, support the administration, and really support the proper role of the executive branch versus the legislative branch, and I would just vote for this amendment.

Thank you.

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Mercer County, Mr. Gruitza.

Mr. GRUITZA. Thank you, Madam Speaker.

Madam Speaker, I really have to rise again. I could not disagree more with some of the comments that have been made on this issue.

You know, I do not have a State mental hospital or one of these facilities in my district, but I have constituents who are definitely involved and who are dealing with this issue and who these issues affect, and if a decision is made to shut down a facility and appropriate other actions are not taken, the Governor is not going to be the one that holds the responsibility for this. It is going to belong to all of us when our constituents come to us and say we have got a problem here. So let us not try to pretend that we are somehow isolated and removed from this issue. This involves our people, regardless if we have a hospital in our district or not.

On this issue of sovereign immunity, I pick up the paper about once a month and I see another group suing the State for

some cause of action that they believe exists. I think there are lawsuits currently pending against the State with regard to school funding. There have been actions upon actions brought against our State Department of Public Welfare and the Governor and the Commonwealth for funding issues regarding numerous programs within the Department of Welfare.

You know, anybody who has paid attention to the business of the Commonwealth, look in the Pennsylvania Bulletin and look at the lawsuits that are filed on any number of issues. So this is not any particular area to single out, want to single out the victims, the most vulnerable people in the State. You know, there is an adage, there is an expression, that maybe a society is judged how it treats its most beleaguered and its most needy.

I would go back to my comment earlier on the first amendment that we should send the strongest bill we can out of this chamber, and we should be a part of the decisionmaking process when it comes to very, very critical and important issues that affect our constituents. So I oppose the amendment.

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

The following roll call was recorded:

YEAS-60

Bishop	Evans, D.	Levdansky	Santoni
Blaum	Fabrizio	Manderino	Stetler
Butkovitz	Frankel	McCall	Sturla
Caltagirone	George	McGeehan	Thomas
Casorio	Gergely	Melio	Travaglio
Cohen	Goodman	Myers	Veon
Costa	Haluska	Oliver	Vitali
Coy	Hanna	Pallone	Walko
Cruz	Horsey	Petrone	Wansacz
Curry	James	Pistella	Washington
Daley	Josephs	Preston	Waters
Dermody	Keller	Rieger	Wheatley
DeWeese	Kirkland	Roebuck	Williams
Diven	Laughlin	Rooney	Wojnaroski
Donatucci	Lederer	Ruffing	Youngblood

NAYS-137

Adolph	Egolf	Lewis	Sainato
Allen	Evans, J.	Lynch	Samuelson
Argall	Fairchild	Mackereth	Sather
Armstrong	Feese	Maher	Scavello
Baker	Fichter	Maitland	Schroder
Baldwin	Fleagle	Major	Semmel
Bard	Flick	Mann	Shaner
Barrar	Forcier	Markosek	Smith, B.
Bastian	Freeman	Marsico	Smith, S. H.
Bebko-Jones	Gabig	McGill	Solobay
Belardi	Gannon	McIlhattan	Staback
Belfanti	Geist	McIlhinney	Stairs
Benninghoff	Gillespie	McNaughton	Steil
Bianucci	Gingrich	Metcalfe	Stern
Birmelin	Godshall	Micozzie	Stevenson, R.
Boyd	Gordner	Miller, R.	Stevenson, T.
Browne	Grucela	Miller, S.	Surra
Bunt	Gruitza	Mundy	Tangretti
Buxton	Habay	Nailor	Taylor, E. Z.
Cappelli	Harhai	Nickol	Taylor, J.
Causer	Harhart	O'Brien	Tigue
Cawley	Harper	O'Neill	True
Civera	Harris	Payne	Turzai
Clymer	Hasay	Petrarca	Vance
Coleman	Hennessey	Petri	Watson
Cornell	Herman	Phillips	Weber

Corrigan	Hershey	Pickett	Wilt
Crahalla	Hess	Raymond	Wright
Creighton	Hickernell	Readshaw	Yewcic
Dailey	Hutchinson	Reed	Yudichak
Dally	Kenney	Reichley	Zug
DeLuca	LaGrotta	Roberts	
Denlinger	Leach	Rohrer	
DiGirolamo	Leh	Ross	Perzel,
Eachus	Lescovitz	Rubley	Speaker

NOT VOTING-0

EXCUSED-3

Kotik	Saylor	Scrimenti
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Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

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

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

The question is, shall the bill pass finally?

