

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, JUNE 23, 2003

SESSION OF 2003

187TH OF THE GENERAL ASSEMBLY

No. 48

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

PRAYER

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

Let us pray:

What a glorious day, O God. The sunshine and warmth delights us to our core, but what a bunch of whiners we are, for I am certain if we have weeks of sunshine, we will be once again praying for rain. Teach us not to worry so much about the weather outside but the weather inside of our very souls. May Your love enlighten us and warm our hearts no matter where we are and no matter what the conditions may be.

God of might and Lord of love, we live in this day which specializes in confusion. We live in this time where belief sounds suspect to rational minds. Confirm in us Your courage for faith in this suspicious age. Let every noble thought and every impulse of love be stirred anew by Your divine breath. So lead us by Your gentle inspiration to sense in each moment eternal depths, immeasurable goodness, and the possibilities of tomorrow.

Be with us here this day as our teacher, O Lord, and teach us at least a sense of proportion. If we must be troubled, let it be by matters big enough to warrant the trouble. Keep us from rolling out a cannon to shoot down a fly. Lift up our minds to high mountains. Send out our hearts to far horizons.

For those prayers we hold close to our hearts, too personal to mention aloud, we ask that You would incline Your ear to those places within us that long to tell You about our fears, our hopes, our dreams – to tell You of the loved ones we are worried about, our friends who are sick and dying, our relationships that are suffering, and even those thoughts we repress so deeply we cannot hear them with our conscious mind.

Guide us this week and every week, giving us a sense of joy in our duties.

In humble adoration, we offer these our prayers to You. Do with them what You will. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Thursday, June 19, 2003, will be postponed until printed.

BILLS REMOVED FROM TABLE

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

Mr. S. SMITH. Madam Speaker, I move that the following bills be taken off the table: HBs 614 and 1274.

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

BILLS TABLED

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

Mr. S. SMITH. Madam Speaker, I move that the following bills be laid on the table: HBs 614 and 1274.

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

BILLS REMOVED FROM TABLE

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

Mr. S. SMITH. Madam Speaker, I move that the following bills be taken from the table: SB 44 and HB 614.

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

BILLS ON SECOND CONSIDERATION

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

SB 44, PN 993; and HB 614, PN 715.

BILLS RECOMMITTED

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

Mr. S. SMITH. Madam Speaker, I move that the following bills be recommitted to the Appropriations Committee: SB 44 and HB 614.

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

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House, as the guests of Representative Mario Scavello, Representative Jerry Birmelin, and Representative Kelly Lewis, members of the Mount Pocono Composite Squadron 207 Civil Air Patrol. Cadets, leaders, and their families are seated in the gallery. Would they please rise.

LEAVES OF ABSENCE

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

The Chair recognizes the majority whip, who requests that the lady from Chester County, Mrs. RUBLEY, be placed on leave for the day. The Chair hears no objection.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—199

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Rublely

LEAVES ADDED—4

Donatucci Horsey Kirkland Washington

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House Vera Stroutinsky; her mother, Hanna; and her sister, Natalia. Vera is Miss German America of Philadelphia and resides in Warminster, Pennsylvania. She has studied abroad at the University of Heidelberg. Vera is currently pursuing an M.B.A. in international business and management at LaSalle University. She is leaving on Wednesday for her trip to Germany, at which time she will once again convey her enthusiasm for both the German language and culture. She is here as the guest of Representative Bernie O'Neill of Bucks County. She is seated to the left of the Speaker. Would she please rise.

The Chair is also pleased to welcome to the hall of the House, as the guests of Representative Melissa Weber, Sharon Starks, with her daughter and son, Trisha Starks and Todd Starks, of Plymouth Meeting Township. They are seated to the left of the Speaker. Would they please rise.

The Chair is also pleased to welcome to the hall of the House Chris Siennick, who is a guest page. He is a 13-year-old homeschooler and Civil Air Patrol cadet. He is the guest of Representative Ron Marsico. Would he please rise.

The Chair is also pleased to welcome to the hall of the House George Elliott, who is a teacher at East Pennsboro Middle School. He is the guest of Representative Jerry Nailor, and the gentleman is seated to the left of the Speaker.

**KENNETH BAUMHAUER, JR.,
INTRODUCED**

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Weber, for the purpose of an announcement.

Ms. WEBER. Thank you, Madam Speaker.

It is with great pleasure today that I have joining me in the hall of the House Eagle Scout Ken Baumhauer; his father, Ken Baumhauer, Sr.; his brother, Charles; and friends, Stacey Baker, Cub Scout Joel Baker, and his sister, Samantha Baker.

And if I may ask, madam, I have a citation that I had prepared because Ken Baumhauer, Jr., has achieved the rank of Eagle Scout, and I invited him and his family here today to be acknowledged here on the floor of the House for achieving such a high rank and the highest distinction bestowed upon a Scout, and if I may ask that he rise for the pleasure of a warm welcome by the members of the House.

Thank you, Madam Speaker.

**CARDINAL O'HARA HIGH SCHOOL
BASEBALL TEAM PRESENTED**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware County, Mr. Adolph, for the purpose of a citation presentation.

Mr. ADOLPH. Good afternoon.

As a graduate of Cardinal O'Hara High School myself, it gives me great pleasure to recognize the Cardinal O'Hara baseball team on becoming the 2003 Philadelphia Catholic League baseball champions. This team defeated Representative George Kenney's alma mater, La Salle High, 5 to 4 in the bottom of the seventh with two outs. They have an impressive overall record of 25 wins and 4 losses and a Philadelphia Catholic League record of 17 wins and 3 losses.

The team is led by head coach Frank Allison, pitching coach John Fleming, who are standing behind me today, along with cocaptains Brian Campbell and Mike Antonni. The other assistant coaches, John Coyle, Joe Romano, John Grossi, and Mike Greeley, also led this team with their leadership.

Their outstanding record, team sportsmanship, and commitment to athletic excellence warrants our recognition. This team is comprised of eight National Honor Society students, and all graduating seniors will be attending higher education next year.

It is my honor, and I would be pleased if you would welcome the Cardinal O'Hara baseball team, winner of the 2003 Philadelphia Catholic League baseball championship, and could the team please rise in the back.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is also pleased to welcome to the hall of the House, as the guests of Speaker John Perzel, Representative Rosita Youngblood, and Representative Angel Cruz, Dr. Ralph Smith, who is the brother of Representative Youngblood; Mr. John Montgomery, who is a former fullback for the Tampa Bay Buccaneers; and Mr. Cle Montgomery, the former wide receiver for the Oakland Raiders. Would they please stand.

**CENTRAL BUCKS WEST HIGH SCHOOL
GIRLS SOCCER TEAM PRESENTED**

The SPEAKER pro tempore. The Chair recognizes the lady from Bucks County, Representative Watson, for the purpose of a citation presentation.

Mrs. WATSON. Thank you, Madam Speaker.

I would like to welcome the Central Bucks West girls soccer team to Harrisburg to celebrate their 2003 PIAA State championship.

Since the creation of statewide girls soccer playoffs, Central Bucks has always been a power to contend with. In fact, they won the first four PIAA girls soccer championships from 1993 to 1996. Now, folks, that is not just consistency; that is utter domination. And with this latest championship in 2003, Central Bucks West wants to remind everyone that they are the team to beat, and I guess that expression is accurate, "they're back."

This season was a tribute to great goalkeeping, great defense, and just enough goals to make the difference, which is always important. Central Bucks West goalkeepers and defenders allowed a paltry seven goals the entire season, shutting out opponents two-thirds of the time. They added four consecutive 1-to-nothing shutouts in the playoffs, capping off their championship run a couple weeks ago with a 1-to-nothing gem against Cumberland Valley, and I note that that is Madam Speaker's school, but she is kind about it.

Of the 11 State girls soccer championships, Central Bucks West has now captured 5 out of that 11. When they win again next year, they will have won half of them, and Representative McIlhinney and I will again bring them back to Harrisburg to see you all. We recognize we have to wait until next year, but until then, please know they are the reigning champs.

Joining me on the rostrum then today is the head coach, Chris Freudig, and the three team captains, who are all defenders, which might explain the stinginess then for allowing goals – Ashley Hunsberger, Jackie McCutcheon, and Christine Murta – and they are joined by a senior, Jess Thomas.

In the back of the hall is the rest of the team and with them the other coaches – George Battis, Brian Hearn, and Mike Koch.

It is a distinct pleasure to have the student athletes with their coaches in our midst today.

Ladies and gentlemen of the House, would you please join me then – would the guests please rise – and could we all give the Central Bucks West girls team a round of applause.

Thank you, Madam Speaker.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is also pleased to welcome to the hall of the House, as the guests of Speaker John Perzel, Representative Rosita Youngblood, and Representative Angel Cruz, Dr. Ralph Smith, who is the brother of Representative Youngblood; Mr. John Montgomery, who is a former fullback for the Tampa Bay Buccaneers; and Mr. Cle Montgomery, the former wide receiver for the Oakland Raiders. Would they please stand.

KEYSTONE BOYS STATE PROGRAM PARTICIPANTS INTRODUCED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Turzai, for the purpose of an announcement.

Mr. TURZAI. Thank you, Madam Speaker.

I would like to welcome today the participants in the 2003 Keystone Boys State program and Bob Munhall, the director of the Keystone Boys State program, who is a constituent from my district, and they are seated in the gallery today.

American Legion sponsors this program, and the Boys State programs are educational conferences for high school student leaders, such as student government officers, athletic team captains, and prominent club or band members. Students are selected from all across the State to attend Boys State, and they will have the opportunity to gain leadership skills through a variety of activities and presentations during the weeklong program.

As part of the nation’s largest patriotic leadership program, it is being offered this year, the 62d annual session, from June 22d through the 28th at Shippensburg University in Shippensburg, Pennsylvania.

More than \$23,000 in college scholarships will be available to the youth that attend the 2003 Keystone Boys State program, which is open to male high school students set to graduate in the year of 2004.

I would like those participants, along with Col. Bob Munhall, to please stand up, and I would appreciate if you would give them a round of applause. Thank you.

RULES COMMITTEE MEETING

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

BILLS REREPORTED FROM COMMITTEE

HB 54, PN 2060 By Rep. S. SMITH

An Act providing for special and commemorative registration plates, for criteria for creation of the plates, for the duties of the Department of Transportation and for fees; establishing funds related to certain registration plates; and making repeals.

RULES.

HB 76, PN 2092 By Rep. S. SMITH

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers’ Compensation Act, further defining “occupational disease.”

RULES.

HB 93, PN 112 By Rep. S. SMITH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a Flight 93 Memorial registration plate; and establishing the Flight 93 Memorial Trust Fund.

RULES.

HB 173, PN 203 By Rep. S. SMITH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for obedience to signal indicating approach of train.

RULES.

HB 190, PN 219 By Rep. S. SMITH

An Act amending the act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law, further providing for assessment appeals.

RULES.

HB 191, PN 220 By Rep. S. SMITH

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, further providing for appeal hearings.

RULES.

HB 237, PN 266 By Rep. S. SMITH

An Act amending the act of August 24, 1963 (P.L.1175, No.497), known as the Mechanics’ Lien Law of 1963, further providing for waiver by contractor.

RULES.

HB 300, PN 2097 By Rep. S. SMITH

An Act providing for the remediation of blighted properties in cities of the first and second class.

RULES.

HB 525, PN 619 By Rep. S. SMITH

An Act requiring proper maintenance of abandoned businesses in cities; establishing the Abandoned Business Facilities Fund; conferring powers and duties on the Department of Community and Economic Development; and providing for penalties and remedies.

RULES.

HB 550, PN 652 By Rep. S. SMITH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for standing and parking prohibitions.

RULES.

HB 652, PN 758 By Rep. S. SMITH

An Act amending the act of July 2, 1984 (P.L.561, No.112), known as the Pennsylvania Conservation Corps Act, further providing for supervisors.

RULES.

HB 865, PN 1022

By Rep. S. SMITH

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for coverage of treatment ordered by worksite-based employee assistance programs.

RULES.

HB 866, PN 1023

By Rep. S. SMITH

An Act establishing annual performance standards for the provision of alcohol and drug abuse and dependency treatment.

RULES.

