

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JUNE 8, 2004

SESSION OF 2004

188TH OF THE GENERAL ASSEMBLY

No. 35

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (JOHN M. PERZEL)

PRESIDING

PRAYER

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

Let us pray:

God of truth and grace, we force our minds to think of You and to seek the meaning of our lives in this world that You have made. We have pledged ourselves to be servants of this Commonwealth, and You know with what blendings of strength and of weakness we have made that commitment, with what fusions of wisdom and folly, with what alternations of hope and despair for Your people and beyond.

Unabashedly we pray for ourselves. We ask for vision that we may learn to separate fact from fantasy, truth from falsehood, right from wrong, and clearly comprehending fact and truth and right, may we firmly love what we have comprehended.

Be in truth and grace among us, as well as the leaders at the economic summit. Grant that they may, wherever leaders make decisions, that they may fashion with Your help these virtues in themselves that we all covet for the world. Teach us to learn from one another and from all Your beautiful creation such as the horses that ran such an exciting race on Saturday. Remind each of us as we race toward our goals that even when things do not turn out as we had planned, You are there to help us continue to run the race with courage, integrity, and joy.

With grateful hearts for allowing us to work in service to others, we offer our prayers to You. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, June 7, 2004, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2672 By Representatives WEBER, NICKOL, ALLEN, BALDWIN, BOYD, BROWNE, BUNT, CAPPELLI, S. E. CORNELL, CRAHALLA, DALLY, FRANKEL, GOOD, GOODMAN, HARPER, HORSEY, JAMES, LEACH, LEDERER, McGEEHAN, MILLARD, O'NEILL, PICKETT, REICHLEY, SANTONI, SCAVELLO, E. Z. TAYLOR, THOMAS, WHEATLEY 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 contracts for sale of carbonated beverages, non-nutritious beverages and non-nutritious food.

Referred to Committee on EDUCATION, June 8, 2004.

No. 2673 By Representatives WEBER, NICKOL, ALLEN, BALDWIN, BOYD, BROWNE, BUNT, CAPPELLI, S. E. CORNELL, CRAHALLA, DALLY, FRANKEL, GOOD, GOODMAN, HARPER, HORSEY, JAMES, LEACH, LEDERER, McGEEHAN, MILLARD, O'NEILL, PICKETT, REICHLEY, SANTONI, SCAVELLO, E. Z. TAYLOR, THOMAS, WHEATLEY 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 health services.

Referred to Committee on EDUCATION, June 8, 2004.

No. 2674 By Representatives MILLARD, BELFANTI, BUNT, CAUSER, GOOD, HORSEY, KIRKLAND, R. MILLER, REICHLEY, WEBER and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for reports by police.

Referred to Committee on TRANSPORTATION, June 8, 2004.

No. 2675 By Representatives LEWIS, WEBER, BEBKO-JONES, BROWNE, CAPPELLI, DALLY, J. EVANS, GEIST, GINGRICH, GOOD, GRUCELA, HENNESSEY, LEACH, LYNCH, MILLARD, PETRI, PHILLIPS, PICKETT, SAYLOR, SCAVELLO, T. STEVENSON, E. Z. TAYLOR, J. TAYLOR, THOMAS, TIGUE, WATERS, WATSON and YOUNGBLOOD

An Act requiring automatic external defibrillators in law enforcement vehicles; and providing civil immunity under certain circumstances.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 8, 2004.

No. 2676 By Representatives LEWIS, WEBER, BEBKO-JONES, BROWNE, CAPPELLI, DALLY, J. EVANS, GEIST, GINGRICH, GOOD, GRUCELA, HENNESSEY, LEACH, LYNCH, MILLARD, PETRI, PHILLIPS, PICKETT, SAYLOR, SCAVELLO, T. STEVENSON, E. Z. TAYLOR, J. TAYLOR, THOMAS, TIGUE, WATERS, WATSON and YOUNGBLOOD

An Act requiring automatic external defibrillators in physical fitness centers; and providing civil immunity under certain circumstances.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 8, 2004.

No. 2677 By Representatives LEWIS, WEBER, BEBKO-JONES, BROWNE, CAPPELLI, DALLY, DeWEESE, J. EVANS, GEIST, GINGRICH, GOOD, GRUCELA, HENNESSEY, LEACH, LYNCH, MILLARD, PETRI, PHILLIPS, PICKETT, SAYLOR, SCAVELLO, T. STEVENSON, E. Z. TAYLOR, J. TAYLOR, THOMAS, TIGUE, WATERS, WATSON and YOUNGBLOOD

An Act requiring automatic external defibrillators in emergency service vehicles; and providing civil immunity under certain circumstances.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 8, 2004.

No. 2678 By Representatives STEIL, BARD, CAPPELLI, CLYMER, CORRIGAN, DENLINGER, FABRIZIO, GRUCELA, HALUSKA, HORSEY, JOSEPHS, LEVDANSKY, MICOZZIE, R. MILLER, MUSTIO, O'NEILL, REICHLEY, RUBLEY, SAYLOR, SCAVELLO, E. Z. TAYLOR, THOMAS, TIGUE, YOUNGBLOOD and YUDICHAK

An Act providing for multistate sales and use tax administration for commerce.

Referred to Committee on FINANCE, June 8, 2004.

No. 2679 By Representatives McNAUGHTON, BALDWIN, BELFANTI, GOODMAN, LAUGHLIN, McILHATTAN, SATHER, SOLOBAY, TANGRETTI, E. Z. TAYLOR, WASHINGTON and YOUNGBLOOD

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, further providing for disposal fees for municipal waste landfills.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 8, 2004.

No. 2680 By Representatives McNAUGHTON, BALDWIN, BELFANTI, GOODMAN, LAUGHLIN, McILHATTAN, SATHER, SOLOBAY, TANGRETTI, E. Z. TAYLOR, WASHINGTON and YOUNGBLOOD

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

Referred to Committee on FINANCE, June 8, 2004.

No. 2681 By Representatives McNAUGHTON, ARMSTRONG, BELFANTI, DALEY, FICHTER, GOODMAN, HARPER, HENNESSEY, HERMAN, PETRARCA, READSHAW, WILT and YOUNGBLOOD

An Act establishing the Shared Habitat Agreement for Recreational Enhancement Program; encouraging private landowners to make their land available to the public for wildlife-dependent activities; establishing the Shared Habitat Agreement for Recreational Enhancement Program Account; and providing penalties.

Referred to Committee on LOCAL GOVERNMENT, June 8, 2004.

No. 2682 By Representatives MICOZZIE, VANCE, BUXTON, HENNESSEY, KILLION, TANGRETTI, WALKO, WOJNAROSKI, ALLEN, BARRAR, BELFANTI, BENNINGHOFF, BROWNE, CAPPELLI, CLYMER, CRAHALLA, DAILEY, DALLY, DENLINGER, GEORGE, GILLESPIE, GINGRICH, GOOD, HALUSKA, HERSHEY, HESS, HORSEY, KIRKLAND, LEACH, LEH, MACKERETH, MANN, MARSICO, McILHATTAN, MUNDY, NAILOR, ROSS, RUBLEY, SCAVELLO, B. SMITH, R. STEVENSON, E. Z. TAYLOR, THOMAS, TIGUE, TURZAI, WANSACZ, WASHINGTON, WATSON, WEBER and YOUNGBLOOD

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for small group health plan rates, for coverage requirements and for marketing requirements.

Referred to Committee on INSURANCE, June 8, 2004.

No. 2683 By Representatives METCALFE, ARMSTRONG, BARRAR, BOYD, DENLINGER, EGOLF, GABIG and STEIL

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 collective bargaining, for the definition of "strike," for fact-finding panels, for final best-offer arbitration, for strikes and lockouts and for injunctive relief; and making a repeal.

Referred to Committee on EDUCATION, June 8, 2004.

No. 2684 By Representatives VITALI, BROWNE, DALEY, FABRIZIO, FREEMAN, GRUCELA, JOSEPHS, LEACH, LEVDANSKY, MANDERINO and WALKO

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for public financing for candidates for the office of Governor and Lieutenant Governor; establishing the Pennsylvania Fair Campaign Fund; and providing qualifications for funding, for payments, for use of funds, for authorized expenditures, for limitation on contributions, for return of funds and for penalties.

Referred to Committee on STATE GOVERNMENT, June 8, 2004.

No. 2686 By Representatives CAPPELLI, ALLEN, BARRAR, BEBKO-JONES, BELARDI, FABRIZIO, GEORGE, GOOD, GOODMAN, GEIST, HORSEY, JAMES, WILT, BROWNE, KIRKLAND, KOTIK, LAUGHLIN, LEACH, SOLOBAY, J. TAYLOR, THOMAS, TRAVAGLIO, WEBER, WOJNAROSKI, YOUNGBLOOD, YUDICHAK and COSTA

An Act requiring municipal retirement systems to pay annual postretirement adjustments to certain retired municipal employees; and providing for the financing of these adjustments and for the administration of the Commonwealth's reimbursements for these adjustments.

Referred to Committee on FINANCE, June 8, 2004.

No. 2687 By Representatives T. STEVENSON, BOYD, CAPPELLI, DALLY, JAMES, LEDERER, MUSTIO, PISTELLA, REICHLEY, SCAVELLO, SEMMEL, R. STEVENSON, SCRIMENTI and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for a limit on teenage passengers in a vehicle operated by a licensed junior driver.

Referred to Committee on TRANSPORTATION, June 8, 2004.

No. 2688 By Representatives YUDICHAK, TIGUE, GOODMAN, SOLOBAY, GRUCELA, BARRAR, BIANCUCCI, BLAUM, BOYD, BROWNE, BUNT, CAPPELLI, CAWLEY, CIVERA, S. E. CORNELL, CORRIGAN, COY, CRAHALLA, DALEY, DALLY, DeWEESE, FABRIZIO, FICHTER, FRANKEL, FREEMAN, GEIST, GOOD, HARHAI, HARPER, HARRIS, HASAY, HERSHEY, HORSEY, KENNEY, KOTIK, LAUGHLIN, LEDERER, LEH, MAJOR, MANN, MARKOSEK, McCALL, McGEEHAN, MICOZZIE, R. MILLER, MUNDY, MUSTIO, O'NEILL, PAYNE, PETRARCA, PICKETT, RAYMOND, REICHLEY, ROBERTS, ROONEY, RUBLEY, SAINATO, SATHER, SCHRODER, SCRIMENTI, SHANER, B. SMITH, STABACK, R. STEVENSON, SURRA, TANGRETTI, THOMAS, TURZAI, WANSACZ, WASHINGTON, WEBER, WOJNAROSKI, YOUNGBLOOD and COSTA

An Act amending the act of December 16, 1998 (P.L.980, No.129), known as the Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act, further providing for Postsecondary Educational Gratuity Program.

Referred to Committee on EDUCATION, June 8, 2004.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 770 By Representatives SOLOBAY, BELFANTI, BAKER, BEBKO-JONES, BELARDI, BIANCUCCI, CAPPELLI, CRUZ, DONATUCCI, FRANKEL, GEORGE, GOOD, GRUCELA, HENNESSEY, JAMES, KELLER, KOTIK, LEACH, MANN, MUSTIO, PISTELLA, ROBERTS, SAINATO, WALKO, WASHINGTON, WOJNAROSKI, BISHOP, COY, DeWEESE, FABRIZIO, GEIST, GINGRICH,

GOODMAN, HARHAI, HORSEY, JOSEPHS, KIRKLAND, LAUGHLIN, MANDERINO, MARKOSEK, PALLONE, READSHAW, RUBLEY, TIGUE, WANSACZ, WHEATLEY and YOUNGBLOOD

A Resolution urging the United States Department of Agriculture to reconsider its recent policy change relating to Pennsylvania's Nutrition Education Program (PA NEP).

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 8, 2004.