The Chair recognizes the lady from Philadelphia, Ms. Manderino, on final passage.

Ms. MANDERINO. Thank you, Madam Speaker.

I just briefly want to put on record why I will be voting "no" today, because I, too, sat on the task force and I know that the issues presented by the family are real and their concerns are valid, but I have real concerns that this bill as proposed takes things one step too far.

I really think that had we left it with all of the strong provisions about notice, about the requirements for hearings and everything else, and stopped one step shy of saying, and the legislature has to pass by legislation whether this closed, that I could have supported it, but I really do think that it is going a step too far to require that the legislature approve what should be, in my opinion, an administrative decision. I think that this is setting a dangerous precedent for us for every time an administration does something that affects one portion of our district and we do not like it, we can introduce a bill and say, that should no longer be an executive or administrative decision; that should be a legislative decision. I just think that it is going too far here and that it sets a dangerous precedent, and for those reasons I am going to vote "no."

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Venango County, Mr. Hutchinson.

Mr. HUTCHINSON. Thank you.

I rise in favor of this bill.

Madam Speaker, it is so important that we put the provisions of this bill in place to protect some of the most vulnerable citizens of Pennsylvania, those who are in our institutions.

I think that as a body, the whole concept of the legislature is that we in this body are the final protectors of the people against bureaucrats. I think that is one of the most important reasons

that we exist as a body, is to protect the families and people of our State from bureaucratic decisions that can really ruin lives.

I also want to remind everybody in this body who may or may not know that when institutions were started in Pennsylvania, they were instituted by the General Assembly. In other words, this body created the institutions. So I think it is imperative that they also have a say if one of those institutions is to close. It only makes sense.

So I ask everyone here to think long and hard about our duties as a legislature and then to come to the conclusion that we were sent here to protect the most vulnerable citizens and, therefore, we should support passage of this bill. Thank you.

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

Mr. MARKOSEK. Thank you, Madam Speaker.

Madam Speaker, I rise to support this bill.

I would like to congratulate the sponsor, Representative Fairchild, who I know has worked long and hard on this particular piece of legislation. Back many, many years I was fortunate and flattered that he and I could work together on this type of legislation in the past, and we have never really had it ultimately passed, and hopefully this bill or some bill like it will get the signature of the Governor very soon.

I can recall in the western part of the State when Western Center was closed down. We all found out about it practically after the fact, and that was done by the administration at that time, the last administration, because they did not want us to know about it, because they knew that we would be yelling and screaming that the parents of the folks, the clients, who were part of that facility would be upset and call us and try to stop it. They decided to do it, really almost a late night, and I hate to even use the term, but in a gestapo-like fashion where a lot of these retarded citizens were actually ousted by the State Police, in some cases yelling and screaming as their parents stood by helplessly trying to help them.

It was a very sad day in Pennsylvania and for Pennsylvania government. I think this bill is necessary so that we do not see that type of activity replaced again in the Commonwealth. Therefore, I rise to support passage of HB 471.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Madam Speaker.

I rise to ask for a “no” vote on this bill, but before I get into my main argument, let me sympathize with the gentleman from Westmoreland, Allegheny, I am not sure, who spoke last. That is quite correct. No administration should be allowed to sneak in under the radar screen and, without any public notice, close a major institution, especially major institutions that house our most vulnerable citizens. But since the passage of Act 3 of 1999, thanks to the gentleman from Union, that can no longer happen.

I want to revert back to the lady from Philadelphia. We want an orderly procedure. We just do not think it is a good idea to go this one step further. We already have an orderly procedure.

Since people have spoken about various closings of institutions in various places, let me talk a little bit about our experience in Philadelphia when Philadelphia State Hospital was closed.

Madam Speaker, could I have a little order? I am sorry for the late hour, my friends here, but I do not schedule the trafficking of these bills. Trust me, if I did, we would not be doing it at 6 o'clock.