HB 867, PN 1024

By Rep. S. SMITH

An Act requiring carriers and health plans to make certain annual reports relating to the provision of alcohol and drug abuse and dependency treatment.

RULES.

HB 869, PN 1899

By Rep. S. SMITH

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for duties of the Bureau of Drug and Alcohol Programs over certain grievances; and making repeals.

RULES.

HB 999, PN 1172

By Rep. S. SMITH

An Act establishing the Reflex Sympathetic Dystrophy Syndrome Education Program; and providing for powers and duties of the Department of Health.

RULES.

HB 1034, PN 2061

By Rep. S. SMITH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for drivers in funeral processions.

RULES.

HB 1114, PN 1316

By Rep. S. SMITH

An Act authorizing the Commonwealth of Pennsylvania to join the National Crime Prevention and Privacy Compact; providing for the form of the compact; and authorizing the Attorney General to appoint a compact officer.

RULES.

HB 1131, PN 1333

By Rep. S. SMITH

An Act amending the act of November 24, 1998 (P.L.874, No.110), known as the Motor Vehicle Chop Shop and Illegally Obtained and Altered Property Act, further providing for the definition of "chop shop."

RULES.

HB 1148, PN 2088

By Rep. S. SMITH

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for definitions, for scope of unfunded debt, for number of interest rates, for treatment of debt costs upon refunding; and providing for interest rate risk and interest cost management.

RULES.

HB 1534, PN 1997

By Rep. S. SMITH

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for hotel room rental tax; and providing for an annual report.

RULES.

HB 1583, PN 2003

By Rep. S. SMITH

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to transfer jurisdiction and control from the Department of General Services to the Department of Conservation and Natural Resources, of certain lands situate in the City of Philadelphia, Philadelphia County; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Authority for Industrial Development a tract of land situate in the City of Philadelphia, Philadelphia County.

RULES.

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 54, PN 2060; HB 76, PN 2092; HB 93, PN 112; HB 173, PN 203; HB 190, PN 219; HB 191, PN 220; HB 237, PN 266; HB 300, PN 2097; HB 525, PN 619; HB 550, PN 652; HB 652, PN 758; HB 865, PN 1022; HB 866, PN 1023; HB 867, PN 1024; HB 869, PN 1899; HB 999, PN 1172; HB 1034, PN 2061; HB 1114, PN 1316; HB 1131, PN 1333; HB 1148, PN 2088; HB 1534, PN 1997; and HB 1583, PN 2003.

BILLS RECOMMITTED

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

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

HB 1583;
HB 1534;
HB 1148;
HB 1131;
HB 1114;
HB 1034;
HB 999;
HB 869;
HB 867;
HB 866;

HB 865;
 HB 652;
 HB 550;
 HB 525;
 HB 300;
 HB 237;
 HB 191;
 HB 190;
 HB 173;
 HB 93;
 HB 76; and
 HB 54.

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

FINANCE COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester County, Mr. Flick, for the purpose of an announcement.

Mr. FLICK. Thank you, Madam Speaker.

At the break I would like to call for an immediate meeting of the Finance Committee in the rear of the House for the purposes of considering HB 234.

The SPEAKER pro tempore. The gentleman, Mr. Flick, calls for a meeting of the House Finance Committee at the rear of the House at the break.

COMMERCE COMMITTEE MEETING

The SPEAKER pro tempore. The gentleman, Mr. Hasay, calls for a Commerce Committee meeting at the back of the House at the break as well.

The gentleman, Mr. Hasay, calls for a Commerce Committee meeting.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the Appropriations chairman, Mr. Argall, for a committee announcement.

Mr. ARGALL. Thank you, Madam Speaker.

Madam Speaker, if it is my understanding that we are returning to the floor at 3:30, if that is correct, the Appropriations Committee will meet at 3:20 in room 245.

The SPEAKER pro tempore. The gentleman, Mr. Argall, announced that the Appropriations Committee will meet at 3:20 in room 245.

REPUBLICAN CAUCUS

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

Mrs. TAYLOR. Thank you, Madam Speaker.

At the recess the Republican majority caucus will meet, and we plan on about an hour-and-a-half caucus.

The SPEAKER pro tempore. The Chair thanks the lady.

DEMOCRATIC CAUCUS

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

Mr. CASORIO. Madam Speaker, to make a caucus announcement.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. CASORIO. Thank you, Madam Speaker.

The House Democrats will meet immediately upon the call of the recess. We will be discussing today's voting schedule as well as Tuesday's in anticipation of returning at 3:30.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

RECESS

The SPEAKER pro tempore. This House does now stand in recess until 3:30; 3:30 p.m.

AFTER RECESS

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

THE SPEAKER (JOHN M. PERZEL) PRESIDING

LEAVES OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence, and leaves are requested for the gentlelady from Philadelphia, Ms. WASHINGTON, and the gentleman from Philadelphia, Mr. HORSEY. Without objection, leaves will be granted.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1661 By Representatives FRANKEL, BEBKO-JONES, COY, CREIGHTON, CURRY, DALEY, FABRIZIO, HARHAI, HENNESSEY, JOSEPHS, LaGROTTA, LAUGHLIN, MANDERINO, MANN, McGEEHAN, MELIO, MUNDY, SCRIMENTI, WALKO, WANSACZ, WASHINGTON, WATERS, YOUNGBLOOD and COHEN

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for policy provisions relating to health and accident insurance; and requiring reimbursement for drug and alcohol testing at trauma centers.

Referred to Committee on INSURANCE, June 23, 2003.

No. 1662 By Representatives FREEMAN, BEBKO-JONES, BELARDI, BELFANTI, BROWNE, CAWLEY, CORRIGAN, COSTA, COY, CURRY, DALLY, DeLUCA, DeWEESE, EACHUS, FABRIZIO, FRANKEL, GEORGE, GOODMAN, GRUCELA, HARHART, HARPER, HERMAN, HUTCHINSON, JAMES, KOTIK, LAUGHLIN, LEDERER, LESCOVITZ, LEVDANSKY, MANN, McNAUGHTON, MELIO, MUNDY, NAILOR, PETRARCA, PETRONE,

PISTELLA, READSHAW, ROBERTS, RUBLEY, SAINATO, SAMUELSON, SHANER, SOLOBAY, STABACK, STURLA, TANGRETTI, THOMAS, TIGUE, WALKO, WASHINGTON, WHEATLEY, YOUNGBLOOD and YUDICHAK

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for the definition of "income."

Referred to Committee on FINANCE, June 23, 2003.

No. 1663 By Representatives FREEMAN, BEBKO-JONES, BELARDI, BELFANTI, BROWNE, CAWLEY, CORRIGAN, COSTA, COY, CURRY, DALLY, DeLUCA, DeWEESE, EACHUS, FABRIZIO, FRANKEL, GEORGE, GOODMAN, GRUCELA, HALUSKA, HARHAI, HARPER, HERMAN, HUTCHINSON, JAMES, KOTIK, LAUGHLIN, LEDERER, LEVDANSKY, MANN, McNAUGHTON, MELIO, MUNDY, NAILOR, PETRARCA, PETRONE, PISTELLA, READSHAW, ROBERTS, RUBLEY, SAINATO, SAMUELSON, SHANER, SOLOBAY, STABACK, STURLA, TANGRETTI, THOMAS, TIGUE, WALKO, WASHINGTON, WHEATLEY, YOUNGBLOOD and YUDICHAK

An Act amending the act of March 11, 1971 (P.L.104, No.3), known as the Senior Citizens Rebate and Assistance Act, further providing for the definition of "income."

Referred to Committee on FINANCE, June 23, 2003.

No. 1664 By Representatives FREEMAN, LEACH, REICHLEY, BEBKO-JONES, CAWLEY, CORRIGAN, DeLUCA, DeWEESE, EACHUS, FABRIZIO, FRANKEL, GEORGE, GERGELY, GRUCELA, HALUSKA, HARHAI, JAMES, KOTIK, LAUGHLIN, LEDERER, LESCOVITZ, LEVDANSKY, MANN, McNAUGHTON, MELIO, PETRARCA, PISTELLA, PRESTON, SAMUELSON, SANTONI, SOLOBAY, STURLA, SURRA, TANGRETTI, THOMAS, WASHINGTON and YOUNGBLOOD

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for voter registration forms to be given to high school graduates.

Referred to Committee on STATE GOVERNMENT, June 23, 2003.

No. 1665 By Representatives FREEMAN, CURRY, FRANKEL, HORSEY, JAMES, JOSEPHS, LESCOVITZ, THOMAS, WASHINGTON and YOUNGBLOOD

An Act amending Titles 18 (Crimes and Offenses) and 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for the offense of possession of firearms or other dangerous weapons in municipal facility; and authorizing ordinances to prohibit possession of firearms or other dangerous weapons in municipal facilities.

Referred to Committee on JUDICIARY, June 23, 2003.

No. 1666 By Representatives ADOLPH, MICOZZIE, RAYMOND, BARRAR, BARD, BEBKO-JONES, BROWNE, CAWLEY, CAPPELLI, CRAHALLA, CRUZ, DALLY, DeLUCA, DiGIROLAMO, FEESE, FICHTER, FLICK,

FREEMAN, GABIG, GEORGE, GODSHALL, HARPER, HENNESSEY, HERMAN, HERSHEY, HESS, HORSEY, HUTCHINSON, JAMES, LAUGHLIN, LEACH, LEDERER, MARKOSEK, McGILL, McNAUGHTON, R. MILLER, O'NEILL, READSHAW, REICHLEY, ROSS, RUBLEY, SCAVELLO, B. SMITH, SOLOBAY, R. STEVENSON, T. STEVENSON, TANGRETTI, E. Z. TAYLOR, THOMAS, TIGUE, TRUE, WASHINGTON, YOUNGBLOOD, GOODMAN and GEIST

An Act amending the act of March 20, 2003 (P.L., No.1A), known as the General Appropriation Act of 2003, increasing the State appropriation for epilepsy support services.

Referred to Committee on APPROPRIATIONS, June 23, 2003.

No. 1667 By Representatives E. Z. TAYLOR, RUBLEY, ROSS, HENNESSEY, BARRAR, BELFANTI, CAPPELLI, CAWLEY, FAIRCHILD, FICHTER, FRANKEL, GODSHALL, GRUCELA, HERMAN, HERSHEY, HORSEY, KIRKLAND, LAUGHLIN, LEACH, MANDERINO, McGILL, S. MILLER, MUNDY, PETRARCA, REICHLEY, ROBERTS, SAINATO, SCAVELLO, SCHRODER, THOMAS, TIGUE, WALKO, YOUNGBLOOD and WANSACZ

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for occupational limited license.

Referred to Committee on TRANSPORTATION, June 23, 2003.

No. 1668 By Representative ROBERTS

An Act authorizing appointment of nonresident owners of businesses in a community to boards and commissions.

Referred to Committee on LOCAL GOVERNMENT, June 23, 2003.

No. 1669 By Representatives FEESE, McCALL, DeWEESE, BUNT, ALLEN, ARMSTRONG, BAKER, BALDWIN, BASTIAN, BEBKO-JONES, BELFANTI, BENNINGHOFF, BOYD, BROWNE, BUXTON, CALTAGIRONE, CAPPELLI, CAUSER, CLYMER, COHEN, COLEMAN, CORNELL, COSTA, CRAHALLA, CREIGHTON, CRUZ, DAILEY, DALEY, DENLINGER, DERMODY, DIVEN, EACHUS, EGOLF, J. EVANS, FAIRCHILD, FICHTER, FLEAGLE, FORCIER, FRANKEL, GABIG, GERGELY, GINGRICH, GOODMAN, GORDNER, GRUCELA, HALUSKA, HANNA, HARHART, HARPER, HARRIS, HASAY, HERMAN, HERSHEY, HESS, HICKERNELL, HORSEY, HUTCHINSON, LAUGHLIN, LEH, LEWIS, LYNCH, MACKERETH, MAHER, MAITLAND, MAJOR, MARSICO, McILHATTAN, McNAUGHTON, R. MILLER, S. MILLER, MUNDY, NICKOL, O'NEILL, PALLONE, PAYNE, PHILLIPS, PICKETT, PISTELLA, REED, ROBERTS, ROONEY, ROSS, SAINATO, SATHER, SAYLOR, SCAVELLO, SCHRODER, SHANER, B. SMITH, STERN, STETLER, R. STEVENSON, T. STEVENSON, SURRA, TANGRETTI, E. Z. TAYLOR,

J. TAYLOR, TIGUE, TRAVAGLIO, TRUE, VEON, WANSACZ, WASHINGTON, WATSON, WEBER, WILT, WOJNAROSKI, YOUNGBLOOD and ZUG

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for telecommunications competition and universal broadband deployment; further providing for definitions; creating the Information Highway Development Board; providing for alternative form of regulation of incumbent local exchange telecommunications companies; providing for incumbent local exchange carrier obligations, for competitive safeguards, for compliance with requirements and penalties and for Lifeline and Link Up service discounts; enhancing the deployment of advanced broadband telecommunications technology to all geographic areas of this Commonwealth by promoting robust and irreversible competition between a wide variety of service providers on equal and nondiscriminatory terms and conditions and by providing a funding mechanism to assist in universal broadband deployment.