No. 771 By Representatives STEIL, CAWLEY, CURRY, GEORGE, GINGRICH, HERSHEY, JAMES, KELLER, LEH, R. MILLER, O'NEILL, READSHAW, ROBERTS, RUBLEY, SAYLOR, SCAVELLO, SOLOBAY, THOMAS, TIGUE, TURZAI, YOUNGBLOOD and YUDICHAK

A Resolution directing the Finance Committee to gather information on the Streamlined Sales Tax Agreement, its effects on State revenues and businesses and the possibility of Pennsylvania's adopting legislation to become a conforming state under the Streamlined Sales Tax Agreement; and providing for duties and responsibilities of the committee.

Referred to Committee on FINANCE, June 8, 2004.

No. 773 By Representatives HABAY, BALDWIN, CAPPELLI, CRUZ, DeLUCA, DENLINGER, HORSEY, JAMES, LAUGHLIN, METCALFE, MUSTIO, REICHLEY, SAYLOR, SCAVELLO, T. STEVENSON, THOMAS and TURZAI

A Resolution directing the Joint State Government Commission to undertake a study of the Urban Redevelopment Authority of Pittsburgh and the Pittsburgh Development Fund.

Referred to Committee on LOCAL GOVERNMENT, June 8, 2004.

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 779, PN 1306**, entitled:

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for purchase of agricultural conservation easements; making an appropriation; and abrogating a regulation.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 779 be placed upon the table.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 779 be taken off the table.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 2443 be taken off the table.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 2443 be placed upon the table.

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

SENATE MESSAGE

**HOUSE BILL
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 2083, PN 2773**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

**ADJOURNMENT RESOLUTION
FOR CONCURRENCE**

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate
June 7, 2004

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, June 14, 2004, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, June 14, 2004, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence and recognizes the majority whip, who moves for a leave of absence for the gentlelady from Chester, Mrs. E. Z. TAYLOR. Without objection, that leave will be granted.

The Chair recognizes the minority whip, who moves for a leave of absence for the gentleman from Philadelphia, Mr. KELLER. Without objection, that leave will also be granted.

As was stated earlier, there are leaves for the week for the gentleman, Mr. Travaglio, and the gentleman, Mr. Myers.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—199

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

Keller	Myers	Taylor, E. Z.	Travaglio
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LEAVES ADDED—1

Donatucci

LEAVES CANCELED—1

Keller

BILL SIGNED BY SPEAKER

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

HB 2083, PN 2773

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for child custody jurisdiction and enforcement.

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

JOHN SERVIS PRESENTED

The SPEAKER. We would like the members to please take their seats. Please keep the noise level down. Please take your seats.

It is with great pleasure we have the opportunity of welcoming the Governor of the Commonwealth of Pennsylvania, the Honorable Edward Rendell. Governor.

The GOVERNOR. Thank you all. Thank you all very, very much.

Well, good morning, everyone.

It is a pleasure to be here today on this wonderful occasion and an occasion where I know we are all united in thought and in spirit.

Today we are paying tribute to the Smarty Jones family by honoring the great trainer of Smarty Jones, John Servis, and his wife, Sherry, and we are honoring them not just for what Smarty Jones achieved on the track and for a horse from Philadelphia Park who nobody gave a chance to win the Kentucky Derby, win the Preakness by the greatest margin ever, and run a terrifically gallant race in the Belmont; that is a great horse racing achievement, but I think we are honoring the Smarty Jones family and John and Sherry Servis for more than

that. We are honoring them for being great, great ambassadors for Bensalem, for the Philadelphia region, and for the State of Pennsylvania.

You know, John and Sherry Servis handled the limelight both during the two incredible victories and during the heartbreaking loss. They handled the limelight as well as anybody I have ever seen, with grace and dignity and class. They were awesome representatives of Pennsylvania. John did most of the talking, but during this 5-week period, between Smarty's win in the Derby and the Belmont, the mail that came to Philadelphia Park for the Smarty Jones family was unbelievable, and Sherry Servis took it upon herself to make sure that those letters got answered to the best of their ability, and letters came in from schoolchildren, and classes of schoolchildren all across the United States of America wrote to Smarty Jones, and Sherry took it upon herself to make sure that those letters got answered and got responded to.

And to show you the impact, the impact that Smarty has had on the schoolchildren of Pennsylvania, I want to read a letter that was sent to the Smarty Jones family but was passed on to me because it is so exceptional. It says, "Dear Mr. Handel," and he is a person out at the track. It said, "Please pass on to the Smarty Jones family and team at Philadelphia Park our congratulations from Mrs. Anderson's third grade at R.C. Struble Elementary School in Bensalem. There are many of life's lessons to be learned from Smarty's attempt to win the Triple Crown. He and his team at Philadelphia Park are an inspiration to us all. Smarty has shown us that training, hard work, and a desire to do your best is what it takes to be a winner. Smarty could never break our hearts, because we know what it took for him to get this far. In life it's the journey, not the destination that truly matters.

"We were so proud to see how graciously everyone handled the defeat. True sportsmanship was shown and for children to see that was perhaps the best lesson they could ever be taught. It was a class act from start to finish.

"Now it is time for everyone to take a hard earned rest. Hopefully, we will see Smarty race again at Philadelphia Park. He is a very special horse," and the people around him are special, too.

"Thanks again for the tremendous ride. Smarty Jones will always be our winner."

So to John and Sherry, for the things that you have done for Pennsylvania as our representatives, we all wanted to say thanks, and I thank the Speaker and the members for allowing this tribute to occur.

It is now my pleasure to introduce one of your own, someone who in a true spirit of bipartisanship has stood with me throughout this 5 weeks that we have all ridden on Smarty's back, your own Representative, Gene DiGirolamo.

Mr. DiGIROLAMO. Thank you, Governor.

Boy, what a ride. What a ride Smarty Jones and his team have given all of us all across Pennsylvania and all across America. I am just so proud.

It is an honor to introduce to the House today my constituent, my good friend, someone who was incredible, the amount of work that he did and meant to the success of Smarty Jones, the trainer, John Servis, and his lovely wife, Sherry. Please stand up, and let us give them a round, warm reception. Congratulations, John and Sherry.

We are just so proud of them and the whole Smarty Jones team: the Chapman family; the jockey, Stewart Elliott.

I would also like to recognize two other individuals from Bensalem: the mayor of Bensalem, Joseph DiGirolamo – mayor – and also someone who sat with us for a long time, Senator Tomlinson, who is here with us today. Senator.

Just a couple of comments, and I have a citation for John and Sherry. I am not going to read it, but if I might, just for a minute, last Wednesday – and I told the Governor this – when the truck carrying Smarty Jones taking him to the Belmont left Philadelphia Park in Bensalem, they had a police escort, and the police closed down every intersection that they passed until they got on the turnpike. As the truck passed and the cars were stopped on the road and the people in the cars realized who was passing by, they actually got out of their cars spontaneously on the sides of the road and clapped and waved and yelled and screamed. That is how much Smarty Jones and the people associated with Smarty Jones, that is how much they meant to Pennsylvania.

I know we might be a little disappointed with what happened Saturday, but I will tell you what: It does not diminish or take away one bit from what you were able to accomplish, John. The Kentucky Derby, the first Saturday in May, that is the Super Bowl of racing. The Preakness, you won the Preakness a couple weeks later. I mean, we are just so, so proud you came that close to the Triple Crown, but we are just so proud of you, John, and the Speaker has graciously allowed John Servis to come up and say a few words to the House.

John, if I might ask you to come up right now.

Mr. SERVIS. First of all, thank you very much for having my wife and me here this afternoon. It is a great honor.

You know, to come out of Pennsylvania and have a shot at the Triple Crown from Philadelphia Park, you know, it is not a major racetrack, and people did not think it could be done. And that is our home, and it has always been where we decided to raise our children, and it has been a great place. Bensalem has been a great place for us, and that is where we would like to stay.

But with that being said, you know, after the defeat Saturday, I want everybody to realize that, number one, my horse lost, but in my heart I know I ran the best horse in the race. You know, our stiffest competition – Eddington, Rock Hard Ten, and Purge – they sacrificed themselves to try to get us beat, and, you know, Purge was beaten 37 lengths; Rock Hard Ten, 15 lengths; and Eddington, 14 lengths. What people do not realize is they ran the first half a mile in 48.2, which is the exact same time as Secretariat. The second half a mile was in 46.1, which is actually 2 seconds faster than Secretariat. So that is how much he was pushed along. His mile and a quarter, which was a quarter of a mile short of the finish line, was actually 4 full seconds faster than he ran the Kentucky Derby. So you can imagine how much that took out of him. He was obviously a tired horse coming to the wire, and I am not taking anything away from Birdstone. It was a great job by Nick Zito, but do not feel bad for my team or my horse, because, you know, he gave it all he has, and you are going to hear a lot more from him. He is an exceptional, exceptional horse.

And I just want to thank you all for having me here, and do not forget, he is a Pennsylvania bred.

Thank you very much.

The SPEAKER. For the attention of the members, Mr. Servis, I would be very careful. Most of the members here like to see the horses pulling plows, not running around tracks.

RESOLUTIONS PURSUANT TO RULE 35

Mr. PISTELLA called up **HR 764, PN 3956**, entitled:

A Resolution memorializing the Congress of the United States to increase funding for the Division of Diabetes Translation (DDT) as needed for the fight against diabetes.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—1

Bishop

EXCUSED—4

Keller Myers Taylor, E. Z. Travaglio

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

* * *

Mr. GRUCELA called up **HR 765, PN 3957**, entitled:

A Resolution commemorating the sister city agreement between the City of Bayside, Australia, and municipalities in the Nazareth area on June 27, 2004.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

DeWeese	LaGrotta	Roberts	Youngblood
DiGirolamo	Laughlin	Roebuck	Yudichak
Diven	Leach	Rohrer	Zug
Donatucci	Lederer	Rooney	
Eachus	Leh	Ross	Perzel,
Egolf	Lescovitz	Rubley	Speaker

NAYS—0

NOT VOTING—1

Bishop

EXCUSED—4

Keller Myers Taylor, E. Z. Travaglio

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

* * *

Mr. BENNINGHOFF called up **HR 768, PN 3960**, entitled:

A Resolution designating the week of May 2 through 8, 2004, as "Centre County Electronics Recycling Week."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Adolph	Evans, D.	Levdansky	Ruffing
Allen	Evans, J.	Lewis	Sainato
Argall	Fabrizio	Lynch	Samuelson
Armstrong	Fairchild	Mackereth	Santoni
Baker	Feese	Maher	Sather
Baldwin	Fichter	Maitland	Saylor
Bard	Fleagle	Major	Scavello
Barrar	Flick	Manderino	Schroder
Bastian	Forcier	Mann	Scrimenti
Bebko-Jones	Frankel	Markosek	Semmel
Belardi	Freeman	Marsico	Shaner
Belfanti	Gabig	McCall	Smith, B.
Benninghoff	Gannon	McGeehan	Smith, S. H.
Biancucci	Geist	McGill	Solobay
Birmelin	George	McIlhatten	Staback
Blaum	Gergely	McIlhinney	Stairs
Boyd	Gillespie	McNaughton	Steil
Browne	Gingrich	Melio	Stern
Bunt	Godshall	Metcalfe	Stetler
Butkovitz	Good	Micozzie	Stevenson, R.
Buxton	Goodman	Millard	Stevenson, T.
Caltagirone	Grucela	Miller, R.	Sturla
Cappelli	Gruitza	Miller, S.	Surra
Casorio	Habay	Mundy	Tangretti
Causar	Haluska	Mustio	Taylor, J.
Cawley	Hanna	Nailor	Thomas
Civera	Harhai	Nickol	Tigue
Clymer	Harhart	O'Brien	True
Cohen	Harper	Oliver	Turzai
Coleman	Harris	O'Neill	Vance
Cornell, S. E.	Hasay	Pallone	Veon
Corrigan	Hennessey	Payne	Vitali
Costa	Herman	Petrarca	Walko
Coy	Hershey	Petri	Wansacz
Crahalla	Hess	Petrone	Washington