The SPEAKER pro tempore. The Chair thanks the lady. She does deserve to be heard. Could we please have some quiet in the hall.

Ms. JOSEPHS. The Department of Public Welfare, through its Office of Mental Health and Substance Abuse Services and the Office of Mental Retardation, and the administration oppose this bill, and here are some of the reasons.

The legislation impedes the ability of the Department of Public Welfare to implement decisions that are necessary to control expenditures and redirect funding to alternative service programs. When Philadelphia State Hospital closed during the Casey administration, it was superintended, it was watched over, by an individual who made sure that she knew where every single individual who was in that institution ended up, and that individual is our present Secretary of the Department of Public Welfare. To this day, she knows, and anybody who doubts this is invited to go and speak to her. She knows where every person who is committed to Philadelphia, Pennsylvania, State Hospital is now placed. She knows who is deceased. She knows what services they are getting. She knows where they are. They are not on the street.

This bill does not allow the department to implement policies to assure that persons with mental illness and mental retardation are treated in the least— I am sorry, friends; I am sorry that it is this late, but I did not do this, so I please ask you for your courtesy in listening to me.

The department cannot assure that persons with mental health and mental retardation problems get placed in settings that are the least restrictive settings. Current treatment strategies and improved availability of community service combines to make services that are delivered in the community the best practices we know and in accordance with national practices.

As we have said, this legislation, if passed, would remove responsibility from where it belongs, the administration and the executive, and place it in the legislative branch where it does not belong. Currently, Pennsylvania has a process that already addresses the problem, as mentioned by a previous speaker, of the administration running in and closing a facility and nobody knows. We must hold public hearings when there is a material reduction of bed complements, services, or staff. The Office of Mental Health and Substance Abuse Services conducts planning meetings on a regular basis to ensure that appropriate services are available in the community for persons who are able to take advantage of them and who are discharged from State hospitals. The planning meetings include patients, families, members of consumer and advocacy organizations, employees, county mental health/mental retardation staff, providers of services, and State and local officials.

They are people who should really know – those who receive these services. Mental health consumers through the Pennsylvania Mental Health Consumers' Association have written me, and they say, the Department of Public Welfare has an active planning process, which I have just described. They think it is adequate when an institution is downsized or closed. They tell me, as I have just described, that the Department of Public Welfare is already required to hold public hearings. The department has made concerted efforts, they say, to gather and

utilize public input in the downsizing process. This bill would interfere with the department's ability to expand and enhance appropriate, high-quality, community-based services. So the Mental Health Association, the experts in the administration, are saying if you really want to serve this vulnerable population, the way you do it is to allow appropriate individuals to receive the best services, and the best services are community based, and we know that; the whole nation knows that.

There was a recent Supreme Court decision alluded here – many people alluded to it – Olmstead, which emphatically affirmed that the Americans with Disabilities Act requires that persons with disabilities have the right to live in a least restrictive, appropriate environment. This decision requires States to provide community-based treatment for individuals with mental illness and mental retardation. This legislation, if passed, would restrict our ability to comply with the Americans with Disabilities Act, which in turn increases the potential for lawsuits, which we have already increased, and it may jeopardize our Medicaid funding.

And finally, I commend the gentleman from Union, the people who have spoken on behalf of this bill, for their attention to public input and their requirement for public hearings, but this bill went through the State Government Committee and there was no public hearing. Somebody, not me, but somebody who knew early about this bill did not even have the courtesy to invite the administration to the committee meeting in which we discussed this bill. If we are going to require the Department of Public Welfare to hold hearings, the very least we can do is involve the public when we make these very, very major changes in public policy, and we have not done that.

For all those reasons – and again I apologize, but I did not put this on the board at 5 o'clock; someone else did that – I ask for a “no” vote on HB 471.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Madam Speaker.

I rise in favor of HB 471. I am not going to belabor other points that were made by other speakers, but I would like to add that the Department of Public Welfare in this State is not infallible. They have been wrong before. They were wrong 14 or 15 years ago when they attempted and finally were successful in closing the State general hospitals. But DPW at that time indicated that many of these hospitals, including one in my district, could not survive more than a year or two. The Shamokin State General Hospital has consistently made money even though DPW incorrectly predicted their total demise within 2 to 3 years of its closure. That was point number one.