Referred to Committee on CONSUMER AFFAIRS, June 23, 2003.

No. 1670 By Representatives DERMODY, DeWEESE, VEON, HALUSKA, WASHINGTON, WALKO, LEVDANSKY, GEORGE, THOMAS, PETRARCA, HORSEY, YOUNGBLOOD and TANGRETTI

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing requirements for privatization contracts; establishing the Privatization Review Board in the Treasury Department and providing for its powers and duties; and providing for the Commission on Privatization and for former State employees.

Referred to Committee on STATE GOVERNMENT, June 23, 2003.

No. 1671 By Representatives DERMODY, DeWEESE, VEON, HALUSKA, WASHINGTON, WALKO, LEVDANSKY, GEORGE, THOMAS, PETRARCA, HORSEY, YOUNGBLOOD and TANGRETTI

An Act providing for privatization contracts with political subdivision agencies; and establishing privatization review boards in all political subdivisions and providing for their powers and duties.

Referred to Committee on STATE GOVERNMENT, June 23, 2003.

No. 1672 By Representatives DALLY, BARRAR, BEBKO-JONES, BELFANTI, BUXTON, CAPPELLI, CAWLEY, COSTA, CURRY, DALEY, DeLUCA, DeWEESE, DiGIROLAMO, FABRIZIO, FICHTER, FREEMAN, GABIG, GERGELY, GRUCELA, HARHAI, HERSHEY, HESS, HORSEY, HUTCHINSON, JAMES, LAUGHLIN, LEACH, LEWIS, MAITLAND, MANN, MARKOSEK, MARSICO, McILHATTAN, MELIO, NAILOR, PAYNE, PETRARCA, PICKETT, REICHLEY, RUBLEY, SAINATO, SCAVELLO, SOLOBAY, STERN, SURRA, TIGUE, WALKO, WASHINGTON, WATSON, WEBER, WILT, WOJNAROSKI, YOUNGBLOOD and YUDICHAK

An Act amending the act of June 28, 1935 (P.L.477, No.193), referred to as the Enforcement Officer Disability Benefits Law, extending the scope of the act to sheriffs and deputy sheriffs.

Referred to Committee on JUDICIARY, June 23, 2003.

No. 1673 By Representatives SATHER, PHILLIPS, STERN, STAIRS, FLEAGLE and CREIGHTON

An Act amending the act of March 20, 2003 (P.L. , No.1A), known as the General Appropriation Act of 2003, further providing for appropriations relating to the Department of Education.

Referred to Committee on APPROPRIATIONS, June 23, 2003.

No. 1674 By Representative LEDERER

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Beach Street and Dyott Corporations certain tracts of land located in the bed of the Delaware River in the City and County of Philadelphia.

Referred to Committee on STATE GOVERNMENT, June 23, 2003.

No. 1675 By Representatives SCRIMENTI, YOUNGBLOOD, WASHINGTON, SAINATO, HORSEY, HERSHEY, HARHAI, GEIST, FABRIZIO, DeWEESE, CREIGHTON, BELFANTI, BEBKO-JONES and WANSACZ

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for dogs pursuing game or wildlife.

Referred to Committee on GAME AND FISHERIES, June 23, 2003.

No. 1676 By Representatives SCRIMENTI, WILLIAMS, WASHINGTON, LEDERER, LEACH, JOSEPHS, HORSEY, HARHAI, FABRIZIO, CREIGHTON and WANSACZ

An Act conferring limited residency status on certain out-of-State residents who make a commitment to teach in Pennsylvania.

Referred to Committee on EDUCATION, June 23, 2003.

No. 1677 By Representatives LEWIS, ARMSTRONG, BARD, CAPPELLI, CAWLEY, CREIGHTON, DALLY, GODSHALL, LEH, MYERS, NAILOR, O'NEILL, PAYNE, SCAVELLO, SCHRODER and TIGUE

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 instructional payments.

Referred to Committee on EDUCATION, June 23, 2003.

No. 1678 By Representatives LEWIS, ARMSTRONG, BARD, CAPPELLI, CAWLEY, CREIGHTON, DALLY, GODSHALL, LEH, MYERS, NAILOR, O'NEILL, PAYNE, SCAVELLO, SCHRODER and TIGUE

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 reimbursement definitions.

Referred to Committee on EDUCATION, June 23, 2003.

No. 1679 By Representatives LEWIS, ARMSTRONG, BARD, CAPPELLI, CAWLEY, CREIGHTON, DALLY, GODSHALL, LEH, MYERS, NAILOR, O'NEILL, PAYNE, SCAVELLO, SCHRODER and TIGUE

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 exceptional child payments.

Referred to Committee on EDUCATION, June 23, 2003.

No. 1680 By Representatives LEWIS, CAPPELLI, R. MILLER, PICKETT, ROSS, TIGUE and YOUNGBLOOD

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 dates and times of school terms and sessions.

Referred to Committee on EDUCATION, June 23, 2003.

No. 1681 By Representatives LEWIS, BARRAR, CREIGHTON, HERSHEY and ROSS

An Act prohibiting school districts from increasing real property taxes.

Referred to Committee on FINANCE, June 23, 2003.

No. 1682 By Representatives LEWIS, BARRAR, CAPPELLI, CREIGHTON, FREEMAN, REICHLEY, ROSS, TIGUE 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 cooperation with other government agencies.

Referred to Committee on FINANCE, June 23, 2003.

No. 1683 By Representatives LEWIS, CREIGHTON, REICHLEY, ROSS and TIGUE

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for selection of polling places.

Referred to Committee on STATE GOVERNMENT, June 23, 2003.

No. 1684 By Representatives LEWIS, CAPPELLI, CREIGHTON, HERSHEY, ROSS and YOUNGBLOOD

An Act requiring competitive bidding for certain private attorney contracts; providing for legislative oversight on such contracts; establishing a legislative oversight procedure; and limiting contingency fees in such contracts.

Referred to Committee on JUDICIARY, June 23, 2003.

No. 1685 By Representatives LEWIS, BARRAR, CAPPELLI, CREIGHTON and ROSS

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for admissibility of expert opinion testimony.

Referred to Committee on JUDICIARY, June 23, 2003.

No. 1686 By Representatives LEWIS, BARRAR, CAPPELLI, CREIGHTON, FREEMAN, GRUCELA, NAILOR, REICHLEY, ROSS, TIGUE, YOUNGBLOOD and DENLINGER

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for additional powers and duties of the Secretary of the Commonwealth.

Referred to Committee on STATE GOVERNMENT, June 23, 2003.

No. 1687 By Representatives LEWIS, CAPPELLI, CREIGHTON, DeWEESE, GRUCELA, HERSHEY, REICHLEY, ROSS, SAINATO, TIGUE and YOUNGBLOOD

An Act authorizing the Department of Agriculture to make grants to nonprofit organizations that assist certain individuals to obtain financing for the construction, refurbishing and servicing of individually owned household water well systems in rural areas.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 23, 2003.

No. 1688 By Representatives LEWIS, CREIGHTON, GRUCELA, REICHLEY and ROSS

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, prohibiting acceptance of gratuities by certain persons.

Referred to Committee on STATE GOVERNMENT, June 23, 2003.

No. 1689 By Representatives ROONEY, JOSEPHS, THOMAS, WATERS, BEBKO-JONES, JAMES, KIRKLAND, FRANKEL, CORRIGAN and MELIO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the storage of firearms within easy access of children; and imposing penalties.

Referred to Committee on JUDICIARY, June 23, 2003.

No. 1690 By Representatives ROONEY, JOSEPHS, THOMAS, WATERS, BEBKO-JONES, JAMES, KIRKLAND, FRANKEL, CORRIGAN and MELIO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the possession of a firearm or other dangerous weapon in a municipal building.

Referred to Committee on JUDICIARY, June 23, 2003.

No. 1691 By Representatives ROONEY, JOSEPHS, THOMAS, WATERS, BEBKO-JONES, JAMES, FRANKEL, CORRIGAN and MELIO

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

Referred to Committee on FINANCE, June 23, 2003.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 330 By Representatives SATHER, HESS, PISTELLA, ARMSTRONG, BAKER, BALDWIN, BIANCUCCI, BISHOP, BUTKOVITZ, CRAHALLA, DAILEY, EACHUS, FABRIZIO, GINGRICH, GRUCELA, KOTIK, LEWIS, MACKERETH, MAITLAND, SAMUELSON, SCRIMENTI, B. SMITH, R. STEVENSON, WATERS, WATSON and WILT

A Resolution memorializing the Congress of the United States to amend section 1917(b)(1)(C) of the Social Security Act by deleting May 14, 1993 as the deadline for approval by states of long-term care partnership plans.

Referred to Committee on RULES, June 23, 2003.

SENATE BILLS FOR CONCURRENCE

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

SB 26, PN 968

Referred to Committee on JUDICIARY, June 23, 2003.

SB 137, PN 586

Referred to Committee on HEALTH AND HUMAN SERVICES, June 23, 2003.

SB 521, PN 962

Referred to Committee on JUDICIARY, June 23, 2003.

SB 696, PN 798

Referred to Committee on LOCAL GOVERNMENT, June 23, 2003.

SB 779, PN 970

Referred to Committee on APPROPRIATIONS, June 23, 2003.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

HB 1359, PN 2157 (Amended) By Rep. HASAY

An Act creating the Pennsylvania State Investment Authority; providing for loans to venture capital companies, for certified capital companies and for working capital loan guarantees; and making an

COMMERCE.

EKANYA GEOFFREY INTRODUCED

The SPEAKER. The Chair would like to introduce a visiting member of the Ugandan Parliament, Ekanya Geoffrey, who Mr. DeWeese met last summer while he was in Uganda and asked him to stop by, and he did today, so, sir.

Mr. GEOFFREY. Thank you very much, Honorable Speaker and distinguished members of the House of Representatives of Pennsylvania.

In Uganda we are very proud of the people of America for supporting democracy and human rights in Africa but Uganda in particular. We are working very hard to see that we restore hope in Africa, to give the people good health, education, and for them to enjoy democracy in totality. We are committed to cooperating with you.

I am the Secretary General of Reform Agenda, the main political opposition group in Uganda.

Thank you. Thank you very much.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1064, PN 1791**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

Mr. **SURRA** offered the following amendment No. **A1888**:

Amend Title, page 1, line 2, by inserting after "PENALTIES"
; providing for suspension of licenses;

Amend Title, page 1, line 3, by inserting after "AND"
further providing

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

and for denial or revocation of license.

Amend Sec. 1, page 1, line 8, by striking out "AND 2307(E)" and inserting

, 929, 2307(e) and 2741

Amend Sec. 1, page 2, by inserting between lines 28 and 29

§ 929. Revocation, suspension or denial of license, permit or registration.

(a) General rule.—Except as otherwise provided in this title, any hunting or furtaking license, special license or permit or registration granted under the authority of this title may be revoked or suspended by the commission when the holder of the license, permit or registration is convicted of an offense under this title or has acted contrary to the intent of the [license, special license,] registration or permit, with each offense constituting a separate violation subject to separate revocation. The commission may refuse to grant to that person any [new license, special license or] permit or registration and may deny any privilege granted by these documents for a period not exceeding five years unless otherwise provided in this title.