Creighton	Hickernell	Phillips	Waters
Cruz	Horsey	Pickett	Watson
Curry	Hutchinson	Pistella	Weber
Dailey	James	Preston	Wheatley
Daley	Josephs	Raymond	Williams
Dally	Kenney	Readshaw	Wilt
DeLuca	Killion	Reed	Wojnaroski
Denlinger	Kirkland	Reichley	Wright
Dermody	Kotik	Rieger	Yewcic
DeWeese	LaGrotta	Roberts	Youngblood
DiGirolamo	Laughlin	Roebuck	Yudichak
Diven	Leach	Rohrer	Zug
Donatucci	Lederer	Rooney	
Eachus	Leh	Ross	Perzel,
Egolf	Lescovitz	Rubley	Speaker

NAYS-0

NOT VOTING-1

Bishop

EXCUSED-4

Keller	Myers	Taylor, E. Z.	Travaglio
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

SUPPLEMENTAL CALENDAR A

RESOLUTIONS PURSUANT TO RULE 35

Mr. STETLER called up **HR 772, PN 3988**, entitled:

A Resolution observing the week of June 5 through 12, 2004, as "National NeighborWorks Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-199

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

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

NAYS-0

NOT VOTING-0

EXCUSED-4

Keller	Myers	Taylor, E. Z.	Travaglio
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

* * *

Mr. BELFANTI called up **HR 779, PN 3994**, entitled:

A Resolution designating the month of June 2004 as "Workplace Safety Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-199

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

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

NAYS-0

NOT VOTING-0

EXCUSED-4

Keller	Myers	Taylor, E. Z.	Travaglio
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

SUPPLEMENTAL CALENDAR B

RESOLUTION PURSUANT TO RULE 35

Mr. ADOLPH called up **HR 780, PN 4011**, entitled:

A Resolution noting the passing of President Ronald Wilson Reagan and extending condolences to his family.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-199

Adolph	Evans, D.	Levdansky	Ruffing
Allen	Evans, J.	Lewis	Sainato
Argall	Fabrizio	Lynch	Samuelson
Armstrong	Fairchild	Mackereth	Santoni

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

NAYS-0

NOT VOTING-0

EXCUSED-4

Keller	Myers	Taylor, E. Z.	Travaglio
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House guests of Representative Chris Ross. They are Ryan Marks and Jennifer Bazzoli. They are seated to the left of the Speaker. Would those guests please rise and be recognized by the House.

There is a group of tax collectors here from Bucks County in the gallery today. They are the guests of Representative Watson, and they are Sherry Labs, Susan Paff, Sue Snyder,

Suzanne Clarke, Pat Siwert, Kathy Perciotti, and Alice Kachline. Would those guests please rise and be recognized by the members of the General Assembly.

The Chair welcomes Angenette Burns, who is serving as a guest page. She is 17 years old and an 11th grade student at Milton Hershey School. She will be doing a 5-week internship in Representative Payne’s district office in Hershey this summer. She is the guest, obviously, of Representative Payne, and she is seated on the floor of the House. Will she please stand to be recognized by the members of the General Assembly.

CALENDAR CONTINUED

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Ross.

Mr. ROSS. Mr. Speaker, I move for a suspension of the rules for immediate consideration of HB 1485, PN 1875.

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

The following roll call was recorded:

YEAS—199

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

DeLuca	Kirkland	Reichley	Wright
Denlinger	Kotik	Rieger	Yewcic
Dermody	LaGrotta	Roberts	Youngblood
DeWeese	Laughlin	Roebuck	Yudichak
DiGirolamo	Leach	Rohrer	Zug
Diven	Lederer	Rooney	
Donatucci	Leh	Ross	Perzel,
Eachus	Lescovitz	Rublely	Speaker
Egolf			

NAYS—0

NOT VOTING—0

EXCUSED—4

Keller	Myers	Taylor, E. Z.	Travaglio
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A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1485, PN 1875**, entitled:

An Act repealing the act of June 18, 1895 (P.L.209, No.126), entitled “An act regulating the printing and publication of notices and advertisements authorized by the county commissioners of the counties of this Commonwealth containing a population of five hundred thousand and not exceeding one million, as shown by the last United States census, providing how newspapers shall be designated in which such publications shall be made, and repealing an act, entitled ‘An act authorizing the county commissioners of Allegheny county to select four morning newspapers for official county advertising,’ approved the second day of April, Anno Domini one thousand eight hundred and seventy-three, and also repealing the tenth section of an act, entitled ‘A supplement to an act approved the first day of May, Anno Domini one thousand eight hundred and sixty-one, entitled ‘An act relating to Allegheny county,’ ’ approved the eighth day of April, Anno Domini one thousand eight hundred and sixty-two.”

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

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

The gentleman feels it is self-explanatory.

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—199

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Keller	Myers	Taylor, E. Z.	Travaglio
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

* * *

The House proceeded to third consideration of **HB 2063, PN 2764**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for sale or illegal use of certain solvents and noxious substances.

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

Mr. **WILLIAMS** offered the following amendment No. **A1908**:

Amend Title, page 1, line 2, by inserting after "Statutes,"
providing for registry for lost or stolen firearms
and for failure to report lost or stolen firearm;
and

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

Section 1. Section 6111.1(b) of Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a paragraph to read:

§ 6111.1. Pennsylvania State Police.

* * *
(b) Duty of Pennsylvania State Police.—
* * *

(5) The Pennsylvania State Police shall maintain a registry of all firearms reported lost or stolen in this Commonwealth. The registry shall contain, if available, the manufacturer, model, caliber, serial number and any other identifying information concerning any firearm reported lost or stolen, as well as the name of the lawful owner of the firearm. If a firearm is reported stolen to a local law enforcement agency, that agency shall collect the required information and shall submit it to the Pennsylvania State Police within 24 hours.

* * *
Section 2. Section 6111.4 of Title 18 is amended to read:

§ 6111.4. Registration of firearms.

Notwithstanding any section of this chapter to the contrary, nothing in this chapter shall be construed to allow any government or law enforcement agency or any agent thereof to create, maintain or operate any registry of firearm ownership within this Commonwealth, other than a registry of firearms reported lost or stolen under section 6111.1(b)(5) (relating to Pennsylvania State Police). For the purposes of this section only, the term "firearm" shall include any weapon that is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

Section 3. Title 18 is amended by adding a section to read:

§ 6127. Failure to report lost or stolen firearm and notice of multiple purchase reporting.

(a) Offense defined.—A person who is the owner of a firearm that is lost or stolen and who fails, within 24 hours after the theft or loss is discovered, to report the loss or theft to an appropriate local law enforcement official commits a summary offense, punishable by a fine of up to \$500. A person who is found to intentionally fail to report a theft or loss commits a misdemeanor of the first degree for a first offense and a felony of the third degree for any subsequent offense.

(b) Duty to forward report to sheriff.—A local law enforcement official, or his designee, who receives a report under subsection (a) shall forward a copy of the report to the sheriff of the county in which the complainant or victim resides within 24 hours.

(c) Order.—Notwithstanding any other penalty prescribed by law, the court may enter an order prohibiting a person convicted for a violation of this section from the purchase or any other method of acquiring any firearm for a period of six months. Any order entered

pursuant to this section shall be transmitted to the Pennsylvania State Police within 24 hours.

Section 4. Section 7303 of Title 18 is amended to read:
Amend Sec. 2, page 3, line 4, by striking out “2” and inserting
5

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

AMENDMENT WITHDRAWN

The SPEAKER. It is the information of the Chair that the gentleman, Mr. Williams, has withdrawn the amendment.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the minority whip, who moves for a leave of absence for the gentleman from Philadelphia, Mr. DONATUCCI. Without objection, that leave will also be granted.

CONSIDERATION OF HB 2063 CONTINUED

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—198

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

- | | | | |
|----------------|------------|----------|------------|
| Cornell, S. E. | Hennessey | Payne | Vitali |
| Corrigan | Herman | Petrarca | Walko |
| Costa | Hershey | Petri | Wansacz |
| Coy | Hess | Petrone | Washington |
| Crahalla | Hickernell | Phillips | Waters |
| Creighton | Horsey | Pickett | Watson |
| Cruz | Hutchinson | Pistella | Weber |
| Curry | James | Preston | Wheatley |
| Dailey | Josephs | Raymond | Williams |
| Daley | Kenney | Readshaw | Wilt |
| Dally | Killion | Reed | Wojnaroski |
| DeLuca | Kirkland | Reichley | Wright |
| Denlinger | Kotik | Rieger | Yewcic |
| Dermody | LaGrotta | Roberts | Youngblood |
| DeWeese | Laughlin | Roebuck | Yudichak |
| DiGirolamo | Leach | Rohrer | Zug |
| Diven | Lederer | Rooney | |
| Eachus | Leh | Ross | Perzel, |
| Egolf | Lescovitz | Rubley | Speaker |

NAYS—0

NOT VOTING—0

EXCUSED—5

- | | | | |
|-----------|-------|---------------|-----------|
| Donatucci | Myers | Taylor, E. Z. | Travaglio |
| Keller | | | |

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.

RAHEEM HAWKINS PRESENTED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Horsey, who has a special guest here today.

Would the ladies and gentlemen of the chamber please pay attention; please be quiet for a few moments.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, on May 27 of '04, the Philadelphia School District's Office of Restructured School sponsored an eighth grade oratorical contest throughout Philadelphia. I was one of five judges judging for a number of finalists. We chose one winner.

Today, Mr. Speaker, I would like to introduce that winner and have him deliver his 2-minute speech. His name is Raheem Hawkins, and he is, in fact, the winner citywide in the oratorical contest sponsored by the Philadelphia School District.

Raheem, please.

Mr. HAWKINS. Good morning.

My name is Raheem Hawkins, and today I will be talking to you about liberty. I will be discussing what the word means to me and how it makes me feel.

To me, liberty means a freedom of doing things your way – a freedom of speech, a freedom of religion, and a freedom of loving.

To have liberty we must have equality. All people must be treated equally. Without equal treatment, there cannot be liberty. I will explain in a few moments why I feel this way.

I believe that the concept of liberty makes our country great. The diversity in our country helps us see things in many different ways. Liberty allows us to make choices after looking

at all our options. Our forefathers died in their fight for liberty. Our Constitution tells us that all men are created equally and that there will be liberty, freedom, and justice for all, not just a chosen few, but all.

But I ask you, my friends, do we really have liberty for all people in this country? I think not. Without equal treatment, there cannot be liberty. I ask you again, my friends, is there liberty when a teenage African-American male goes into a store in a mall and is not approached by the clerk for help but followed around by the security guard? That is not liberty; that is not equality. Is there liberty when four African-American college students are on their way to Atlantic City to have fun at the casinos and are pulled over for no reason but the color of their skin? I think not. Is there liberty when a young Black mother with a child in a store is asked for identification to use a credit card and not the White female customer before her? I think not.

Now, my friends, let me ask you this: Is there liberty when African-American mothers are forced to use welfare? Or when north Philadelphia schools do not receive as much money as the schools in the suburbs? Or when African-American adults work for minimum wage? Or is there liberty when African-American families cannot get a mortgage for a house just because of the color of their skin? I think not.

In the words of Dr. Martin Luther King, Jr., I will not stop until all my African-American brothers and sisters are judged by the contents of their character and not by the color of their skin.

My friends, my name is Raheem Hawkins, and my work here has just begun.