Point number two, to my colleagues, Madam Speaker, is that as a result of Federal laws dealing with least restrictive environment— Madam Speaker, I—

The SPEAKER pro tempore. You are absolutely correct. I realize the hour is getting late, but if we are going to finish this in a timely manner, we have to give the gentleman time to speak in quiet. Could we please have the gentlemen remove the members at the rear of the hall of the House. Would you please take your seats. Would the Sergeants at Arms have them sit down, please.

Mr. BELFANTI. Thank you, Madam Speaker.

As a result of Federal laws dealing with least restrictive environment and as a result of the downsizing, small as it has

been but steady and gradual at all of our mental health-care institutions, we now have patients in these facilities that are far sicker, far more mentally challenged or far more mentally retarded, or have far more serious mental problems than we had 10 years ago or 15 years ago, and many of them are very, very old. We now have people in these few remaining institutions that have been downsized year after year after year, people that cannot be properly or adequately cared for out in a more least-restrictive environment by the MH/MR people at the county level.

I visit these institutions, Madam Speaker. I have been to the institution in Mr. Fairchild's district; I have been to other institutions across this Commonwealth, and trust me, Madam Speaker, DPW and some of the decisionmakers in DPW or at the administration have rarely set foot in an institution, and if they have, they have not been there in the last 3, 4, or 5 years to see the degree of mental incapacitation that the remaining patients in these facilities have.

Madam Speaker, HB 471 has been well thought out. The legislature should be involved in these decisions. We are the elected representatives of the people. That is our job. That is what we do. This bill allows us to continue doing that job and aborts the ability by any administration to make unilateral decisions that not only affect our constituents, our legislative districts, but the families of those people who are least able to speak or defend themselves when being ordered into the community when the support system for the individuals that we now house in these institutions simply does not exist.

Thank you, Madam Speaker. I urge adoption of HB 471.

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

Mr. VEON. Thank you, Madam Speaker.

Madam Speaker, very quickly, I rise to very reluctantly oppose this legislation, and I do so obviously on very narrow grounds. I have articulated those grounds here earlier today.

It is a mistake to have in this bill language that does away with sovereign immunity. Mr. Speaker, unlike some other members on our side, the Democratic side, I do believe we should in fact empower the legislature tremendously, and I in fact do believe that we ought to have the control and power over all the bureaucrats on every decision they make. And in theory, Madam Speaker, in fact we pass laws that bureaucrats are supposed to carry out, actions that in theory follow the laws that this legislature passes. So I agree with many of the members here today that said when they act in an arbitrary and capricious fashion, that this legislature should put our foot down. It is the legislature that makes the laws, not the bureaucrats; the legislature that should be empowered, not the bureaucrats.

So I rise to oppose this on very narrow grounds, and I appreciate all the work that has been done by so many members, Democrat and Republican, on the basic concepts outlined in this bill, and I think they are good. And, Madam Speaker, I would encourage all those members who put time and effort into this bill to in fact vote for it, and we will be back here another day to fix this very narrow problem and remove this language after this Governor, like any Governor, cannot and will not sign a bill with this language in it. We will have another opportunity to do it the right way.

So, Madam Speaker, I oppose it on those very narrow grounds but do encourage all those members who worked so hard to in fact vote for it.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Union County, Mr. Fairchild.

Mr. FAIRCHILD. Thank you, Madam Speaker.

I would like to thank the prior speaker, and if we do meet another day on this issue, I will be glad to work with you. However, I find it amazing that my constituents understand, they read the papers where it says the judge said you cannot sue the State; they have sovereign immunity. What this does is give some teeth to the law for a change. It allows a very narrow exception where you can do that.