(a.1) Remedial hunter education course.—A person whose privilege to hunt with or without a license anywhere in this Commonwealth is revoked or suspended under a provision of this title requiring mandatory revocation or suspension shall, in order to obtain restoration, present evidence of the successful completion of a remedial hunter education course as provided by the director and approved by

the commission prior to obtaining a license. This course may be taken no earlier than three months prior to the end of the period of revocation. The commission shall promulgate regulations establishing the curriculum, administration and any associated fees of such a remedial course, which fees shall bear a reasonable relationship to the costs of providing the course and the course materials.

(a.2) Vision examination and drug and alcohol education program.—A person whose privilege to hunt with or without a license anywhere in this Commonwealth is revoked or suspended under section 2522(c) (relating to shooting at or causing injury to human beings), in order to obtain restoration, shall present evidence of having taken a vision examination under section 2522(c) and, if required by the commission, present evidence of having successfully completed an alcohol and drug education program under section 2522(h).

(b) Regulations.—The commission may promulgate regulations specifying the procedures to be followed in revoking any hunting and furtaking privileges, licenses, permits and registrations granted under the provisions of this title.

Amend Sec. 1, page 3, by inserting between lines 18 and 19 § 2741. Denial or revocation of licenses.

(a) Grounds for denial.—A hunting or furtaking license shall be refused any person who:

(1) Has been denied the privilege to secure that license in any manner by this title.

(2) Has been certified to the commission by a licensed medical authority or by any court of this Commonwealth having jurisdiction to be mentally or physically unfit or addicted to alcohol or controlled substances to the degree that the person is unfit to exercise any of the privileges of this title.

(b) Violations.—In addition to any penalty and costs imposed by this title, the commission may revoke any hunting or furtaking license and deny any person the privilege to secure a license or to hunt or take furbearers anywhere in this Commonwealth, with or without a license, if the licensee or person:

(1) Has either been convicted or signed an acknowledgment of guilt of violating any of the provisions of this title for such periods as are specified in this subchapter.

(2) Has been accused of having violated any of the following provisions [of Chapter 25 (relating to protection of property and persons)] even though such person has not been convicted of a violation of [that chapter.] these sections:

Section 2501 (relating to hunting or furtaking prohibited while under the influence of alcohol or controlled substance).

Section 2505 (relating to safety zones).

Section 2509 (relating to damage to property).

Section 2522 (relating to shooting at or causing injury to human beings).

Section 2523 (relating to rendering assistance after incidents).

(c) Authority of court.—Any district justice or court having jurisdiction in any case coming before it involving any of the offenses contained in this title may revoke a hunting or furtaking license and deny the privilege to secure a license or to hunt or take furbearers anywhere in this Commonwealth, with or without a license, as set forth in this title.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Surra, for a brief explanation of the amendment.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, amendment 1888 is identical to HB 847, which passed the Game and Fish Committee unanimously.

And briefly what it does, under current law the Pennsylvania Game Commission has the ability to revoke or suspend the permit, the hunting license, of an individual, even if they are found not guilty in a court of law. While this provision has not been abused by the Game Commission – it has only been used four or five times in the last 20 years – I think it is something that our law enforcement agencies, it is an unprecedented power that they should not have.

This was brought to my attention by my magistrates. It has the support and it is agreed to by the chairman of the Game and Fisheries Committee, and I would ask that the members support it. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from York, Mr. Smith.

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

I agree with the remarks made by the Representative. This amendment passed as a separate bill unanimously in the Game and Fisheries Committee. I urge its support.

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	Samuelson
Allen	Evans, D.	Lewis	Santoni
Argall	Evans, J.	Lynch	Sather
Armstrong	Fabrizio	Mackereth	Saylor
Baker	Fairchild	Maher	Scavello
Baldwin	Feese	Maitland	Schroder
Bard	Fichter	Major	Scrimenti
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	Waters
Crahalla	Hess	Pickett	Watson
Creighton	Hickernell	Pistella	Weber
Cruz	Hutchinson	Preston	Wheatley
Curry	James	Raymond	Williams
Dailey	Josephs	Readshaw	Wilt
Daley	Keller	Reed	Wojnaroski
Dally	Kenney	Reichley	Wright
DeLuca	Kirkland	Rieger	Yewcic

Denlinger	Kotik	Roberts	Youngblood
Dermody	LaGrotta	Roebuck	Yudichak
DeWeese	Laughlin	Rohrer	Zug
DiGirolamo	Leach	Rooney	
Diven	Lederer	Ross	
Donatucci	Leh	Ruffing	Perzel,
Eachus	Lescovitz	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Horsey	Rubley	Washington
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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?

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

After consultation with the majority chairman, Mr. Smith, I am withdrawing my amendment, but I do think it is imperative that the House be aware of the exigencies of the problem statewide.

We have a \$15 billion problem with mine reclamation and acid mine drainage, and in many cases these sites are nearby or often contiguous with gamelands. The current statutes, if we are going to try to rectify the problem, we would like to think that 1-acre-for-1-acre exchange would be appropriate. I am convinced that the Game Commission is being covetous if not avaricious in trying to get 10 acres for 1 acre.

As we try to clean up Pennsylvania's mine refuse sites and give antidote to the mine drainage problems, the Game Commission must be more understanding and more sensitive to the problems in the coal-mining areas of Pennsylvania.

I am heartened by the fact that the majority leader, Mr. Smith, serves on DEP's (Department of Environmental Protection's) advisory board on mining, and I am looking forward to working with Mr. Smith and Mr. Smith – come to think of it, two Mr. Smiths – on this problem in the ensuing months. We are going to have a hearing or two or more around the State, and I will have independent legislation drafted to make this problem at least more manageable.

I would, by indirection, politely admonish the Game Commission that 1 acre for 1 acre is fair; 1 acre for 10 acres is not fair.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Smith.

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

I simply want to call the members' attention to the fact that this bill corrects a problem that occurred with the antler restriction regulations that the Game Commission enforced during the last hunting season. Unfortunately, at the time, a person who made a mistake in killing a deer would be faced with either a \$25 fine or a \$500 fine, and there was overzealous enforcement of the \$500 fines in the northwest region of the State. This was called to my attention by sportsmen, and this bill was originally drafted to correct that.

We have also changed by invoking a sliding scale so that a person who does an antler restriction mistake during the hunting season can still have the \$25 fine but the sliding scale will permit the district justice to assess the fine from \$100 to \$500. We have also done this with all other Game Code violations, summary offenses.

I urge the support of this bill. I think it corrects some needed overzealousness by Game Commission enforcement officers.

Thank you, Mr. Speaker.

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	Samuelson
Allen	Evans, D.	Lewis	Santoni
Argall	Evans, J.	Lynch	Sather
Armstrong	Fabrizio	Mackereth	Saylor
Baker	Fairchild	Maher	Scavello
Baldwin	Feese	Maitland	Schroder
Bard	Fichter	Major	Scrimenti
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	Waters
Crahalla	Hess	Pickett	Watson
Creighton	Hickernell	Pistella	Weber
Cruz	Hutchinson	Preston	Wheatley
Curry	James	Raymond	Williams
Dailey	Josephs	Readshaw	Wilt
Daley	Keller	Reed	Wojnaroski
Dally	Kenney	Reichley	Wright
DeLuca	Kirkland	Rieger	Yewcic
Denlinger	Kotik	Roberts	Youngblood
Dermody	LaGrotta	Roebuck	Yudichak
DeWeese	Laughlin	Rohrer	Zug
DiGirolamo	Leach	Rooney	
Diven	Lederer	Ross	
Donatucci	Leh	Ruffing	Perzel,
Eachus	Lescovitz	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Horsey Rubley Washington

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

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

* * *

The House proceeded to third consideration of **SB 55, PN 49**, entitled:

A Joint Resolution proposing separate amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for rights of accused in criminal prosecutions and for judicial administration.

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

Mr. **VITALI** offered the following amendment No. **A0026**:

Amend Title, page 1, lines 2 through 4, by striking out “further providing for rights of” in line 2 and all of lines 3 and 4 and inserting authorizing the General Assembly to enact laws relating to lobbying; and further providing for judicial administration.

Amend Sec. 1, page 1, lines 10 through 17; page 2, lines 1 through 7, by striking out all of said lines and inserting

(1) That Article III be amended by adding a section to read:

§ 17.1. Regulation of lobbying.

Notwithstanding any provision of this Constitution or law to the contrary, the General Assembly may by law define and regulate all activities related to and all persons engaged in lobbying, including attorneys at law and all persons holding professional licenses issued by any state and local entity.

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

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

Mr. VITALI. Thank you, Mr. Speaker.

What this amendment does is amends a different article of the Constitution to make it clear that the General Assembly has a right to regulate attorneys who lobby.

As this body is well aware, for many years this legislature, this State government, had one of the weakest lobbying laws in the country, and after many years of struggling and through the efforts of many members of this chamber, we finally passed a lobbying bill, which, although it had imperfections, was a bill that had some value.

Subsequently, about 2 years ago, the Pennsylvania Supreme Court, in a, in my view, puzzling decision, ruled the entire lobbying act which this General Assembly passed was unconstitutional, and the main reason they cited was, they had the province to regulate the conduct of lawyers. The reality, though, is that this General Assembly does have the power to regulate the powers of lobbying, and what this does is change that article of the Constitution—

The SPEAKER. Will the gentleman please suspend.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman, Mr. O’Brien, rise?

Mr. O’BRIEN. Point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his point.

Mr. O’BRIEN. Can the Speaker please inform the members of this body what effect the amending of SB 55 would have on the prior work of this General Assembly, specifically SB 211, which is now HR 1?

The SPEAKER. As the gentleman is probably aware, this has gone through one session of the General Assembly. This would be the second session of the General Assembly and would get it on the ballot if it were to pass the Senate. If this amendment is adopted, it would start at ground zero again and have to go through two sessions of the General Assembly.

Mr. O’BRIEN. Thank you, Mr. Speaker.

And that would go for any other subsequent amendments as well. Correct?

The SPEAKER. That is correct, Mr. O’Brien.

Mr. O’BRIEN. Would I be allowed to go on, Mr. Speaker?

The SPEAKER. Mr. Vitali had the floor, Mr. O’Brien.

Mr. VITALI. Thank you, Mr. Speaker.

As I mentioned, quite simply, this would make it clear that the General Assembly has the power to regulate lobbying, including attorneys who lobby. This is a very important issue, something I think the public is very concerned about. The public is very concerned about the influence of money on the legislative process, and this is a problem which occurs day in and day out – week in, week out.

I understand, if I could perhaps to some degree respond to the previous gentleman from Philadelphia’s concerns, that the bill in chief deals with a different section of the Constitution; that is, the occurrence of child video is a much rarer occurrence.

I also might at this time like to point out, perhaps in response to the words of the Speaker, that there is no case law one way or the other on whether the passage of my amendment, whether or not that would delay the passage of SB 55 in chief. There is no

case that says, yes, it will; there is no case that says, no, it will not. So to simply say pointblank, passing my amendment will delay this a term, is incorrect. It is an open question.

My position is that since it involves a totally different article, it would not delay it. There is no logical reason why it should. It would not delay it because it is a totally different article of the Constitution. The wording is not interrelated in any way. The articles are not interrelated. So my position would be, no, it would not delay. That would be up to the courts to decide if in fact a challenge was made.

Mr. Speaker, I believe that our constituents want us to have the ability to regulate lobbying. Unless we have the ability to regulate lawyers, who constitute a large segment of our lobbying community, we cannot effectively regulate lobbying, and this would be a first step or a necessary step, so I would ask for an affirmative vote. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Brien.

Mr. O'BRIEN. Thank you, Mr. Speaker.

I am not here to challenge the gentleman's credentials as a constitutional scholar, but Legislative Reference Bureau, in my view, is the consummate authority on these issues, and they say that if we amend SB 55, then we go back to ground one and this has to be repeated.

Let me just remind the members of the General Assembly that repeatedly we are asked by leadership and members and lobbyists in the back of the House to please vote on this bill without amendment. I tell the ladies and gentlemen, in my humble opinion, that there has never been a more compelling reason to vote on a piece of legislation without amendment, that is more important than the bill that is before us today.

Let me just frame the issue very simply for you, Mr. Speaker. You have rapists, child molesters, and deviates who involve in involuntary deviate sexual intercourse of horrific nature. What we are asking is very simply that we change the Pennsylvania Constitution, and secondly, to provide the manner so that these children can testify in videotaped depositions and testimony when their case comes up.