Mr. HORSEY. Thank you, Mr. Speaker.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2401, PN 3826**, entitled:

An Act amending Titles 23 (Domestic Relations) and 75 (Vehicles), of the Pennsylvania Consolidated Statutes, providing for repeat offender license suspension; and further providing for suspension of operating privilege, for surrender of license and for occupational limited license.

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

Mr. VITALI offered the following amendment No. **A1922**:

Amend Sec. 1 (Sec. 6114.2), page 2, line 5, by removing the period after “agreement” and inserting

the commission of which occurred in a vehicle or involved the use of a vehicle as a weapon.

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.

By way of background, what the Gannon bill does is imposes license suspensions of varying lengths for the violation of second- and third-time protection-from-abuse orders. What my

amendment would do would be to limit that and state that only when the abuse occurred in a vehicle or by the vehicle would or could the court suspend a license for a violation of a protection-from-abuse order. The purpose is to create a nexus between the wrong act and a vehicle in order to suspend the license, and I think this is appropriate. I think we should be very reluctant to suspend driver’s licenses for things that do not have to do in some way with operating a vehicle. I think you get a lot of problems when you do this. It encourages people to simply drive without licenses.

So I would ask for a “yes” vote.

Thank you.

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to this amendment for two specific reasons. Number one, the first reason, by limiting the revocation only to if the vehicle has been used in the commission of the crime, it really takes away the whole purpose of the bill; and secondly, it does not provide any mechanism in the legislation for PENNDOT to be notified by the court that in fact a violation has occurred.

There are lots of other reasons why this amendment should be defeated, but it just defeats the whole purpose of the bill, and we are going to be back to square one again. I think from what we have seen out in the press and talking to people who have been victims, that this is a good bill as is and should stay the way it is, and I ask for a “no” vote.

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

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I, too, rise in opposition to this amendment.

The maker of the amendment suggested that there is not a nexus. I believe that there is. This penalty would be imposed on someone who violates a PFA (protection-from-abuse) order for the second time, and believe me, information and statistics show that the use of an automobile in tracking and stalking your victim is a very, very direct nexus.

I think the gentleman, Mr. Gannon’s legislation is timely and well thought out, and I believe that this amendment would be detrimental to the purpose and the intent of the legislation. There is a direct nexus between the use of a vehicle and domestic abuse, which we have seen in the violations of a protection-from-abuse order.

So I would ask that the members oppose this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Carbon, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would ask that we concur or vote “yes” on the Vitali amendment.

Mr. Speaker, I think it has to be said that, you know, we use the driver’s license as the panacea, as the cure to all the social ills of the world anymore. No matter what the offense is, we want to take the person’s driver’s license away from them.

I disagree with the intent of this legislation. If we are going to suspend the use of that driver’s license for something driving related, then I think we should do that, but the fact that we are using the driver’s license to cure all the social ills of the world I would disagree with. I think the Vitali amendment is a

commonsense approach to this issue, and I would ask that we support the Vitali amendment.

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

The following roll call was recorded:

YEAS—68

Bebko-Jones	Evans, D.	Maher	Shaner
Belardi	Fabrizio	Manderino	Solobay
Biancucci	Frankel	Mann	Staback
Birmelin	Freeman	McCall	Stetler
Bishop	George	McGeehan	Stevenson, R.
Buxton	Goodman	McNaughton	Sturla
Cawley	Grucela	Melio	Surra
Cohen	Gruitza	Metcalfe	Thomas
Corrigan	Habay	Pallone	Tigue
Costa	Haluska	Petri	Turzai
Curry	Harhart	Pistella	Veon
Dally	Horsey	Preston	Vitali
DeLuca	James	Reichley	Wansacz
Dermody	Kirkland	Rohrer	Washington
DeWeese	LaGrotta	Rooney	Wheatley
Diven	Laughlin	Saylor	Williams
Eachus	Levdansky	Scrimenti	Yewcic

NAYS—130

Adolph	Evans, J.	Lescovitz	Ross
Allen	Fairchild	Lewis	Rubley
Argall	Feese	Lynch	Ruffing
Armstrong	Fichter	Mackereth	Sainato
Baker	Fleagle	Maitland	Samuelson
Baldwin	Flick	Major	Santoni
Bard	Forcier	Markosek	Sather
Barrar	Gabig	Marsico	Scavello
Bastian	Gannon	McGill	Schroder
Belfanti	Geist	McIlhattan	Semmel
Benninghoff	Gergely	McIlhinney	Smith, B.
Blaum	Gillespie	Micozzie	Smith, S. H.
Boyd	Gingrich	Millard	Stairs
Browne	Godshall	Miller, R.	Steil
Bunt	Good	Miller, S.	Stern
Butkovitz	Hanna	Mundy	Stevenson, T.
Caltagirone	Harhai	Mustio	Tangretti
Cappelli	Harper	Nailor	Taylor, J.
Casorio	Harris	Nickol	True
Causar	Hasay	O'Brien	Vance
Civera	Hennessey	Oliver	Walko
Clymer	Herman	O'Neill	Waters
Coleman	Hershey	Payne	Watson
Cornell, S. E.	Hess	Petrarca	Weber
Coy	Hickernell	Petrone	Wilt
Crahalla	Hutchinson	Phillips	Wojnaroski
Creighton	Josephs	Pickett	Wright
Cruz	Kenney	Raymond	Youngblood
Dailey	Killion	Readshaw	Yudichak
Daley	Kotik	Reed	Zug
Denlinger	Leach	Rieger	
DiGirolamo	Lederer	Roberts	Perzel,
Egolf	Leh	Roebuck	Speaker

NOT VOTING—0

EXCUSED—5

Donatucci	Myers	Taylor, E. Z.	Travaglio
Keller			

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?

The Chair recognizes the gentleman, Mr. Birmelin.
Mr. BIRMELIN. Thank you, Mr. Speaker.

I want to concur with the remarks made by Representative McCall just a few minutes ago.

It is the old story of, here it goes again. Here is a violation. Here is something that somebody is doing wrong. Let us take away their driver's license.

Well, I represent a rural area, and I am a little upset that we keep doing this, because it is really hurting the people in the rural areas more than anybody else. If they take away your driver's license in Philadelphia or Pittsburgh or Erie or Scranton or Harrisburg, they hop on the bus. In some cities, you know, they have other forms of transportation that are available to them to do whatever it is they want to do. That is no real burden to them. But for the people in the rural areas who have no other transportation other than the automobiles that they may own or be able to drive that somebody else owns, this is really unfair, I think, to the people in the rural areas.

And besides, the basic principle here is that there is no nexus between violating a PFA order and your driver's license. There is no real nexus, no real connection here between the two, and Representative McCall is exactly right. We are using this as the big hammer. We use it over and over again for every violation where we think that we can beat somebody into subjection.

I think it is improper to use this particular penalty when it is improperly imposed, especially unfairly to those who live in the rural areas.

So I am going to be a "no" vote on this.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the bill stand for brief interrogation?

The SPEAKER. Will the gentleman, Mr. Gannon, stand for interrogation? The gentleman indicates that he will. The gentleman, Mr. Vitali, is in order and may proceed.

Mr. VITALI. Thank you, Mr. Speaker.

Has the gentleman reviewed HB 2401 with the Department of Transportation with an eye toward soliciting a position on it?

Mr. GANNON. I do not know specifically what the department's position is, but the administration supports the entire package of bills that we are dealing with on this issue.

Mr. VITALI. Let me be more precise. With regard to HB 2401 and its content, have you solicited an opinion of this bill to the Department of Transportation?

Mr. GANNON. Let me be more precise. I do not know the department's position on this bill. However, the Governor supports the entire package.

Mr. VITALI. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.
The Chair recognizes the gentleman from Carbon, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I agree with one of the previous speakers, and like I said before, there really is not any nexus between the loss of a driver's license and a PFA order. And again, we are using the driver's license to cure all the social ills.

MOTION TO RECOMMIT

Mr. McCALL. The fact that this bill impacts driver's licensing and driver's licenses, I would ask that we recommit the bill to the House Transportation Committee so the House Transportation Committee could at least provide some input onto the legislation, and would make that motion now, Mr. Speaker, that the bill be rereferred to the House Transportation Committee.

The SPEAKER. The gentleman, Mr. McCall, moves that HB 2401, PN 3826, be recommitted to the Committee on Transportation.

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

The SPEAKER. On that question, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I oppose the motion to recommit. There has been a lot of work that has been done on this piece of legislation as the whole package of bills that we are dealing with on this very, very important issue.

To delay a vote on this bill would simply provide one more day of opportunity for someone to end up either horribly injured or worse if this legislation is not enacted on today and the Senate given an opportunity to pass it and send it to the Governor's desk.

As I stated early, the administration supports this entire package of bills. This is a good piece of legislation. The entire package is a good piece. There has been a lot of work done on this. There is absolutely no reason whatsoever for this bill to be referred to the Transportation Committee, and I am requesting a "no" vote.

Thank you, Mr. Speaker.

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

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise also to oppose recommitment.

This bill has nothing to do with transportation. It has everything to do with domestic violence. This bill is extremely important to our domestic violence associations all across this State that have worked hard on this package of legislation and on this bill by Representative Gannon.

We are talking about somebody who violates their protection-from-abuse order twice – not once, twice. The use of a car in the commission of domestic violence, of tracking down the person to be abused either at her workplace or at her new home or at her new residence, there is a direct nexus between the use of an automobile and tracking down the person that you want to hurt. This bill only pertains, my goodness, to the second violation of your PFA order.

I ask that the members reject this motion to recommit and to pass this bill and send it finally to the Senate.

Thank you very much.

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

The following roll call was recorded:

YEAS—58

Buxton	Haluska	McGill	Scrimenti
Caltagirone	Hanna	McNaughton	Shaner
Cawley	Harhai	Melio	Solobay
Cohen	Hasay	Petrone	Stairs
Corrigan	Hess	Phillips	Surra
Crahalla	Horsey	Preston	Vitali
Curry	James	Reichley	Wansacz
Eachus	Josephs	Roberts	Washington
Evans, D.	Kirkland	Rohrer	Waters
Fabrizio	LaGrotta	Rooney	Weber
Fairchild	Laughlin	Sainato	Williams
Freeman	Manderino	Samuelson	Yewcic
George	Mann	Santoni	Youngblood
Goodman	McCall	Saylor	Zug
Gruitza	McGeehan		

NAYS—139

Adolph	Denlinger	Lederer	Rieger
Allen	Dermody	Leh	Ross
Argall	DeWeese	Lescovitz	Rubley
Armstrong	DiGirolamo	Levdansky	Ruffing
Baker	Diven	Lewis	Sather
Baldwin	Egolf	Lynch	Scavello
Bard	Evans, J.	Mackereth	Schroder
Barrar	Feese	Maher	Semmel
Bastian	Fichter	Maitland	Smith, B.
Bebko-Jones	Fleagle	Major	Smith, S. H.
Belardi	Flick	Markosek	Staback
Belfanti	Forcier	Marsico	Steil
Benninghoff	Frankel	McIlhattan	Stern
Bianucci	Gabig	McIlhinney	Stetler
Birmelin	Gannon	Metcalfe	Stevenson, R.
Bishop	Geist	Micozzie	Stevenson, T.
Blaum	Gergely	Millard	Sturla
Boyd	Gillespie	Miller, R.	Tangretti
Browne	Gingrich	Miller, S.	Taylor, J.
Bunt	Godshall	Mundy	Thomas
Butkovitz	Good	Mustio	Tigue
Cappelli	Grucela	Nailor	True
Casorio	Habay	Nickol	Turzai
Causar	Harhart	O'Brien	Vance
Civera	Harper	Oliver	Veon
Clymer	Harris	O'Neill	Walko
Coleman	Hennessey	Pallone	Watson
Cornell, S. E.	Herman	Payne	Wheatley
Costa	Hershey	Petrarca	Wilt
Coy	Hickernell	Petri	Wojnarowski
Creighton	Hutchinson	Pickett	Wright
Cruz	Kenny	Pistella	Yudichak
Dailey	Killion	Raymond	
Daley	Kotik	Readshaw	Perzel,
Dally	Leach	Reed	Speaker
DeLuca			

NOT VOTING—1

Roebuck

EXCUSED-5

Donatucci Myers Taylor, E. Z. Travaglio
Keller

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

GUESTS INTRODUCED

The SPEAKER. There is a special guest of the entire Philadelphia delegation to the left of the Speaker, the Honorable Judge Paul Panepinto. Would the judge please rise.