Now I want to correct the record a little bit from the gentledady from Philadelphia. First, there is nothing in this bill that prohibits a person from entering and leaving an institution as per present law or as per law. In fact, it is in section 6: "Patients. Nothing in this act shall prevent a patient from entering or leaving a facility in accordance with law." You cannot get any more simpler or direct than that. Why do you think— I mean, this is not rocket scientist stuff. Why? Because we have been here twice before. Should we have held hearings on it? I do not know what some of you people do. We have had hearings. Some of your members and some of our members have testified about the hearings. They are open for public display. You can go see them. We have had hearings. We voted in this House twice before. This came through the State Government Committee meeting twice before. So to insinuate somehow that this automatically popped out of nowhere certainly does not make too much sense to me and I do not believe it makes too much sense to you.

Finally, on a very serious note, there is an awful lot of speculation about what the Olmstead decision says and what it does not say about institutions, so I am going to be very careful and I am going to quote, I am going to quote from the Olmstead decision. The Olmstead decision states, quote, "...the ADA is not reasonably read to impel States to phase out institutions, placing patients in need of close care at risk. Nor is it the ADA's mission to drive States to move institutionalized patients into an inappropriate setting, such as a homeless shelter.... There may be times when a patient can be treated in the community, and others when an institutional placement is necessary; placement in a community-based treatment program does not mean the State will no longer need to retain hospital accommodations for the person so placed. For other individuals, no placement outside the institution may ever be appropriate." That is what Olmstead says, Madam Speaker.

Thank you again for supporting this legislation, and I thank you on a bipartisan basis.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—187

Adolph	Evans, D.	Lescovitz	Rublely
Allen	Evans, J.	Levdansky	Ruffing
Argall	Fabrizio	Lewis	Sainato
Armstrong	Fairchild	Lynch	Samuelson
Baker	Feese	Mackereth	Santoni
Baldwin	Fichter	Maher	Sather
Bard	Fleagle	Maitland	Scavello
Barrar	Flick	Major	Schroder
Bastian	Forcier	Mann	Semmel
Bebko-Jones	Frankel	Markosek	Shaner
Belardi	Freeman	Marsico	Smith, B.
Belfanti	Gabig	McCall	Smith, S. H.
Benninghoff	Gannon	McGeehan	Solobay
Biancucci	Geist	McGill	Staback
Birmelin	George	McIlhattan	Stairs
Bishop	Gergely	McIlhinney	Steil
Blaum	Gillespie	McNaughton	Stern
Boyd	Gingrich	Melio	Stetler
Browne	Godshall	Metcalfe	Stevenson, R.
Bunt	Goodman	Micozzie	Stevenson, T.
Butkovitz	Gordner	Miller, R.	Sturla
Buxton	Grucela	Miller, S.	Surra
Caltagirone	Gruitza	Mundy	Tangretti
Cappelli	Habay	Myers	Taylor, E. Z.
Casorio	Haluska	Nailor	Taylor, J.
Causer	Hanna	Nickol	Thomas
Cawley	Harhai	O'Brien	Tigue
Civera	Harhart	Oliver	Travaglio
Clymer	Harper	O'Neill	True
Coleman	Harris	Pallone	Turzai
Cornell	Hasay	Payne	Vance
Corrigan	Hennessey	Petrarca	Walko
Costa	Herman	Petri	Wansacz
Coy	Hershey	Petrone	Washington
Crahalla	Hess	Phillips	Waters
Creighton	Hickernell	Pickett	Watson
Cruz	Horsey	Pistella	Weber
Dailey	Hutchinson	Preston	Wilt
Daley	James	Raymond	Wojnaroski
Dally	Keller	Readshaw	Wright
DeLuca	Kenney	Reed	Yewcic
Denlinger	Kirkland	Reichley	Youngblood
Dermody	LaGrotta	Rieger	Yudichak
DiGirolamo	Laughlin	Roberts	Zug
Diven	Leach	Rohrer	
Donatucci	Lederer	Rooney	Perzel,
Eachus	Leh	Ross	Speaker
Egolf			

NAYS—10

Cohen	Josephs	Veon	Wheatley
Curry	Manderino	Vitali	Williams
DeWeese	Roebuck		

NOT VOTING—3

Kotik	Saylor	Scrimenti	
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EXCUSED—0

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

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

The SPEAKER pro tempore. This session will convene tomorrow morning at 10 a.m. We will be in session tomorrow at 10 a.m.

REPUBLICAN CAUCUS

Mrs. TAYLOR. Madam Speaker? Madam Speaker? Madam Speaker? Madam Speaker?