Mr. Speaker, that is the issue; it is plain and simple. Any amendment to SB 55 puts this back to 2005. Let me remind you that there were only three negative votes when we considered this last session, and the voters of Pennsylvania voted 3 million to 1 million to allow the videotaping only in cases involving child victims.

Please, Mr. Speaker, recognize that this is the most compelling issue that we are going to face. We have been trying to do this for years. These issues, I am not minimizing the importance of them. They can be taken up another day. This cannot be amended.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Franklin, Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, the matter before us and the matter which the gentleman from Delaware attempts to amend are both matters of importance to the people of the Commonwealth; there is no doubt about it. And there are other amendments which may or may not be considered to this constitutional amendment.

The gentleman from Philadelphia, Mr. O'Brien, stated the case succinctly, I think, and that is, even though there may be a difference of opinion about whether or not the process on the

amendment, on the constitutional amendment which is already before us, which passed the last session and is now before us for passage today, whether or not an amendment to that amendment would delay the process – folks may disagree; one lawyer may tell us one thing, and one lawyer may tell us another – I, for one, Mr. Speaker, think that the matter that the original constitutional amendment which we seek to pass today and is before us is of such importance and the voters having spoken on the matter, as the gentleman from Philadelphia described and in the numbers that he described, that we should not tinker with it. As good as we feel or as bad as we feel about regulating lobbyists, whether or not we think that should be done by this Assembly as opposed to the court, I feel the matter of the constitutional amendment which was passed by the last session of the legislature and is before us again today allows for an important prosecutorial tool, but more important than that, it allows for a system of justice and a system of testimony in our judicial system which the voters of this State have told us they agree with this Assembly by a vote of around 3 to 1.

Now, I am not here to argue today whether or not lobbyists should be regulated by the Assembly or by the Governor or by the court, but I am here to say that the voters of Pennsylvania sent a message about as loudly and clearly as it could be sent that they favor the constitutional amendment which is before us, which was passed by the Assembly last session and is before us today for passage again.

I think that all of these matters should stand on their own; that if there are other amendments to be considered, they should stand on their own. And I think to mix them today or, for that matter, to mix them in the future, whether or not you may be able to say that is a constitutional matter and is constitutionally agreeable, I personally think it is wrong, and I think amendments of this sort to the Constitution should stand on their own merit, and therefore, I oppose the amendment, because I feel the constitutional amendment which is before us today outweighs it in the terms of public good and in the terms of public necessity.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and requests a leave of absence for the gentleman from Chester, Mr. KIRKLAND. Without objection, the leave will be granted.

CONSIDERATION OF SB 55 CONTINUED

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

Before the gentleman starts, the gentleman is entitled to be heard. There is entirely too much noise. Please keep the noise levels down; please.

Mr. Waters.

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, this particular subject right here that we are about to discuss is very dear to me. As you know, last week was the week that I introduced a resolution asking for the Commonwealth of Pennsylvania to work collectively in the prevention of child abduction and to promote Safety Awareness Week. The resolution passed with overwhelming support, and

the reason why it is so dear to me is because in my legislative district last year a young child, 7 years old, by the name of Erica Pratt, was kidnapped by some predators who took her and placed her in harm's way.

The experience that she went through was very traumatic, I am sure; that anyone here would understand what it must have been like just to be 7 years old and have to go through something like that and especially since the year 2002 was filled with too many cases of child abduction; very traumatizing.

But that was not the end of her trauma. Two weeks ago she had to go to court. She had to go to court to see the people and to give testimony openly in a courtroom that was filled with people, and it also had one of the accused predators in the courtroom, too.

I must hand it to her that she did the very best that she could to give the testimony that she was asked to give, but the setting was very uncomfortable for her, and in that courtroom she had to relive and go over all the stuff that happened to her last July in front of a lot of people and even in front of the person who was brought to trial and accused of being one of her captors. During the hearing she could not deal with even looking towards that man. I was in the courtroom with her. She was asked to look at certain things in the courtroom that she could not look at.

The SPEAKER. Would the gentleman suspend just for one moment.

POINT OF ORDER

The SPEAKER. The gentleman, Mr. Vitali.

Mr. VITALI. A point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. VITALI. I do not mean to be disrespectful to my colleague from Philadelphia because he is making very good points.

The only question I raise is, the amendment is about the regulation of lobbying, and it seems to me we can debate forever the merits of the bill in chief. It seems to me the arguments to be made now might be relevant and perhaps appealing the rule of the Chair, but this debate should be about lobbying, not about the merits of the bill itself.

The SPEAKER. I think, Mr. Vitali, the gentleman from Philadelphia is trying to make valid reasoning for why your amendment should not be put into the bill and why the bill itself, unamended, is necessary, and based on that, we believe that Mr. Waters is on the correct track and is allowed to continue speaking.

Thank you, Mr. Vitali.

Mr. WATERS. Thank you, Mr. Speaker.

I appreciate my colleague, Mr. Vitali's position, too, but I wanted my position to be respected only because I went to that court with her, and I believe that what is in the bill itself will help to make sure that little children do not have to go through reliving the trauma of their experience if we pass this bill in its original form.

I am against the amendment only because I feel as though the amendment would hamper that cause and make it so that children will once again have to deal with looking at people who they do not want to face again. They do not want to have to go to court. They do not want to have to face that person again.

I believe that the original content of the bill will help protect them from having to go through that experience again if they could go through a sidebar with a judge or if they could have the use of the video machines. I believe that she could look at a video, and she will not feel threatened if she could look at the video, and point out what they are asking her to point out. I saw this young girl shut totally down and turn her back to everyone in the courtroom, and if she would have been able to give her testimony by the use of video, she would have been more successful at doing what she knew she was going to do, but she felt threatened because of the atmosphere of the courtroom, and the person who was accused of taking her from her family, from her neighborhood, and from her friends was sitting right there looking at her. She could not look at this man. She could not look at him, and I do not blame her for not wanting to look at him, because it only would bring back the horrible experience that she went through last July of 2002.

I am totally against this amendment, and I would ask for other people to be against this amendment because we never know when something like this will happen to a family, to a friend, or someone in our legislative district.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Wayne, Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

Like many others, I would like to rise in opposition to this amendment.

Having served on the House Judiciary Committee for 17 1/2 years and followed this issue from its inception many, many years ago to passing it, having the voters approve it, and then having the State Supreme Court very disappointingly strike it down, I see that perhaps we are really near the end of this battle and that this legislation should become law. And to have an amendment at this time to delay it for, you know, a few more years really is just not a bad – it is a bad thing to do; it is a bad idea.

We ought not to vote for this amendment. We ought to defeat this amendment, vote the merits of the bill on its own; get this done. This is what the Pennsylvania public wants. It is what we, I think, as legislators want, and it is something that should have been done a long time ago. Better late than never, but let us not delay the process any further.

And as the gentleman from Franklin County commented, I think that to add this at this time in the mix really is a very negative step to take and that we ought to consider it on its own merits and not throw in some other concept that is completely unrelated at this time.

So I would ask for a "no" vote.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Mercer, Mr. Gruitza.

Mr. GRUITZA. Thank you, Mr. Speaker.

Just very briefly. For all the reasons that were articulated by the last few speakers, I rise to also oppose this amendment.

I thought that the gentleman from Wayne was going to also mention his role as the majority chairman of the Children and Youth Committee, and that is really why I am standing as the minority chair of that committee to endorse this legislation as it stands.

This is a bill for our children. We can take the gentleman's word that this amendment will not have an altering effect or delay this process, but I have a tendency to believe the words of

the gentleman from Philadelphia who has checked with the Reference Bureau, and they have real concerns about amending the bill. We frequently amend bills to death; we love them to death, and we go home and explain to our constituents what happened to this wonderful piece of legislation that the House was working on or the Senate and explain that, well, it got bogged down with amendments. This is just an example of that, and it is simply not the kind of bill that we want to play games with. I think we vote this amendment down and we pass this bill and send it on its way.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, as a member of the Children and Youth Committee, I strongly endorse the comments of my chair and I also endorse the comments of my colleague from Philadelphia.

Mr. Speaker, I think the record is very clear. This amendment, while it is praiseworthy and good intentioned, it is out of order. Now is not the time to tamper with SB 55. A lot of work has gone into this bill and, Mr. Speaker, it is time to move the agenda forward.

And so I urge each and every one of my colleagues on both sides of the aisle to reject the Vitali amendment and let us move on with SB 55 and provide people all across the Commonwealth of Pennsylvania with the kind of protections that they need that are embodied in SB 55. Mr. Speaker, let us move the agenda.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware, Mr. Vitali, for the second time on his amendment.

Mr. VITALI. I just want to make sure no other members are up to speak. I would like to have the courtesy of speaking last.

The SPEAKER. We did save you for last, Mr. Vitali.

I apologize, Mr. Vitali; I apologize.

The gentleman from Bucks, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I did want to get a sidebar with Representative Vitali for the reason is – and to give a comfort level to the members of the House – that we are indeed working on a lobbyist disclosure bill even while we are speaking. In fact, it is going through another printing, and a memorandum is going to be sent out this week asking for cosponsorship. We have been working on this lobbyist disclosure bill for a number of weeks now. It has been very difficult to try to put the language in because of the Supreme Court ruling back in the fall, but we are at that process where we have a two-package bill that we are going to present to the members.

I would just share that information with you, and I, too, would ask for a “no” vote on the Vitali amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Buxton.

Mr. BUXTON. Thank you, Mr. Speaker.

Mr. Speaker, I would like to raise a point of personal privilege.

The SPEAKER. The gentleman will state his point of personal privilege.

Mr. BUXTON. I would like to know whether it would be in order to move at this time that the amendment is not germane to this legislation.

The SPEAKER. The gentleman can raise the question of germaneness.

GERMANENESS QUESTIONED

Mr. BUXTON. Mr. Speaker, I therefore raise the motion that the amendment – I do not have my glasses – A0026, the Vitali amendment, is not germane to the legislation at hand.

The SPEAKER. The gentleman is correct; amendment A0026.

Mr. BUXTON. So moved.

The SPEAKER. The gentleman from Dauphin, Mr. Buxton, has raised the question to whether amendment A0026 is germane.

Under House rule 27, questions involving whether an amendment is germane to the subject shall be decided by the members of the House.

On the question,

Will the House sustain the germaneness of the amendment?

PARLIAMENTARY INQUIRY

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

Mr. VITALI. Thank you.

I have a parliamentary inquiry. The precedent here with regard to germaneness when you are dealing with the Constitution and you have two different, albeit, articles of the Constitution being amended, do we have precedent for that in our House history?

The SPEAKER. The question of germaneness can be brought up, basically, at any time by any member, and the gentleman has used his privilege to do that.

Mr. VITALI. I understand. My parliamentary inquiry is, is there precedent in this House that when an article of the Constitution is attempting to be amended, has an amendment to another section of that Constitution been found to be germane?

The SPEAKER. The gentleman’s point, whether or not it has been done before, is, according to the Parliamentarian, irrelevant, because any member at any time has the right to call and ask whether an amendment is germane to the subject, and that is a privilege each and every member has, and the gentleman has called that up.

Mr. VITALI. Well, I am just wondering, perhaps it might be irrelevant in a court of law, but just for the information of the members, has this precedent been set that we have amended different sections of the Constitution?

The SPEAKER. For the information of the members, the Parliamentarian is looking through the history books right now to see whether or not we do have that in there, but regardless of what he finds out, the question is, each member has a right to ask whether or not an amendment is germane, and the member is calling and asking whether that amendment that you have offered is germane, and he has that right.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and has requested a leave of absence for the gentleman from Philadelphia, Mr. DONATUCCI. Without objection, that leave will be granted.

CONSIDERATION OF SB 55 CONTINUED

The SPEAKER. On that question of germaneness, the Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I understand why House members may want to duck a very tough vote on the issue of lobbying, but I think the reality is you have to be very careful what precedent you set. It seems to me that, you know, we periodically amend the Constitution, and, for example, we attempted to do it on the cap issue just last week with Representative Turzai and a whole host of amendments were filed to that change in the Constitution, and many of you filed those amendments. And let us be honest with ourselves. If you filed amendments to the Constitution last week, and there were probably a good foot-and-a-half worth of amendments on the calendar, if you were one of them, it is inconsistent today for you to say that because this amends a different section of the Constitution, it is out of order.