CONSIDERATION OF HB 2401 CONTINUED

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-173

Adolph	Eachus	Lescovitz	Sainato
Allen	Evans, D.	Levdansky	Samuelson
Argall	Evans, J.	Lewis	Santoni
Armstrong	Fabrizio	Lynch	Sather
Baker	Feese	Mackereth	Saylor
Baldwin	Fichter	Maher	Scavello
Bard	Fleagle	Maitland	Schroder
Barrar	Flick	Major	Scrimenti
Bastian	Frankel	Manderino	Semmel
Bebko-Jones	Freeman	Mann	Shaner
Belardi	Gabig	Markosek	Smith, B.
Belfanti	Gannon	Marsico	Smith, S. H.
Benninghoff	George	McGeehan	Solobay
Biancucci	Gergely	McIlhattan	Staback
Bishop	Gillespie	McIlhinney	Stairs
Blaum	Gingrich	Melio	Steil
Boyd	Godshall	Micozzie	Stetler
Browne	Good	Millard	Stevenson, R.
Bunt	Goodman	Miller, R.	Sturla
Butkovitz	Grucela	Miller, S.	Tangretti
Buxton	Gruitza	Mundy	Taylor, J.
Caltagirone	Habay	Nailor	Thomas
Cappelli	Haluska	Nickol	Tigue
Casorio	Hanna	O'Brien	True
Cawley	Harhai	Oliver	Vance
Civera	Harhart	O'Neill	Veon
Clymer	Harper	Pallone	Walko
Cohen	Harris	Payne	Wansacz
Cornell, S. E.	Hennessey	Petrarca	Washington
Corrigan	Herman	Petrone	Waters
Costa	Hershey	Pickett	Watson
Coy	Hickernell	Pistella	Weber
Crahalla	Horsey	Preston	Wheatley
Creighton	Hutchinson	Raymond	Williams
Cruz	James	Readshaw	Wojnaroski
Curry	Josephs	Reed	Wright
Dailey	Kenney	Reichley	Yewcic
Daley	Killion	Rieger	Youngblood
Dally	Kirkland	Roberts	Yudichak
DeLuca	Kotik	Roebuck	Zug
Dermody	LaGrotta	Rooney	
DeWeese	Laughlin	Ross	

DiGirolamo Leach Rubley Perzel,
Diven Lederer Ruffing Speaker

NAYS-25

Birmelin	Geist	McNaughton	Stern
Causar	Hasay	Metcalfe	Stevenson, T.
Coleman	Hess	Mustio	Surra
Denlinger	Leh	Petri	Turzai
Egolf	McCall	Phillips	Vitali
Fairchild	McGill	Rohrer	Wilt
Forcier			

NOT VOTING-0

EXCUSED-5

Donatucci Myers Taylor, E. Z. Travaglio
Keller

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

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

GUESTS INTRODUCED

The SPEAKER. The Chair welcomes Brittany Forte, who was the 2004 "There Ought To Be a Law" winner in Representative Semmel's district. Brittany attends Fogelsville Elementary School in the Parkland School District. Brittany is accompanied by her mother, Kyle Forte. They are seated to the left of the Speaker. Would those guests please rise.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that the rules of the House be suspended for immediate consideration of SB 1047, PN 1455.

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

The following roll call was recorded:

YEAS-197

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

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

NAYS—0

NOT VOTING—1

Rieger

EXCUSED—5

Donatucci Myers Taylor, E. Z. Travaglio
Keller

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1047, PN 1455**, entitled:

An Act authorizing the sale and transfer of ownership of Project 70 land located in Wharton Township, Fayette County, Pennsylvania.

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

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House a group of Kraft employees from the Lehigh Valley and from Philadelphia. They are the guests of Representative Paul Semmel, Representative George Kenney, and Representative Mike Turzai. They were seated in the House gallery. Would those guests please rise.

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

HB 2371, PN 4014 (Amended) By Rep. KENNEY

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for declaration of policy, for patient safety definitions, for powers and duties of the Patient Safety Authority and for powers and duties of the Department of Health; providing for whistleblower protection; and making an appropriation.

HEALTH AND HUMAN SERVICES.

HB 2384, PN 4013 (Amended) By Rep. FLICK

An Act amending the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, further providing for definitions, for duties of facility owners, for duties of a One Call System, for duties of contractors and for fines and penalties.

CONSUMER AFFAIRS.

HB 2488, PN 3607 By Rep. KENNEY

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, providing for certificate of birth resulting in stillbirth.

HEALTH AND HUMAN SERVICES.

HB 2637, PN 3907 By Rep. KENNEY

An Act requiring hospitals to obtain certain information relating to criminal history from prospective employees; providing for grounds for denying employment and for certificate of employability; prescribing penalties; providing for provisional employees for limited periods; imposing certain requirements for current hospital employees; and providing for civil immunity under certain circumstances.

HEALTH AND HUMAN SERVICES.

HB 2643, PN 3931 By Rep. B. SMITH

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for unlawful devices and methods for taking furbearers.

GAME AND FISHERIES.

HB 2685, PN 3983 By Rep. KENNEY

An Act providing for immunization against the influenza virus.

HEALTH AND HUMAN SERVICES.

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

SB 769, PN 1654 (Amended) By Rep. KENNEY

An Act providing for immunization against the influenza virus and pneumococcal disease for elderly persons.

HEALTH AND HUMAN SERVICES.

**RESOLUTIONS REPORTED
FROM COMMITTEE**

HR 744, PN 3884 By Rep. KENNEY

A Resolution encouraging the Congress of the United States to support passage of the Men's Health Act.

HEALTH AND HUMAN SERVICES.

HR 745, PN 3912 By Rep. KENNEY

A Resolution directing the Joint State Government Commission to investigate and report on the prevalence and burden of cervical cancer.

HEALTH AND HUMAN SERVICES.

HR 753, PN 3920 By Rep. KENNEY

A Resolution urging the Centers for Medicare and Medicaid Services (CMS) to approve Pennsylvania's assessment.

HEALTH AND HUMAN SERVICES.

TRANSPORTATION COMMITTEE MEETING

The SPEAKER. For what purpose does the gentleman, Mr. Geist, rise?

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

I would like to call a committee meeting of the Transportation Committee immediately at the break in room 60, East Wing; Transportation Committee, 60 East Wing, at the break.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

There will be a Transportation Committee meeting in room 60, East Wing, at the break.

FINANCE COMMITTEE MEETING

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

Mr. LEH. Thank you, Mr. Speaker.

I would like to announce a committee meeting.

The Finance Committee will meet in the back of the hall at the immediate call of the recess for two brief bills.

Thank you, Mr. Speaker.

The SPEAKER. There will be a Finance Committee meeting in the back of the hall of the House immediately at the break.

CONSIDERATION OF SB 1047 CONTINUED

BILL PASSED OVER TEMPORARILY

The SPEAKER. We are over the bill temporarily that we were working on, SB 1047.

DEMOCRATIC CAUCUS

The SPEAKER. Are there any other announcements?

The Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, at the call of the recess, there will be informal discussions in the Democratic caucus room as well as going over any new amendments or bills that have been added, if there indeed are any.

The SPEAKER. The Chair thanks the gentleman.

RECESS

The SPEAKER. Are there any further announcements?

Not seeing any, the Chair is in recess until 1:30.

AFTER RECESS

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

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair returns to leaves of absence and notes the presence on the floor of the House of the gentleman from Philadelphia, Mr. Keller. Without objection, his name will be added to the master roll.

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

HB 2638, PN 4015 (Amended) By Rep. LEH

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 alternative collection of delinquent property taxes, for proceeds of assignment to be paid to taxing district and for administrative reimbursement payment; and providing for assignment of claims by taxing district.

FINANCE.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON APPROPRIATIONS**

SB 1123, PN 1597 By Rep. LEH

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, 2004, to June 30, 2005, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2004.

FINANCE.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome the Haycock Elementary School, their teachers and their parents. They are the guests today of Representative Paul Clymer and

the entire Bucks County delegation. They are located in the balcony. Would those guests please stand and be recognized.

CALENDAR CONTINUED

BILL ON FINAL PASSAGE POSTPONED

The House proceeded to consideration on final passage postponed of **HB 606, PN 3551**, entitled:

An Act enabling certain counties and municipalities to develop comprehensive watershed storm water plans and to regulate storm water within designated watershed boundaries; imposing duties and conferring powers on the Department of Environmental Protection, on the Environmental Quality Board, on counties and on municipalities; and providing for financing and for waiver of use of certain grant or loan funds.

On the question recurring,
Shall the bill pass finally?

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its announcement that the bill was agreed to for the third time.

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

Mr. STEIL offered the following amendment No. **A0813**:

Amend Sec. 4, page 4, line 30; page 5, lines 1 and 2, by striking out all of said lines on said pages and inserting
“County.” A county of the second class or second class A or a county of the second class or second class A that has adopted a home rule charter.

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

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

Excuse me, Mr. Steil. The Chair rescinds.

The Chair recognizes the gentleman from Delaware, Mr. Vitali. For what purpose does the gentleman, Mr. Vitali, rise?

Mr. VITALI. I was going to ask for a brief explanation of the amendment.

The SPEAKER. The gentleman, Mr. Steil, indicates that he will give a brief explanation of the amendment. The gentleman, Mr. Steil, is in order and may proceed.

Mr. STEIL. Thank you, Mr. Speaker.

The amendment simply clarifies the language to ensure that home-rule counties and second-class home-rule counties are included in the definition of “county.”

The SPEAKER. Mr. Vitali.

Mr. VITALI. To continue with interrogation.

The SPEAKER. The gentleman is in order.

Mr. VITALI. So I want to be clear now. As I understood HB 606 prior to amending it, it only affected, oh, maybe five counties, including Delaware, Bucks, and a couple of other counties in southeastern Pennsylvania. Is that correct?

Mr. STEIL. That is correct. It is second and second-class-A counties, which are Allegheny, Delaware, Bucks, Montgomery.

Mr. VITALI. So what this amendment does, amendment 813, is it adds Allegheny? Is that—

Mr. STEIL. It simply clarifies the language that home-rule-charter counties that are second-class or second-class-A counties are included. The original language left some question about that.

Mr. VITALI. Okay. So in your opinion, it really does not change its import but just makes your intent clearer. Is that correct?

Mr. STEIL. That is correct.

Mr. VITALI. Okay. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—192

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

NAYS—7

Costa	Diven	Petrone	Turzai
DeLuca	Metcalfe	Readshaw	

NOT VOTING—0

EXCUSED—4

Donatucci	Myers	Taylor, E. Z.	Travaglio
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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 recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. VITALI. Again, I just want to interrogate a little more on this, the bill, if I could.

The SPEAKER. The gentleman, Mr. Steil, indicates that he will stand for interrogation.

Mr. VITALI. Have any of the counties involved, and I understand it to be Delaware, Montgomery, or Allegheny Counties, have they expressed an opinion in support or against the bill?

Mr. STEIL. All of these counties have expressed an opinion of favorability.

Mr. VITALI. Are there any other interest groups you are aware of that have taken a position on the bill?

Mr. STEIL. None that I am aware of.

Mr. VITALI. Okay. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. KILLION. Mr. Speaker, I would like to just speak to the bill.