The SPEAKER pro tempore. The Chair recognizes the lady from Chester County, Mrs. Taylor.

Mrs. TAYLOR. I almost did not need to use the mike. But we will have a majority caucus tomorrow at 9:30. The caucus tomorrow for the majority Republicans will be at 9:30.

RULES COMMITTEE MEETING

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

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 565, PN 667 By Rep. B. SMITH

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the safety zone for hunters using bows and arrows or crossbows.

GAME AND FISHERIES.

HB 847, PN 982 By Rep. B. SMITH

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing for suspension of licenses granted by the commission.

GAME AND FISHERIES.

HB 1064, PN 1791 (Amended) By Rep. B. SMITH

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for jurisdiction and penalties and for unlawful taking or possession of game or wildlife.

GAME AND FISHERIES.

HB 1082, PN 1273 By Rep. HERMAN

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

LOCAL GOVERNMENT.

HB 1083, PN 1274 By Rep. HERMAN

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

LOCAL GOVERNMENT.

HB 1085, PN 1276 By Rep. HERMAN

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for tax levies.

LOCAL GOVERNMENT.

HB 1090, PN 1281 By Rep. HERMAN

An Act amending the act of March 4, 1870 (P.L.343, No.335), entitled "An act to define the limits and to organize the town of Bloomsburg," further providing for taxation; and providing for a voter referendum for certain tax increases.

LOCAL GOVERNMENT.

HB 1126, PN 1328 By Rep. HERMAN

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

LOCAL GOVERNMENT.

HB 1206, PN 1444 By Rep. HERMAN

An Act amending the act of December 9, 2002 (P.L.1364, No.166), entitled "An act amending the act of December 31, 1965 (P.L.1257, No.511), entitled 'An act empowering cities of the second class, cities of the second class A, cities of the third class, boroughs, towns, townships of the first class, townships of the second class, school districts of the second class, school districts of the third class and school districts of the fourth class including independent school districts, to levy, assess, collect or to provide for the levying, assessment and collection of certain taxes subject to maximum limitations for general revenue purposes; authorizing the establishment of bureaus and the appointment and compensation of officers, agencies and employes to assess and collect such taxes; providing for joint collection of certain taxes, prescribing certain definitions and other provisions for taxes levied and assessed upon earned income, providing for annual audits and for collection of delinquent taxes, and permitting and requiring penalties to be imposed and enforced, including penalties for disclosure of confidential information, providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court,' further providing for delegation of taxing powers and restrictions and for definitions," providing for applicability.

LOCAL GOVERNMENT.

HB 1406, PN 1740 By Rep. KENNEY

An Act designating political subdivisions as rural areas for purposes of Medicare hospital service payments.

HEALTH AND HUMAN SERVICES.

BILL REPORTED AND REREFERRED TO COMMITTEE ON URBAN AFFAIRS

HB 1148, PN 1355 By Rep. HERMAN

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for definitions, for exclusion of other self-liquidating debt, for limitations on stated maturity dates and for number of interest rates.

LOCAL GOVERNMENT.

**RESOLUTION REPORTED
FROM COMMITTEE****HR 211, PN 1406**

By Rep. S. SMITH

A Resolution directing the Pennsylvania Game Commission to investigate use of services provided by licensed wildlife rehabilitators when situations involving injured and orphaned wild animals are presented.

RULES.

**HOUSE BILL
INTRODUCED AND REFERRED****No. 1446** By Representative TURZAI

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for compensation laws allowed to General Assembly relating to medical professional liability actions.

Referred to Committee on RULES, May 12, 2003.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. Does the gentleman, Mr. Cohen, have a caucus announcement? The Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Madam Speaker, I am somewhat frustrated by the absence of Republican leadership on the floor and the lack of advance notice of the 10 o'clock session, but we will call a caucus at 9:30 also.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

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

Ms. WEBER. Madam Speaker, I move that this House do now adjourn until Tuesday, May 13, 2003, at 10 a.m., e.d.t., unless sooner recalled by the Speaker.

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

Motion was agreed to, and at 6:16 p.m., e.d.t., the House adjourned.