I mean, germaneness has traditionally been interpreted very broadly. When we amend, for example, a bill, a freestanding—Or rather, when there is a bill considering a title, any title, any other amendment to that title is considered germane, and we are dealing now with a section of the Constitution. I mean, are we suggesting that we are going to, in this circumstance, interpret the Constitution so narrowly that only this can? That has been inconsistent with what we have done over the years.

The problem is, if we want to be consistent in this body, this voting against the germaneness vote might help you get by a tough vote, but the reality is you are setting a precedent for future votes, and I do not think that is something you want to do. If you do not like this amendment, if you do not want to vote for this amendment, I mean, simply vote “no,” but I think it is inconsistent to pick and choose, you know, pick and choose your germaneness.

So my hope is that we can be intellectually honest here. This is clearly germane. I ask for a “yes” vote, and if you simply do not like the amendment, simply vote “no” on the amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. O’Brien.

Mr. O’BRIEN. Thank you, Mr. Speaker.

The Chair has ruled that the members in this General Assembly will decide germaneness. I say, let the members decide, and I ask that you decide in the negative.

The SPEAKER. The gentleman from Allegheny, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I invite the gentleman, Mr. Vitali, to join me and others, who have been working on the issue of lobbying disclosure, through the process, and I would welcome you as a cosponsor of our effort to amend the Constitution in this regard.

However, as a fan of that subject, I cannot even imagine what could be less germane to lobbying disclosure than the issue of face-to-face contact between a defendant and his

accuser. They are completely unrelated, and I would ask the members of this House not to be cowed by concerns about whether a germaneness vote might be misinterpreted but to recognize this is not germane and let us deal with the subject at hand.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Those who believe the amendment is germane will vote “aye”; those who believe the amendment is not germane will vote “no.”

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS—19

Belardi	Hanna	Pallone	Surra
Curry	Josephs	Rieger	Tigue
Daley	Levdansky	Roberts	Vitali
Dermody	Manderino	Roebuck	Wheatley
Freeman	Mundy	Stetler	

NAYS—175

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

NOT VOTING—1

Preston

EXCUSED—5

Donatucci
Horsey

Kirkland

Rubley

Washington

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was declared not germane.

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

The SPEAKER. Does the gentleman, Mr. Vitali, have any further amendments?

Mr. VITALI. Yes, Mr. Speaker. Amendment 1949.

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

Mr. VITALI offered the following amendment No. A1949:

Amend Title, page 1, line 1, by striking out “separate amendments” and inserting

an amendment

Amend Title, page 1, lines 2 and 3, by striking out “rights of accused in criminal prosecutions and for”

Amend Sec. 1, page 1, line 7, by striking out “separate amendments” and inserting

amendment

Amend Sec. 1, page 1, line 8, by striking out “are” and inserting is

Amend Sec. 1, page 1, lines 10 through 17; page 2, lines 1 through 8, by striking out all of lines 10 through 17 on page 1 and all of lines 1 through 7 and “(2)” in line 8, page 2 and inserting

(1)

Amend Sec. 1 (Sec. 10), page 2, line 27, by inserting after “of” section 9 of Article I and

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

this

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

amendment

Amend Sec. 2, page 3, line 10, by striking out “these” and inserting

this

Amend Sec. 2, page 3, line 10, by striking out “amendments” and inserting

amendment

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

this

Amend Sec. 2, page 3, line 12, by striking out “amendments” and inserting

amendment

Amend Sec. 2, page 3, line 16, by striking out “advertisements” and inserting

advertisement

Amend Sec. 2, page 3, line 18, by striking out “these” and inserting

this

Amend Sec. 2, page 3, line 18, by striking out “amendments” and inserting

amendment

Amend Sec. 2, page 3, line 19, by striking out “amendments” and inserting

amendment

Amend Sec. 2, page 3, line 21, by inserting after “as”

a

Amend Sec. 2, page 3, line 21, by striking out “questions” and inserting

question

Amend Sec. 2, page 3, line 23, by striking out “amendments are” and inserting

amendment is

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

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

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, I think it is clear or I think it should be very clear to the members or rather I want to make it very clear to the members that SB 55 before you is actually two changes to the Constitution, and if you read the language carefully, you will see two changes. One change is the language we have all or you all have been impassionately imploring the passage of; that is the language in the bottom part of the bill that allows children to testify by videotape. But that is only – and I understand the sentiment of this House that there is near unanimous support for that – but you have to be very, you need to understand there is a second part to this, and I do not think a lot of you quite get that yet. That occurs in the beginning of this amendment. That deals with removing the right of face-to-face confrontation, the right the accused has to confront his accusers face to face. That removes that section, too, and that section is not limited to children. That applies to everyone, adults in any circumstance. That is a very broad amendment, and that is a very important change to a Constitution that has served us well for the past 200 years.

Essentially what my amendment would do would be to take out the provision of SB 55 which reduces, rather, which takes away that face-to-face confrontation for adults, and my amendment leaves in the allowance of children to testify by videotape, and I think this is very important, because in our society it is vitally important that citizens have the peace of mind to know that if they have not committed a crime, they will not be falsely incarcerated. We put in these safeguards like face-to-face confrontation to ensure that, to ensure that someone accused of a crime has all the protections necessary at his disposal to prove his innocence, and every time you take away one of these important safeguards, you increase the chances that an innocent person, maybe your neighbor, maybe a family member, is going to be imprisoned falsely. The importance of the right to face-to-face confrontation is this; it is based on this principle: it is more difficult to lie about someone when you are looking them face to face, when you are standing in the same room as them.

If you were falsely accused of a crime as an adult, it is important that you and your attorney have the right to be in the same room as the person who is saying you did this criminal act, because by that face-to-face confrontation, you can increase your chances of showing this person is lying. It goes back to

when you were a kid and your dad said, look me in the eye. Did you really do that? Are you really telling the truth? It is that face-to-face thing. It is the same psychology at work here.

That is what this amendment is about. The amendment is about keeping provisions in the Constitution for that face-to-face confrontation. If we disallow this, if we take this out of the Constitution, it could be possible perhaps to pass legislation, ill-considered legislation, to allow perhaps police officers to testify from their police station or perhaps to have someone accused of a crime be forced to testify at some hearing from a prison. It is very important that we keep these constitutional safeguards intact.

So by voting “yes” for this amendment, you are allowing the protections for children but you are keeping that 200-year provision, that safeguard in the Constitution that protects all of us from false incarceration. So I ask for a “yes” vote.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

For the information of the members, the question of germaneness on a constitutional question was brought up on June 25, 1980, page 1845, and that question was found, the “yeas” were 56, the “nays” were 127. So the question of germaneness has come up before on constitutional amendments, for the information of the gentleman.

The Chair recognizes the gentelady from Montgomery, Ms. Weber.

Ms. WEBER. Thank you, Mr. Speaker.

I rise and request the members to vote “no” to the Vitali amendment for two reasons. The first reason that has been set forth quite clearly in the previous debate is that any change to this amendment – a semicolon, a period, a word, a preposition – any change to this amendment as it is currently written will defeat what we are trying to accomplish and what members of this General Assembly have been trying to accomplish long before I came here.

The second reason I stand to request the members to vote “no” to this amendment is to respond directly to comments made by my colleague from Delaware County. The attempt to create in the minds of the members here the impression that there is a slippery slope so that we are going to move away from just protecting child victims and allowing just child victims to testify via in camera or through a closed-circuit television will not lead us down the path so that any witness or any victim will be able to testify in that format, and there are two very significant reasons why. One is our United States Constitution and two is our Pennsylvania State Constitution. Embodied in both those Constitutions is a litany of case law both from the Pennsylvania Supreme Court and our United States Supreme Court.

What the bill seeks to do and what this amendment by Mr. Vitali will defeat is to make Pennsylvania constitutional law, the words, the exact same as what is in the United States Constitution. Therefore, the case law will govern the slippery slope that Mr. Vitali is attempting to create. The only exception that will be permitted is this which we are carving out here today and was already passed last session by the members of the Assembly, and that is for child victims and child material witnesses. We all know the brunt of this is to protect those that have been sexually assaulted by, typically, a relative, and for

Mr. Vitali to stand and to suggest that a child should be able to face their parent when acknowledging that that parent has engaged in sexual misconduct on their body is a little incredulous, and my experience as a prosecutor for 6 1/2 years who handled these types of cases is exactly that – the child will break down before going into the courtroom, will break down when they are sitting on the witness stand, and then will be in therapy up until they are an adult and well into their adult years.

So this amendment will kill what needs to happen in the Commonwealth of Pennsylvania. We need to protect our children who are victimized, whether sexually and/or physically, from testifying when there is going to be traumatic damage done to that child. So that is why I urge all members to stay focused on what this amendment that Mr. Vitali suggests is doing. It will defeat any constitutional amendment to protect our children.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentelady.

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

Mr. LEACH. Thank you, Mr. Speaker.

I just want to start off by saying that I support the concept of allowing children to testify by videotape, and I voted “no” on the germaneness question on Mr. Vitali’s previous amendment, but on this amendment Mr. Vitali is dead on.

Let me just amplify what he said and respond to some of the points that were made. This amendment could have said that we have a right— There are two questions. The first question, which changes the Constitution to get rid of the right to confront our people who accuse us face to face, could have said that we are changing it to get rid of the right to confront people face to face in cases of juveniles when there is a sexual charge, but it does not say that. This case gets rid of the right to confront your accuser face to face in every kind of case and in every kind of victim. Now, what does that mean?

Question number two on the Constitution says that we are allowed as the legislature to deal with it on child sex cases only. Fine, but that means it is up to the courts. The courts retain the power to deal with this issue in every other context.

Now, I believe the Representative who shares Montgomery County with me said we have the Federal Constitution and that will prevent other kinds of cases, because my concern is that one day a judge is going to look at a defendant and he is going to say, he is going to look at a defendant in a burglary case, an adult defendant in a burglary case, and say, you know, burglary is a traumatic crime; this defendant should not have to sit in the same room, this victim should not have to sit in the same room as the defendant; she should be able to testify by video; I find as a factual matter that she is traumatized by the burglary. And maybe she is. This woman is a victim of identity theft; this man was robbed at gunpoint. None of these people should have to sit in the same room as the horrible person who did that to them. We have a constitutional right that says that cannot happen, and we are giving up that constitutional right today.

Now, it was said the Federal Constitution is still there. I just want to make two quick points on that. First of all, that is true, but that is not a right to give up our independent constitutional right in Pennsylvania. That is like saying, let us repeal the free-speech right in Pennsylvania because there is still a First Amendment. Now, would anyone in this room, I am asking rhetorically and hopefully, would anyone in this room

support repealing our free-speech clause of – the Representative from Lehigh County – would anyone support, anyone other than Doug, support repealing the free-speech provision of the Constitution of Pennsylvania just because there is a Federal concurrent right? No. We cannot vote on Federal constitutional law. We do not have a vote in Congress and we do not have a vote on the Supreme Court. All we can do is vote on what the constitutional rights are in Pennsylvania, and like the Federal Constitution, our Constitution is sacred, and to say that the only reason we cannot correct this – because this is easily corrected; the Vitali amendment corrects this.

We are not giving up our right to confront our accused as adults in nonsex cases if we pass the Vitali amendment. The only argument I have heard not to do that is it will delay the process. I think, with all due respect, that is a shoddy reason to not to do it right. It is more important to do it right than to do it expeditiously.

The Supreme Court case that first allowed this with a brilliant dissent by Justice Scalia was, what? Fifteen years ago. This has been going on for 15 years. This will delay it 1 year. If we do it wrong, it will be wrong for the next hundred years or the next thousand years, however long this Commonwealth is in existence, because once constitutional rights are given up, they are extremely difficult if not impossible to get back.

And so I request the members really think about, read the language. I always say, read the language of the proposed amendment. The language says currently you have a right to confront your accuser face to face. The new language gets rid of face to face. It does not say just for children; it does not say just for victims. It says for all of us, and before we give up this constitutional right to do something quickly, why do we not do it right?