I have had numerous conversations with Representative Steil, and I understand the bill and I think its intent is commendable, but as a former county commissioner, I am kind of concerned of the position it could put the county that I represent, Delaware County, in. It has been drafted so that the language is voluntary, so the counties do not have to do it, but being someone who served as a county commissioner, I know the next major flood in Delaware County, the folks from the eastern end of the county are going to be in front of the county commissioners and asking to implement this program, and what will happen is they will either say yes or they will say no. If they say no, the folks in the eastern end of the county will be quite concerned and upset; if they say yes, they will be imposing new taxes across Delaware County to solve the problem.

In the eastern end of the county, we built wrong. We overdeveloped. We did not know what we know today. In order to fix the problem, it will take millions and millions of dollars and the taking of large amounts of private property.

I think if we believe that this is worthwhile – and I do believe it is worthwhile, storm water management – that we should fund it. We should not push the ball onto the county commissioners and put them in a position where they will have to go residents against residents, those in flood-prone areas against those in non-flood-prone areas. So I would ask my colleagues in the House for a “no” vote on this bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MICOZZIE. Thank you, Mr. Speaker.

Mr. Speaker, I echo the sentiments of my colleague. There are two reasons. If we have a problem as far as storm water management, it should be the whole State, number one, not pick out certain counties in the southeast. In fact, the bill does not pick all the counties in the southeast. Number one.

With school property taxes going out of sight, and especially in the southeast, this piece of legislation, what it would do if it passes, it gives the county commissioners an opportunity, of course, to tax property owners with a flat fee. So until we have property tax reform, until we recognize that it is a State problem and the State has allowed in the southeast years of not passing legislation that would curtail overgrowth of the areas, I think the State should somehow, if they want to go after the problem of storm water management, they should pay for it.

I am asking my colleagues to vote “no.”

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

For the same reasons that were just given by Representative Micozzie in Delaware County and previous to that by Representative Killion in Delaware County, you know, I think we would have the same scenario in Montgomery County. The upper end of Montgomery County, the county where I live, and I have lived there all my life, I do not see the need, and there is possibly a need in other areas of the county. But for an across-the-board tax to all people in the county, whether they need this or not, and with the school taxes going out of sight, as Representative Micozzie said, you know, I just cannot support this at this point and would ask for a “no” vote.

And if it is good for our counties, it really should be good for every county, you know, not only our counties.

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

Mr. VITALI. I have a followup question, if I could. Something occurred to me, so would the gentleman, Mr. Steil, stand for interrogation again?

The SPEAKER. The gentleman, Mr. Steil, indicates he will stand for interrogation. The gentleman, Mr. Vitali, is in order.

Mr. VITALI. I mean, if the purpose of this is to allow counties to increase millage to pay for storm water management, why do they not under current law have the ability to increase millage now and use those revenues for storm water management? In other words, why is this legislation needed?

Mr. STEIL. First of all, this legislation does not increase the millage. It simply allows the county commissioners, if they choose, to assess a fee against the property. It is not a millage increase.

Mr. VITALI. Okay. Well, let me maybe re-ask that. I mean, the purpose, though, of the bill would be to generate revenue to deal with storm water issues. Why cannot these counties now, if they chose to do so, simply just increase their millage and use the revenue from that millage increase for this purpose?

Mr. STEIL. There is a whole lot more to this bill than simply the revenues that would flow. Under current law where all storm water is managed under Act 167 of 1978, that current act does not give counties the authority to do what HB 606 proposes to do. So there is in fact no authority on the part of counties to address existing storm water issues. Therefore, there is no fee and no need to assess a fee because they do not have the legal authority to spend the money on that issue.

Mr. VITALI. Like, for example, what can they not do now that they will be able to do if HB 606 is passed?

Mr. STEIL. Counties cannot do anything; municipalities are responsible for storm water at this point – other than draft a plan. Counties can, under Act 167, draft a storm water plan, but they cannot do anything with it.

Mr. VITALI. In other words, what the counties could do under this would be to construct certain storm water management projects to mitigate flooding and things like that. Is that the type thing they would be authorized to do?

Mr. STEIL. This allows the county to actually implement the storm water plan, not just for new development but also for existing storm water conditions.

Mr. VITALI. I am wondering, are there any issues here about county government coming in to the province of what heretofore has been the province of townships? In other words, certain development projects within a township that only township commissioners, for example, have the authority to deal with; under this bill, it would take it away from the township and give it to the county. Is that a potential issue here?

Mr. STEIL. No, it is not.

Mr. VITALI. Okay. Thank you. That concludes my interrogation.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Chester, Mr. Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I do want to talk briefly about this bill, because I feel very strongly that storm water management is a critically important issue for us to be dealing with, and we have the tools currently to deal with new development as it affects storm water management, but currently there are no good tools available to fix existing and longstanding storm water management problems, and those problems do wind up creating hardship and serious loss of property values when flooding occurs. And the floods occur over and over and over again, and typically, the municipalities do not have the resources necessary, and usually the flooding problems extend beyond municipal boundaries.

So it is absolutely essential to work on this problem on a watershed basis, and quite frankly, this actually will help some of those counties which have problems in some watersheds but not in others. You will actually get some protection for the citizens that are not contributing to flooding problems. But if you do not consider all the people within that watershed,

you will not effectively deal with a flooding problem, and this is a sensible, middle-of-the-road way to tackle this problem.

I am hoping that we are going to be able to establish it initially for the counties that Representative Steil has enumerated so that we may be able to look at it as an opportunity for other counties in the rest of the State, including mine of Chester. So I strongly urge my colleagues to vote “yes” on this.

Thank you.

The SPEAKER. The gentleman from Lancaster, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Steil legislation.

This is a critical piece of legislation to help establish the counties and give them a better role in playing a part in storm water management. There were several speakers before that alluded to the fact that if the State wanted to do this, we should pay for it. But we have historically given powers to local municipalities and to county governments to a lesser extent to perform these tasks, and this is simply allowing those county governments to raise the necessary funds to do what they are supposed to be doing and what works best at that county level.

So I would urge members who are interested in land planning, storm water management, to vote “yes” on this.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northampton, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I also rise in favor of HB 606.

I think the gentleman, Mr. Steil, is to be commended for the fine work he has done on this piece of legislation. He is offering to the counties of the second class and second class A the opportunity to be able to deal with storm water problems on a truly comprehensive basis, and that is long overdue. The way in which we deal with storm water management in this State is woefully inadequate, and what he has crafted here in this legislation is, for the first time, a truly storm water watershed-wide perspective on how to deal with the problems of storm water management.

Storm water problems are serious, particularly in high-growth areas. They can cause soil erosion, hurt farmers’ ability to farm, undermine water quality, cause a host of problems as far as flooding as well as the quality-of-life issues that affect all communities, and I think the Representative from Bucks County has shown us a way in which we can give power to the counties to deal with this on a truly storm water watershed basis. That is critical, and I would urge the House to support HB 606.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. COY. I wonder if the sponsor of the legislation would stand for interrogation?

The SPEAKER. The gentleman, Mr. Steil, indicates he will stand for interrogation. The gentleman, Mr. Coy, is in order.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, just a couple questions, the first being – and I will try to ask them as simply as I can – the first being, does this legislation provide for any additional taxing power for counties?

Mr. STEIL. If a fee is a tax, then it allows the county to assess a fee to pay for the construction and maintenance of storm water management facilities.

Mr. COY. And if a fee is a tax, Mr. Speaker, does this tax or fee apply to both residential and nonresidential property?

Mr. STEIL. Yes, it does.

Mr. COY. And does it apply in a, relatively speaking, equal basis to residential and nonresidential property?

Mr. STEIL. For residential properties, it is a flat fee – for all residential properties. For nonresidential or industrial commercial sites, it is based on the square footage of impervious surface.

Mr. COY. Of which surface, Mr. Speaker?

Mr. STEIL. Impervious surface.

Mr. COY. Of the impervious surface.

So, Mr. Speaker, if indeed a county were to adopt a plan in line with this legislation, it is indeed possible that local county taxpayers would be paying more fees or taxes.

Mr. STEIL. That is correct. We would encourage counties – although it is not required in the legislation – if counties wish to do this by referendum and ask their citizens whether or not they would approve such a fee in order to implement the storm water management system the county might propose, then they are certainly permitted to do that.

Mr. COY. Well, Mr. Speaker, the referendum is not mandatory?

Mr. STEIL. It is not mandatory.

Mr. COY. Is it referenced in the legislation at all?

Mr. STEIL. It is not. It is a decision of the county commissioners.

Mr. COY. So, Mr. Speaker, we would be leaving to the county commissioners whether or not to adopt by referendum or simply by ordinance.

Mr. STEIL. That is correct.

Mr. COY. And, Mr. Speaker, in terms of the cost, is there any cost sharing by the Commonwealth, are there any funds provided by the Commonwealth, to help to enact and ultimately encourage and enforce this type of regulation?

Mr. STEIL. As you know, State funding for planning grants and others are part of an appropriations bill. They are not part of the actual enabling legislation. Currently there are State planning grants for storm water management planning. It is our intention, if this bill passes, to enhance those grants and make them available for the counties to assist them in the process.

Mr. COY. And, Mr. Speaker, with regard to the counties that are affected, is there rationale for this bill applying simply to those counties, or what is the rationale?

Mr. STEIL. The rationale for the bill and the basic purpose for the bill is to be able to go back and address storm water issues created as a result of prior development; that is, development that occurred prior to Act 167 of 1978.

Mr. COY. And so the thought would be, Mr. Speaker, that if this is tried in these – is it three counties or four?

Mr. STEIL. Four counties.

Mr. COY. —in these four counties and it would be successful, that it would be included and spread to the other counties then? I mean, is that—

Mr. STEIL. The Representatives of this body would then have to make the determination as to whether the plan as it was passed is worthwhile, and if they choose to add their counties to

the program, we would be happy to support that. But it is the members of this chamber who would make that decision.

Mr. COY. On the bill, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, I personally feel that the bill raises more questions than it does answers. I think that when we attempt to apply regulations like this to only parts of the Commonwealth, when we believe indeed that they would be good for the entire Commonwealth – certainly storm water management is not something which has an effect in a few counties and does not affect others – and while I think the ultimate goal may have some merit and the entire subject of storm water management may need indeed a statewide application, I just have come to the conclusion that this bill does not quite answer the questions. In fact, I think it provides more questions than it does answers.

I am particularly concerned, and I simply do not want to raise the issue of this is a tax or a fee increase, but if it quacks like a duck and walks like a duck, then I guess it is a duck. I think the potential is there for local property taxes to be increased, whether by referendum or not. Now, we hear an awful lot about lowering other types of taxes and lowering property taxes and school taxes and we insist on referendums there, and yet there is not even the mention of a referendum here. So it seems to me that if it is good for one endeavor, it might just as well be good for another, and not even a mention of it in the bill.

MOTION TO RECOMMIT

Mr. COY. Mr. Speaker, I would like to move that the bill be recommitted to the Committee on Environmental Resources. I really feel that the bill needs more work. I think it has some potential, and I think the Committee on Environmental Resources might more adequately look at this, and I would move the bill be rereferred to the Committee on Environmental Resources.

The SPEAKER. It is moved by the gentleman, Mr. Coy, that HB 606 be recommitted to the Committee on Environmental Resources.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, Mr. Steil.

Mr. STEIL. Thank you, Mr. Speaker.

I oppose the motion to recommit this bill to Environmental Resources for one very simple reason: This bill is not about the technology of storm water management; it is about the responsibility of storm water management. As a result, it came through the Local Government Committee, because that is the committee responsible for oversight on the responsibilities of local government, including counties. Sending this to the Environmental Resources Committee will not change in any way the character of the bill, because it does not involve or in any way deal with the technology of storm water.

So I would oppose the motion to recommit.

The SPEAKER. The gentleman from Centre, Mr. Herman.

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

I concur with the prime sponsor of this bill. The gentleman from Bucks is absolutely correct. This bill was referred to the

Local Government Committee, and our Local Government Committee members worked very effectively with the Representative from Bucks in developing this legislation. It has been analyzed very much. We held public hearings in his district as well as in the State Capitol, I believe, regarding the merits of this legislation, and he has been working very much with other parties who have asked much inquiries on the effect of this bill and has worked out so many arrangements with amendments that I think the bill is in proper position right now to be voted for on the floor of the House of Representatives.

And like the gentleman from Bucks, I oppose the motion, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

I simply want the members of the House to know that the motion to rerefer is for two specific purposes. I truly believe that if this is a good concept and it is good enough for those four counties, maybe it is good enough for the entire Commonwealth, and certainly the Committee on Environmental Resources might be able to look at that.

And the other subject being funding. Frankly, if this is good enough to be a statewide proposition, we ought to come up with some dollars other than simply the planning grants, which was mentioned by the sponsor, to provide for its enforcement and management and not simply saddle the task further on the backs of the property tax payers of the Commonwealth. I think the rereferral motion to that committee would provide for that committee the opportunity to look at it a little further.

Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Steil, wish to be recognized again?

Mr. STEIL. Thank you, Mr. Speaker.

I just ask again for a "no" vote on the motion to recommit, because this bill deals with the management and the responsibility of storm water. It does not have anything to do with technology. This bill has been through some 5 years of committee hearings, public hearings. It has all of the major organizations, including the County Commissioners Association and the Pennsylvania State Association of Township Supervisors, it has their backing. They have been part of the process. No one has expressed objection to this legislation to me, so as a result, I do not know what we accomplish by a rereferral or a recommitment.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader, the gentleman from Jefferson, Mr. Smith.

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

Mr. Speaker, I would also urge the members to vote against the motion to recommit. This piece of legislation is one that had been brought onto the voting calendar several months ago, as I recall. There was some debate relative to a couple of amendments. The prime sponsor agreed to pull back from running the bill at that point in time, and there has been an extensive amount of negotiations and discussions on his part to try and iron out the differences that may be embodied in this legislation, or at least the things that the members are concerned with.

At this point I really think that he has worked hard and is entitled to a vote on this bill, just because of the process that he has gone through to accommodate or at least acknowledge the

various concerns raised. Obviously, we are not all fortunate enough to have a bill constructed in a way that everyone is happy, but he has worked hard, and I would encourage the members to vote against the motion to recommit and allow the legislation in its final form be considered.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the motion to recommit, those voting "aye" will be in favor of recommitment; those voting "no" will be against recommitment.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—79

Adolph	Evans, D.	Lederer	Ruffing
Barrar	Evans, J.	Lescovitz	Sainato
Bebko-Jones	Fabrizio	Lynch	Scrimenti
Belardi	Flick	Manderino	Shaner
Belfanti	Frankel	McCall	Stetler
Bianucci	Gannon	McGeehan	Stevenson, R.
Blaum	Gergely	McIlhattan	Sturla
Butkovitz	Goodman	Metcalfe	Surra
Buxton	Gruitza	Micozzie	Tangretti
Caltagirone	Haluska	Pallone	Thomas
Casorio	Harhai	Petrarca	Veon
Coy	Harhart	Petrone	Walko
Creighton	Horsey	Pistella	Wansacz
Cruz	Hutchinson	Preston	Washington
Daley	James	Readshaw	Waters
DeLuca	Keller	Reed	Williams
Dermody	Killion	Reichley	Wojnaroski
DeWeese	Kirkland	Rieger	Yewcic
Diven	LaGrotta	Roberts	Youngblood
Eachus	Laughlin	Rooney	

NAYS—119

Allen	Feese	Mackereth	Samuelson
Argall	Fichter	Maher	Santoni
Armstrong	Fleagle	Maitland	Sather
Baker	Forcier	Major	Saylor
Baldwin	Freeman	Mann	Scavello
Bard	Gabig	Markosek	Schroder
Bastian	Geist	Marsico	Semmel
Benninghoff	George	McGill	Smith, B.
Birmelin	Gillespie	McIlhinney	Smith, S. H.
Bishop	Gingrich	McNaughton	Solobay
Boyd	Godshall	Melio	Staback
Browne	Good	Millard	Stairs
Bunt	Grucela	Miller, R.	Steil
Cappelli	Habay	Miller, S.	Stern
Causar	Hanna	Mundy	Stevenson, T.
Cawley	Harper	Mustio	Taylor, J.
Civera	Harris	Nailor	Tigue
Clymer	Hasay	Nickol	True
Cohen	Hennessey	O'Brien	Turzai
Coleman	Herman	Oliver	Vance
Cornell, S. E.	Hershey	O'Neill	Vitali
Corrigan	Hess	Payne	Watson
Costa	Hickernell	Petri	Weber
Crahalla	Josephs	Phillips	Wilt
Curry	Kenney	Pickett	Wright
Dailey	Kotik	Raymond	Yudichak
Dally	Leach	Roebuck	Zug
Denlinger	Leh	Rohrer	
DiGrolamo	Levdansky	Ross	Perzel,
Egolf	Lewis	Rubley	Speaker
Fairchild			

NOT VOTING—1

Wheatley

EXCUSED—4

Donatucci Myers Taylor, E. Z. Travaglio

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

On the question recurring, Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—153

Allen Fairchild Lynch Santoni
Argall Fichter Mackereth Saylor
Armstrong Flick Maher Scavello
Baldwin Frankel Maitland Schroder
Bard Freeman Major Scrimenti
Bebko-Jones Gabig Manderino Shaner
Belardi Gannon Mann Smith, B.
Belfanti George Markosek Solobay
Benninghoff Gergely Marsico Staback
Bianucci Gillespie McCall Steil
Birmelin Gingrich McGeehan Stetler
Bishop Good McGill Stevenson, T.
Blaum Goodman McIlhinney Sturla
Boyd Grucela McNaughton Surra
Browne Gruitza Melio Taylor, J.
Bunt Habay Millard Thomas
Butkovitz Haluska Miller, R. Tigue
Buxton Hanna Miller, S. True
Caltagirone Harhai Mundy Turzai
Cawley Harper Mustio Vance
Civera Harris Nailor Veon
Clymer Hennessey Nickol Vitali
Cohen Herman O'Brien Walko
Cornell, S. E. Hershey Oliver Wansacz
Corrigan Hickernell O'Neill Washington
Crahalla Horsey Payne Waters
Cruz James Petri Watson
Curry Josephs Phillips Weber
Dailey Keller Pistella Wheatley
Daley Kenney Preston Williams
Dally Kotik Raymond Wojnaroski
DeLuca LaGrotta Readshaw Wright
Denlinger Laughlin Rieger Yewcic
Dermody Leach Roebuck Youngblood
DeWeese Lederer Rooney Yudichak
DiGiroloam Leh Ross
Eachus Lescovitz Rubley
Evans, D. Levdansky Ruffing Perzel,
Fabrizio Lewis Samuelson Speaker

NAYS—46

Adolph Egolf Kirkland Rohrer
Baker Evans, J. McIlhattan Sainato
Barrar Feese Metcalfe Sather
Bastian Fleagle Micozzie Semmel
Cappelli Forcier Pallone Smith, S. H.
Casorio Geist Petrarca Stairs
Causer Godshall Petrone Stern
Coleman Harhart Pickett Stevenson, R.

Costa Hasay Reed Tangretti
Coy Hess Reichley Wilt
Creighton Hutchinson Roberts Zug
Diven Killion

NOT VOTING—0

EXCUSED—4

Donatucci Myers Taylor, E. Z. Travaglio

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

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

GUESTS INTRODUCED

The SPEAKER. We have two special guests here today, as guests of the Philadelphia delegation. They are the president judge of the Philadelphia Traffic Court, Francis E. Kelly, and the court administrator of the Philadelphia Traffic Court, Bob De Emilio. Would those two guests please stand and be recognized.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 2267, PN 3741, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for definitions, for notification and for immunity for good faith conduct relative to sexual offender registration.

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

Mr. ADOLPH offered the following amendment No. A2022:

Amend Title, page 1, line 3, by striking out "definitions," and inserting

legislative findings, for definitions, for sentencing court information, for verification of residence,

Amend Title, page 1, line 4, by removing the period after "registration" and inserting

; and providing for limitations on residence of sexually violent predators.

Amend Bill, page 1, lines 7 and 8, by striking out all of said lines and inserting

Section 1. Section 9791 of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:

§ 9791. Legislative findings and declaration of policy.

(a) Legislative findings.—It is hereby determined and declared as a matter of legislative finding:

(1) If the public is provided adequate notice and information about sexually violent predators and certain other offenders, the community can develop constructive plans to prepare themselves and their children for the offender's release. This allows communities to meet with law enforcement to prepare and obtain information about the rights and

responsibilities of the community and to provide education and counseling to their children.

(2) These sexually violent predators pose a high risk of engaging in further offenses even after being released from incarceration or commitments and that protection of the public from this type of offender is a paramount governmental interest.

(3) The penal and mental health components of our justice system are largely hidden from public view and lack of information from either may result in failure of both systems to meet this paramount concern of public safety.

(4) Overly restrictive confidentiality and liability laws governing the release of information about sexually violent predators have reduced the willingness to release information that could be appropriately released under the public disclosure laws and have increased risks to public safety.

(5) Persons found to have committed such an offense have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government.

(6) Release of information about sexually violent predators to public agencies and the general public will further the governmental interests of public safety and public scrutiny of the criminal and mental health systems so long as the information released is rationally related to the furtherance of those goals.

(7) Young children are highly vulnerable when walking to and from elementary school.

(8) The Commonwealth has a compelling State interest in protecting young children from sexually violent predators.

(9) In order to further the compelling State interest to protect children from sexually violent predators, it is necessary for the Commonwealth to limit contact between children and predators by prohibiting predators from establishing a residence within walking distance of an elementary school.

(b) Declaration of policy.—It is hereby declared to be the intention of the General Assembly to protect the safety and general welfare of the people of this Commonwealth by providing for registration and community notification regarding sexually violent predators who are about to be released from custody and will live in or near their neighborhood. It is further declared to be the policy of this Commonwealth to require the exchange of relevant information about sexually violent predators among public agencies and officials and to authorize the release of necessary and relevant information about sexually violent predators to members of the general public as a means of assuring public protection and shall not be construed as punitive.

Section 2. Section 9792 of Title 42 is amended by adding a definition to read:

Amend Bill, page 2, lines 6 and 7, by striking out all of said lines and inserting

Section 3. Sections 9795.3 and 9796(a) of Title 42 are amended to read:

§ 9795.3. Sentencing court information.

The sentencing court shall inform offenders and sexually violent predators at the time of sentencing of the provisions of this subchapter. The court shall:

(1) Specifically inform the offender or sexually violent predator of the duty to register and provide the information required for each registration, including verification as required in section 9796(a) (relating to verification of residence).

(2) Specifically inform the offender or sexually violent predator of the duty to inform the Pennsylvania State Police within ten days if the offender or sexually violent predator changes residence or establishes an additional residence or residences, changes employer or employment location for a period of time that will exceed 14 days or for an aggregate period of time that will exceed 30 days during any calendar year or terminates employment or changes institution or location at which the person is enrolled as a student or terminates enrollment.

(2.1) Specifically inform the offender or sexually violent predator of the duty to inform the Pennsylvania State Police within ten days of becoming employed or enrolled as a student if the person has not previously provided that information to the Pennsylvania State Police.

(3) Specifically inform the offender or sexually violent predator of the duty to register with a new law enforcement agency if the offender or sexually violent predator moves to another state no later than ten days after establishing residence in another state.

(4) Order the fingerprints and photograph of the offender or sexually violent predator to be provided to the Pennsylvania State Police upon sentencing.