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. O'Brien.

Mr. O'BRIEN. Thank you, Mr. Speaker.

Very simply, 44 States have adopted the Maryland v. Craig standard; that is the seminal case.

I believe that this is a bad amendment. It will put the Maryland v. Craig standard in conflict with the second part of the constitutional question.

Very simply stated, as Melissa Weber stated earlier and other members have stated, if we change anything in this amendment, we are keeping this important question from the voters. I say, let us send it on to the voters and protect the child victims in Pennsylvania.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. ROEBUCK. Thank you, Mr. Speaker.

I rise out of concern about the course of this particular argument on the constitutional amendment. The Constitution is essential to our form of government, and when we make changes, then we ought to be very careful about what we do.

Now, the lady from Montgomery tells us if we make any change at all, somehow we will negate the process moving forward, but if the amendment that we are proposing is wrong or flawed, we ought to look at it, and if it means we slow the process down and do not disrupt the basic fabric of our structure of government, then we ought to do that.

It is also suggested that somehow we are on a slippery slope, but the reality is, read what the language of the amendment says. It takes away your right to a face-to-face confrontation in a courtroom, not as a child, and I certainly support allowing children the option of video testimony, but it takes it away from everyone, everyone. Think of yourself. Suppose you are accused of a crime; suppose you have a vindictive neighbor who wants to accuse you of something; suppose you are brought into court and you are told you cannot confront the person who has accused you. Is that right? No, that is not right as an adult, and we all know that is not right, but that is what this amendment proposes to do.

Look very carefully at what we are doing here. Understand it is not just children that we are talking about, it is every member of this Commonwealth. Understand that you lose your right to a face-to-face confrontation in a courtroom, the right to look at who has accused you and challenge them as one adult to another. Understand if we do this, we waive a basic right that we all enjoy as American citizens. It sends us down a very, very slippery slope towards something that we say that we do not want to be. Understand we need to look at what we are doing and understand that there is something fundamentally wrong with merely pushing this forward under the guise that we are protecting children when we are doing much more than that. We are in fact beginning to erode our basic constitutional framework.

I would urge that we adopt the Vitali amendment. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman from Montgomery, Mr. Leach, for the second time.

Mr. LEACH. Thank you, Mr. Speaker.

I just have an inquiry, and I am not sure if our Parliamentarian would know, but if he would, does he know when the face-to-face clause of the Pennsylvania Constitution was first in the Constitution? Does that date back to the original Constitution of Pennsylvania?

The SPEAKER. To the best of his knowledge, he does not have an answer for you, but we will look that up.

Mr. LEACH. Thank you.

That is all I have, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—46

Belardi	Fabrizio	Myers	Stetler
Bishop	Frankel	Pallone	Sturla
Buxton	Freeman	Petrarca	Surra
Cohen	Gergely	Petrone	Thomas
Corrigan	Haluska	Readshaw	Veon
Costa	James	Rieger	Vitali
Curry	Josephs	Roberts	Walko
DeLuca	Leach	Roebuck	Wheatley
Dermody	Levdansky	Scrimenti	Williams
DeWeese	Manderino	Shaner	Wojnaroski
Diven	Melio	Steil	Yewcic
Evans, D.	Mundy		

NAYS-149

Adolph	Egolf	Leh	Ruffing
Allen	Evans, J.	Lescovitz	Sainato
Argall	Fairchild	Lewis	Samuelson
Armstrong	Feese	Lynch	Santoni
Baker	Fichter	Mackereth	Sather
Baldwin	Fleagle	Maher	Saylor
Bard	Flick	Maitland	Scavello
Barrar	Forcier	Major	Schroder
Bastian	Gabig	Mann	Semmel
Bebko-Jones	Gannon	Markosek	Smith, B.
Belfanti	Geist	Marsico	Smith, S. H.
Benninghoff	George	McCall	Solobay
Biancucci	Gillespie	McGeehan	Staback
Birmelin	Gingrich	McGill	Stairs
Blaum	Godshall	McIlhattan	Stern
Boyd	Goodman	McIlhinney	Stevenson, R.
Browne	Gordner	McNaughton	Stevenson, T.
Bunt	Grucela	Metcalfe	Tangretti
Butkovitz	Gruitza	Micozzie	Taylor, E. Z.
Caltagirone	Habay	Miller, R.	Taylor, J.
Cappelli	Hanna	Miller, S.	Tigue
Casorio	Harhai	Nailor	Travaglio
Causer	Harhart	Nickol	True
Cawley	Harper	O'Brien	Turzai
Civera	Harris	Oliver	Vance
Clymer	Hasay	O'Neill	Wansacz
Coleman	Hennessey	Payne	Waters
Cornell	Herman	Petri	Watson
Coy	Hershey	Phillips	Weber
Crahalla	Hess	Pickett	Wilt
Creighton	Hickernell	Pistella	Wright
Cruz	Hutchinson	Preston	Youngblood
Dailey	Keller	Raymond	Yudichak
Daley	Kenney	Reed	Zug
Dally	Kotik	Reichley	
Denlinger	LaGrotta	Rohrer	
DiGirolamo	Laughlin	Rooney	Perzel,
Eachus	Lederer	Ross	Speaker

NOT VOTING-0

EXCUSED-5

Donatucci	Kirkland	Rubley	Washington
Horsley			

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?
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-191

Adolph	Evans, D.	Lewis	Samuelson
Allen	Evans, J.	Lynch	Santoni
Argall	Fabrizio	Mackereth	Sather

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

NAYS-4

Curry	Josephs	Roebuck	Vitali
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NOT VOTING-0

EXCUSED-5

Donatucci	Kirkland	Rubley	Washington
Horsley			

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

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

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES**

HB 1374, PN 1702

By Rep. ARGALL

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

APPROPRIATIONS.

HB 1375, PN 1703

By Rep. ARGALL

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

APPROPRIATIONS.

HB 1376, PN 1704

By Rep. ARGALL

A Supplement to the act of November 30, 1965 (P.L.843, No.355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; providing for public support and capital improvements; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Temple University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

APPROPRIATIONS.

HB 1377, PN 1705

By Rep. ARGALL

A Supplement to the act of July 7, 1972 (P.L.743, No.176), entitled "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; providing for change of name; providing for the

composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Lincoln University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

APPROPRIATIONS.

HB 1378, PN 1706

By Rep. ARGALL

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

APPROPRIATIONS.

HB 1379, PN 1707

By Rep. ARGALL

An Act making appropriations to the Trustees of the University of Pennsylvania.

APPROPRIATIONS.

HB 1380, PN 1708

By Rep. ARGALL

An Act making appropriations to the Philadelphia Health and Education Corporation for the Colleges of Medicine, Public Health, Nursing and Health Professions and for continuation of pediatric services.

APPROPRIATIONS.

HB 1381, PN 1709

By Rep. ARGALL

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

APPROPRIATIONS.

HB 1382, PN 1710

By Rep. ARGALL

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

APPROPRIATIONS.

HB 1383, PN 1711

By Rep. ARGALL

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia.

APPROPRIATIONS.

HB 1384, PN 1712

By Rep. ARGALL

An Act making an appropriation to the University of the Arts, Philadelphia, for instruction and student aid.

APPROPRIATIONS.

HB 1385, PN 1713 By Rep. ARGALL

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia for operation and maintenance expenses and for payment of debt service.

APPROPRIATIONS.

HB 1386, PN 1714 By Rep. ARGALL

An Act making an appropriation to the Johnson Technical Institute of Scranton for operation and maintenance expenses.

APPROPRIATIONS.

HB 1387, PN 1715 By Rep. ARGALL

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County for operation and maintenance expenses.

APPROPRIATIONS.

HB 1388, PN 1716 By Rep. ARGALL

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

APPROPRIATIONS.

HB 1389, PN 1717 By Rep. ARGALL

An Act making appropriations to the Wistar Institute, Philadelphia, for operation and maintenance expenses and for research.

APPROPRIATIONS.

HB 1390, PN 1718 By Rep. ARGALL

An Act making an appropriation to the Central Penn Oncology Group.

APPROPRIATIONS.

HB 1391, PN 1719 By Rep. ARGALL

An Act making an appropriation to the Lancaster Cleft Palate for outpatient-inpatient treatment.

APPROPRIATIONS.

HB 1392, PN 1720 By Rep. ARGALL

An Act making an appropriation to the Pittsburgh Cleft Palate for outpatient-inpatient treatment.

APPROPRIATIONS.

HB 1393, PN 1721 By Rep. ARGALL

An Act making an appropriation to the Burn Foundation, Philadelphia for outpatient and inpatient treatment.

APPROPRIATIONS.

HB 1394, PN 1722 By Rep. ARGALL

An Act making an appropriation to The Children's Institute, Pittsburgh for treatment and rehabilitation of certain persons with disabling diseases.

APPROPRIATIONS.

HB 1395, PN 1723 By Rep. ARGALL

An Act making an appropriation to The Children's Hospital of Philadelphia for comprehensive patient care and general maintenance and operation of the hospital.

APPROPRIATIONS.

HB 1396, PN 1724 By Rep. ARGALL

An Act making an appropriation to the Beacon Lodge Camp.

APPROPRIATIONS.

HB 1397, PN 1725 By Rep. ARGALL

An Act making an appropriation to the Arsenal Family and Children's Center.

APPROPRIATIONS.

HB 1398, PN 1726 By Rep. ARGALL

An Act making appropriations to the Carnegie Museums of Pittsburgh for operations and maintenance expenses and the purchase of apparatus, supplies and equipment.

APPROPRIATIONS.

HB 1399, PN 1727 By Rep. ARGALL

An Act making an appropriation to the Franklin Institute Science Museum for maintenance expenses.

APPROPRIATIONS.

HB 1401, PN 1728 By Rep. ARGALL

An Act making an appropriation to the Academy of Natural Sciences for maintenance expenses.

APPROPRIATIONS.

HB 1402, PN 1729 By Rep. ARGALL

An Act making an appropriation to the African-American Museum in Philadelphia for operating expenses.

APPROPRIATIONS.

HB 1403, PN 1730 By Rep. ARGALL

An Act making an appropriation to the Everhart Museum in Scranton for operating expenses.

APPROPRIATIONS.

HB 1404, PN 1731 By Rep. ARGALL

An Act making an appropriation to the Mercer Museum in Doylestown, Pennsylvania, for operating expenses.

APPROPRIATIONS.

HB 1405, PN 1732 By Rep. ARGALL

An Act making an appropriation to the Whitaker Center for Science and the Arts in Harrisburg, Pennsylvania, for operating expenses.

APPROPRIATIONS.

SB 629, PN 667 By Rep. ARGALL

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2003, to June 30, 2004, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2003.

APPROPRIATIONS.

SB 630, PN 668 By Rep. ARGALL

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2003, to June 30, 2004, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2003.

APPROPRIATIONS.

SB 631, PN 669 By Rep. ARGALL

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

APPROPRIATIONS.

SB 632, PN 670 By Rep. ARGALL

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2003, to June 30, 2004, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2003.

APPROPRIATIONS.

SB 633, PN 671 By Rep. ARGALL

An Act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

APPROPRIATIONS.

SB 634, PN 672 By Rep. ARGALL

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

APPROPRIATIONS.

SB 635, PN 673 By Rep. ARGALL

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

APPROPRIATIONS.

BILLS REREPORTED FROM COMMITTEE**HB 52, PN 55** By Rep. ARGALL

An Act establishing the Long-Term Care Partnership Program; and conferring powers and duties on the Insurance Department, the Department of Aging and the Department of Public Welfare.

APPROPRIATIONS.

HB 54, PN 2158 (Amended) By Rep. ARGALL

An Act providing for special and commemorative registration plates, for criteria for creation of the plates, for the duties of the Department of Transportation and for fees; establishing funds related to certain registration plates; and making repeals.

APPROPRIATIONS.

HB 76, PN 2092 By Rep. ARGALL

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further defining "occupational disease."

APPROPRIATIONS.

HB 168, PN 2159 (Amended) By Rep. ARGALL

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for the authorization of excise tax, for the authorization of the hotel tax and for hotel room rental tax.

APPROPRIATIONS.

HB 173, PN 203 By Rep. ARGALL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for obedience to signal indicating approach of train.

APPROPRIATIONS.

HB 190, PN 219

By Rep. ARGALL

An Act amending the act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law, further providing for assessment appeals.

APPROPRIATIONS.

HB 191, PN 220

By Rep. ARGALL

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, further providing for appeal hearings.

APPROPRIATIONS.

HB 237, PN 266

By Rep. ARGALL

An Act amending the act of August 24, 1963 (P.L.1175, No.497), known as the Mechanics' Lien Law of 1963, further providing for waiver by contractor.

APPROPRIATIONS.

HB 322, PN 368

By Rep. ARGALL

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, further providing for the definition of "taxing district" and for repeals; and imposing duties on the Department of Community and Economic Development and the Legislative Reference Bureau.

APPROPRIATIONS.

HB 520, PN 614

By Rep. ARGALL

An Act establishing the Gambling Impact Commission; and providing for the commission's powers and duties.

APPROPRIATIONS.

HB 525, PN 619

By Rep. ARGALL

An Act requiring proper maintenance of abandoned businesses in cities; establishing the Abandoned Business Facilities Fund; conferring powers and duties on the Department of Community and Economic Development; and providing for penalties and remedies.

APPROPRIATIONS.

HB 550, PN 652

By Rep. ARGALL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for standing and parking prohibitions.

APPROPRIATIONS.

HB 865, PN 1022

By Rep. ARGALL

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for coverage of treatment ordered by worksite-based employee assistance programs.

APPROPRIATIONS.

HB 866, PN 1023

By Rep. ARGALL

An Act establishing annual performance standards for the provision of alcohol and drug abuse and dependency treatment.

APPROPRIATIONS.

HB 867, PN 1024

By Rep. ARGALL

An Act requiring carriers and health plans to make certain annual reports relating to the provision of alcohol and drug abuse and dependency treatment.

APPROPRIATIONS.

HB 869, PN 1899

By Rep. ARGALL

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for duties of the Bureau of Drug and Alcohol Programs over certain grievances; and making repeals.

APPROPRIATIONS.

HB 991, PN 1164

By Rep. ARGALL

An Act establishing the Keystone Education Foundation; conferring powers and duties; and providing for an educational improvement tax credit and for expiration of act.

APPROPRIATIONS.

HB 999, PN 1172

By Rep. ARGALL

An Act establishing the Reflex Sympathetic Dystrophy Syndrome Education Program; and providing for powers and duties of the Department of Health.

APPROPRIATIONS.

HB 1034, PN 2061

By Rep. ARGALL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for drivers in funeral processions.

APPROPRIATIONS.

HB 1113, PN 1315

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, directing school districts to establish policies regarding student possession and self-administration of certain asthma medications.

APPROPRIATIONS.

HB 1114, PN 1316

By Rep. ARGALL

An Act authorizing the Commonwealth of Pennsylvania to join the National Crime Prevention and Privacy Compact; providing for the form of the compact; and authorizing the Attorney General to appoint a compact officer.

APPROPRIATIONS.

HB 1131, PN 1333

By Rep. ARGALL

An Act amending the act of November 24, 1998 (P.L.874, No.110), known as the Motor Vehicle Chop Shop and Illegally Obtained and Altered Property Act, further providing for the definition of "chop shop."

APPROPRIATIONS.

HB 1148, PN 2160 (Amended)

By Rep. ARGALL

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for definitions, for scope of unfunded debt, for number of interest rates, for treatment of debt costs upon refunding; and providing for interest rate risk and interest cost management.

APPROPRIATIONS.

HB 1329, PN 1636

By Rep. ARGALL

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, amending provisions relating to planned communities.

APPROPRIATIONS.

HB 1330, PN 1637

By Rep. ARGALL

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

APPROPRIATIONS.

HB 1331, PN 1638

By Rep. ARGALL

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

APPROPRIATIONS.

HB 1407, PN 1990

By Rep. ARGALL

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for escheat of property held by insurers.

APPROPRIATIONS.

HB 1423, PN 1890

By Rep. ARGALL

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.

APPROPRIATIONS.

HB 1426, PN 1994

By Rep. ARGALL

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.

APPROPRIATIONS.

HB 1533, PN 1996

By Rep. ARGALL

An Act amending the act of June 22, 2000 (P.L.307, No.28), known as the Hotel Room Rental Tax Act, further providing for distribution of collected hotel room rental tax; and providing for an annual report.

APPROPRIATIONS.

HB 1534, PN 1997

By Rep. ARGALL

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for hotel room rental tax; and providing for an annual report.

APPROPRIATIONS.

HB 1580, PN 2063

By Rep. ARGALL

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, providing for employment of health care practitioners.

APPROPRIATIONS.

HB 1634, PN 2161 (Amended)

By Rep. ARGALL

An Act providing for the capital budget for the fiscal year 2003-2004, itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation Fund projects, Environmental Stewardship Fund projects, Pennsylvania Fish and Boat Commission projects, public highway projects, Motor License Fund projects and Manufacturer's Fund projects to be constructed or acquired or assisted by the Department of General Services, State Stores fund current revenue projects, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Pennsylvania Fish and Boat Commission, Pennsylvania Game Commission and the Department of Transportation, 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, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Department of Transportation, the Pennsylvania Fish and Boat Commission or the Pennsylvania Game Commission; stating the estimated useful life of the projects; making appropriations; and making repeals.

APPROPRIATIONS.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES**

HB 234, PN 263

By Rep. FLICK

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing a tax credit for attendance at a firearm training course.

FINANCE.

The SPEAKER. Would the gentleman, Mr. Leach, please come to the rostrum. We have your answer.

SUPPLEMENTAL CALENDAR A

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 52, PN 55**, entitled:

An Act establishing the Long-Term Care Partnership Program; and conferring powers and duties on the Insurance Department, the Department of Aging and the Department of Public Welfare.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—195

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

DeLuca	LaGrotta	Roberts	Yewcic
Denlinger	Laughlin	Roebuck	Youngblood
Dermody	Leach	Rohrer	Yudichak
DeWeese	Lederer	Rooney	Zug
DiGirolamo	Leh	Ross	
Diven	Lescovitz	Ruffing	Perzel,
Eachus	Levdansky	Sainato	Speaker
Egolf			

NAYS—0

NOT VOTING—0

EXCUSED—5

Donatucci	Kirkland	Rublely	Washington
Horsey			

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.

ANNOUNCEMENT BY MR. SATHER

The SPEAKER. The Chair recognizes the gentleman from Huntingdon, Mr. Sather.

Mr. SATHER. Thank you, Mr. Speaker.

For personal privilege, if I might.

I thank all for their support of that bill that we just passed.

On Wednesday, as important a piece of legislation we will have, is a resolution that will encourage, if you will, the Congress to change a law there that will allow this bill that was just passed to move on to the Senate but become law and have some meaningful effect here in the Commonwealth of Pennsylvania.

So I hope you will be with us on Wednesday when we present that resolution.

Thank you.

The SPEAKER. Thank you. The Chair thanks the gentleman.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1113, PN 1315**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, directing school districts to establish policies regarding student possession and self-administration of certain asthma medications.

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

Ms. **WEBER** offered the following amendment No. **A1967**:

Amend Sec. 2 (Sec. 1414.1), page 2, lines 5 and 6, by striking out "Such policy may include, but not be" in line 5 and all of line 6 and inserting

(b) The policy under this section shall include a requirement that a student demonstrate the capability for self-administration and for responsible behavior. The school entity shall develop a system whereby the student will verify to the certified school nurse that the student is

capable of self-administration and has permission for carrying and taking the medication through the use of the asthma inhaler. The school entity shall also restrict the availability of the asthma inhaler and the prescribed medication contained therein from other students, with immediate confiscation of both the asthma inhaler and the medication and loss of privileges if the school policies are abused or ignored.

(c) The policy under this section may include the following:

Amend Sec. 2 (Sec. 1414.1), page 2, lines 26 through 30; page 3, lines 1 through 7, by striking out "The school entity" in line 26, all of lines 27 through 30, page 2 and all of lines 1 through 7, page 3

Amend Sec. 2 (Sec. 1414.1), page 3, line 8, by striking out "(b)" and inserting

(d)

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

The SPEAKER. On that question, the Chair recognizes the gentlelady, Ms. Weber.

Ms. WEBER. Thank you, Mr. Speaker.

The amendment to HB 1113 is at best technical in nature. The attempt, after consultation with the Pennsylvania School Boards Association, it was requested that two changes be made: one, that it be required that the school districts, specifically the school nurse, demonstrate that the child show they know how to use their asthma inhaler; and two was to change it, thus requiring the school district to set up a policy.

So they are technical in nature. It does not change the substance of the bill, and I would ask for a "yes" vote on the amendment.

The SPEAKER. The Chair thanks the lady.

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

The following roll call was recorded:

YEAS-195

Table listing names of members who voted 'YEAS-195', including Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Bard, Barrar, Bastian, Bebk-Jones, Belardi, Belfanti, Benninghoff, Biancucci, Birmelin, Bishop, Blaum, Boyd, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappelli, Casorio, Causer, Cawley, Civera, Clymer, Cohen, 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, Lewis, Lynch, Mackereth, Maher, Maitland, Major, Manderino, Mann, Markosek, Marsico, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Micozzie, Miller, R., Miller, S., Mundy, Myers, Nailor, Nickol, O'Brien, Oliver, O'Neill, Pallone, Payne, Samuelson, Santoni, Sather, Saylor, Scavello, Schroder, Scrimenti, 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.

Table listing names of members who did not vote, including Coleman, Cornell, Corrigan, Costa, Coy, Crahalla, Creighton, Cruz, Curry, Dailey, Daley, Dally, DeLuca, Denlinger, Dermody, DeWeese, DiGirolamo, Diven, Eachus, Egolf, Hasay, Hennessey, Herman, Hershey, Hess, Hickernell, Hutchinson, James, Josephs, Keller, Kenney, Kotik, LaGrotta, Laughlin, Leach, Lederer, Leh, Lescovitz, Levdansky, Petrarca, Petri, Petrone, Phillips, Pickett, Pistella, Preston, Raymond, Readshaw, Reed, Reichley, Rieger, Roberts, Roebuck, Rohrer, Rooney, Ross, Ruffing, Sainato, Veon, Vitali, Walko, Wansacz, Waters, Watson, Weber, Wheatley, Williams, Wilt, Wojnaroski, Wright, Yewcic, Youngblood, Yudichak, Zug, Perzel, Speaker.

NAYS-0

NOT VOTING-0

EXCUSED-5

Table listing names of members who were excused, including Donatucci, Horsey, Kirkland, Rubley, Washington.

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

On the question,
Will the House agree to the bill on third consideration as amended?
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-194

Table listing names of members who voted 'YEAS-194', including Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Bard, Barrar, Bastian, Bebk-Jones, Belardi, Belfanti, Benninghoff, Biancucci, Birmelin, Bishop, Blaum, Boyd, Browne, Bunt, Egolf, Evans, D., Evans, J., Fabrizio, Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Gergely, Gillespie, Gingrich, Godshall, Lewis, Lynch, Mackereth, Maher, Maitland, Major, Manderino, Mann, Markosek, Marsico, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Micozzie, Miller, R., Samuelson, Santoni, Sather, Saylor, Scavello, Schroder, Scrimenti, Semmel, Shaner, Smith, B., Smith, S. H., Solobay, Staback, Stairs, Steil, Stern, Stetler, Stevenson, R., Stevenson, T., Sturla.

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

ADJOURNMENT

The SPEAKER. Are there any announcements?

The majority leader or minority leader, are there any announcements?

Before me I have an adjournment motion by the gentlelady from Lebanon, Mrs. Gingrich.

Mrs. GINGRICH. Mr. Speaker, I move that this House do now adjourn until Tuesday, June 24, 2003, at 11 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 5:07 p.m., e.d.t., the House adjourned.

NAYS—1

Hutchinson

NOT VOTING—0**EXCUSED—5**

Donatucci Kirkland Rubley Washington
Horsey

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

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

The SPEAKER. There will be no further votes for today.

**HOUSE BILL
INTRODUCED AND REFERRED**

No. 1660 By Representative LEH

An Act requiring notification of condemnation proceedings by public utilities and pipeline companies.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, June 23, 2003.

BILLS AND RESOLUTIONS PASSED OVER

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