(5) Specifically inform the offender or sexually violent predator of the duty to register with the appropriate authorities in any state in which the offender or sexually violent predator is employed, carries on a vocation or is a student if the state requires such registration.

(6) Require the offender or sexually violent predator to read and sign a form stating that the duty to register under this subchapter has been explained. Where the offender or sexually violent predator is incapable of reading, the court shall certify the duty to register was explained to the offender or sexually violent predator and the offender or sexually violent predator indicated an understanding of the duty.

(7) Specifically inform the sexually violent predator concerning the limitations on residence imposed by section 9796.1 (relating to limitations on residence of sexually violent predators).

§ 9796. Verification of residence.

(a) Quarterly verification.—The Pennsylvania State Police shall verify the residence [and] compliance with counseling as provided for in section 9799.4 (relating to counseling of sexually violent predators) and compliance with limitations on residence as imposed under section 9796.1 (relating to limitations on residence of sexually violent predators) of sexually violent predators every 90 days through the use of a nonforwardable verification form to the last reported residence. For the period of registration required by section 9795.1 (relating to registration), a sexually violent predator shall appear within ten days of receipt of the form at any Pennsylvania State Police station to complete the verification form and to be photographed.

* * *

Section 4. Title 42 is amended by adding a section to read:
§ 9796.1. Limitations on residence of sexually violent predators.

(a) Limits on sexually violent predators.—A sexually violent predator who committed any offense specified in § 9795.1 (relating to registration) against a victim who was under 14 years of age at the time of the offense may not establish a residence within a one and one-half mile radius of any public, private or parochial school which offers instruction on any level from kindergarten through elementary school. Nothing in this section shall require any sexually violent predator to sell or otherwise dispose of any real estate or home acquired or owned prior to the determination that the individual is a sexually violent predator. Nothing in this section shall require any sexually violent predator to vacate any real estate or home leased prior to the determination that the individual is a sexually violent predator, however, this exception shall end at the expiration of the lease term and shall not include any right of renewal.

(b) Penalties.—Any sexually violent predator who knowingly or intentionally establishes a residence in violation of this section commits a misdemeanor of the third degree.

(c) Notification.—The Pennsylvania State Police shall, after the effective date of this section, send notice of the requirements of this section to all sexually violent predators by including the notice within each sexually violent predator's next nonforwardable 90-day verification form sent pursuant to section 9796 (relating to verification of residence).

(d) Waiver for cause.—A sexually violent predator may, for good cause, petition the court for a waiver from the limitations on establishing a residence in this section. Good cause shall include, but not be limited to, medical necessity or a determination by the court that transportation provided by the school is sufficient to protect the safety of children. An order under this subsection permitting a waiver may include additional restrictions intended to limit the sexually violent predator’s contact with children walking to and from elementary school.

(e) Definition.—As used in this section, the term “date of notification” is defined as the date, after the effective date of this section, on which a sexually violent predator receives his next nonforwardable 90-day verification form pursuant to section 9796.

Section 5. Section 9798 of Title 42 is amended to read:

Amend Sec. 3, page 2, line 19, by striking out “3” and inserting
6

Amend Sec. 4, page 2, line 30, by striking out “4” and inserting
7

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

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

Mr. Vitali is already up, Mr. Adolph, so you might as well explain it.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I guess it was about a year and a half ago I received a phone call from a local school board director, and he was concerned about certain violent sexual predators that were moving near our elementary schools. Certain neighbors found this out, and they were quite disturbed. Understandably, they were worried about the safety of their children walking to school.

This amendment would prohibit sexually violent predators who had victimized a child under the age of 14 from living within a 1 1/2-mile radius of any public, private, or parochial school that offered kindergarten or elementary school classes. I chose 1 1/2 miles as the limit since this is the distance which is used in the Public School Code for pupil transportation. Students who live within the radius usually walk to school. Obviously, different districts may have different standards, but that is why the 1 1/2-mile radius was used.

The residency restrictions in this amendment do have some exceptions to recognize the constitutional protections afforded sexually violent predators by recent court decisions. Predators would not have to sell current homes within the 1 1/2-mile limit. Current leases would not be extinguished. A predator could, for good cause, petition the court for a waiver to allow him to live within the 1 1/2-mile limit. The court could, in granting the waiver, impose additional restrictions aimed solely at protecting our young children on their way to and from our schools.

Mr. Speaker, I want to protect our youngest and most vulnerable children. A sexually violent predator who has access to children walking to and from school, during a period when they are vulnerable, must be faced with a temptation he cannot resist. This amendment is prepared in such a manner as to reduce that temptation and serves as a vital purpose to protect our most innocent and our youngest children.

I ask my colleagues for an affirmative vote on this amendment.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—197

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

NAYS—1

Bishop

NOT VOTING—1

Thomas

EXCUSED—4

Donatucci Myers Taylor, E. Z. Travaglio

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

GUESTS INTRODUCED

The SPEAKER. At this time the Chair would like to recognize the gentleman from Beaver, Mr. Veon.

We would like to have order, ladies and gentlemen, please. Can we have your attention, please.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I appreciate the indulgence of the members for a very special introduction today.

We have two people that I would like to introduce, and although neither one of them was in harm's way, both of them did serve in uniform in the U.S. Army during World War II, and I can tell you that having known them for 20 years, there is no question that they deserve to be part of the "greatest generation." They are two of the greatest people that I know, and it will be hard for you to believe or understand, because you know their very eccentric son very well, that they really are of the Ozzie and Harriet mold. My colleagues, please welcome to the hall of the House for the first time in a long time, Vic and Dottie DeWeese.

The SPEAKER. Just for the information of the membership, Ozzie and Harriet were Republicans. All right; I made it up.

CONSIDERATION OF HB 2267 CONTINUED

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—197

Adolph	Evans, J.	Levdansky	Ruffing
Allen	Fabrizio	Lewis	Sainato
Argall	Fairchild	Lynch	Samuelson
Armstrong	Feese	Mackereth	Santoni
Baker	Fichter	Maher	Sather
Baldwin	Fleagle	Maitland	Saylor
Bard	Flick	Major	Scavello
Barrar	Forcier	Mandirino	Schroder
Bastian	Frankel	Mann	Scrimenti
Bebko-Jones	Freeman	Markosek	Semmel
Belardi	Gabig	Marsico	Shaner
Belfanti	Gannon	McCall	Smith, B.
Benninghoff	Geist	McGeehan	Smith, S. H.
Bianucci	George	McGill	Solobay
Birmelin	Gergely	McIlhattan	Staback
Blaum	Gillespie	McIlhinney	Stairs
Boyd	Gingrich	McNaughton	Steil
Browne	Godshall	Melio	Stern
Bunt	Good	Metcalfe	Stetler
Butkovitz	Goodman	Micozzie	Stevenson, R.
Buxton	Grucela	Millard	Stevenson, T.
Caltagirone	Gruitza	Miller, R.	Sturla
Cappelli	Habay	Miller, S.	Surra
Casorio	Haluska	Mundy	Tangretti
Causar	Hanna	Mustio	Taylor, J.
Cawley	Harhai	Nailor	Tigue

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

NAYS—1

Bishop

NOT VOTING—1

Thomas

EXCUSED—4

Donatucci Myers Taylor, E. Z. Travaglio

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.

CONSIDERATION OF SB 1047 CONTINUED

The SPEAKER. The Chair turns to page 8 of today's House calendar and returns to SB 1047.

It is the information of the Chair that the gentleman, Mr. Payne, has withdrawn his amendment.

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—198

Adolph	Evans, D.	Lescovitz	Rublely
Allen	Evans, J.	Levdansky	Ruffing

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

NAYS—0

NOT VOTING—1

Staback

EXCUSED—4

Donatucci Myers Taylor, E. Z. Travaglio

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

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

* * *

The House proceeded to third consideration of **SB 903, PN 1546**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for ten-year registration, for registration procedures and applicability, for notification and for exemptions from notification.

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

Mr. **KENNEY** offered the following amendment No. **A1910**:

Amend Title, page 1, line 2, by inserting after “by” prohibiting false claims; imposing duties on the Attorney General and on district attorneys; providing for procedures and for penalties; and

Amend Bill, page 1, lines 10 through 12, by striking out all of said lines and inserting

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 86

FRAUD AGAINST TAXPAYERS

Subchapter

- A. Preliminary Provisions
- B. False Claims
- C. Qui Tam Actions
- D. Miscellaneous Provisions

SUBCHAPTER A

PRELIMINARY PROVISIONS

Sec.

8601. Definitions.

8602. Construction.

§ 8601. Definitions.

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

“Claim.” Any request or demand for money, property or services made to any employee, officer or agent of the Commonwealth or of any political subdivision thereof or to any contractor, subcontractor, grantee or other recipient of the Commonwealth or any political subdivision thereof, if any portion of the money, property or services requested or demanded issued from, was provided or will be reimbursed by the Commonwealth, referred to as Commonwealth funds, or by any political subdivision thereof, referred to as political subdivision funds. Provided, however, that a filing with an agency of the Commonwealth shall not constitute a claim under this chapter to the extent it is not connected to any request or demand for reimbursement from the Commonwealth or any political subdivision thereof, or to any request or demand for a contract or grant with the Commonwealth or any political subdivision thereof. Services shall not include a review of a filing by an agency of the Commonwealth.

“False.” In addition to its ordinary meaning, this term also means fraudulent.

“Knowing” or “knowingly.” A person who, with respect to information, does any of the following:

(1) has actual knowledge of the information;

(2) acts in deliberate ignorance of the truth or falsity of the information; or

(3) acts in reckless disregard of the truth or falsity of the information. Proof of specific intent to defraud shall not be required.

“Person.” Any natural person, corporation, political subdivision, firm, association, organization, partnership, business, trust or other legal entity.

“Political subdivision.” Any city, county, tax or assessment district, township, municipal or government authority or other legally authorized local governmental entity in this Commonwealth.

“Proceeds.” The term includes civil penalties as well as double or treble damages as provided in Subchapter B (relating to false claims).

“Prosecuting authority.” The Attorney General and where appropriate the district attorney of any county in which the political subdivision, including the county itself, lies.

§ 8602. Construction.

This chapter shall be liberally and broadly construed to effectuate its purposes. It shall be applied and interpreted to promote the public interest to eliminate fraud, waste and abuse through the submission of false or fraudulent claims in this Commonwealth or in any of its political subdivisions.

SUBCHAPTER B FALSE CLAIMS

Sec.

8611. Offenses defined.

8612. False claims jurisdiction.

8613. Procedure.

§ 8611. Offenses defined.

(a) Liability.—

(1) A person shall be liable to the Commonwealth or to the political subdivision for each false claim in the amount specified in paragraph (2) if that person commits any of the following acts:

(i) Knowingly presents or causes to be presented to an officer or employee of the Commonwealth or any political subdivision a false claim for payment or approval.

(ii) Knowingly makes, uses or causes to be made or used a false record or statement to get a false claim paid or approved by the Commonwealth or by any political subdivision.

(iii) Has possession, custody or control of public property or money used or to be used by the Commonwealth or by any political subdivision and knowingly delivers or causes to be delivered property of lesser quality, quantity or value than for which the person receives a certificate or receipt.

(iv) Is authorized to make or deliver a document certifying receipt of property used or to be used by the Commonwealth or by any political subdivision and knowingly makes or delivers a receipt that falsely represents the quality, quantity or value of the property used or to be used.

(v) Knowingly buys or receives as a pledge of an obligation or debt public property from any person who lawfully may not sell or pledge the property.

(vi) Knowingly makes, uses or causes to be made or used a false record or statement to conceal, avoid or decrease an obligation to pay or transmit money or property to the Commonwealth or any political subdivision.

(vii) Conspires to commit any of the acts specified in subparagraphs (i) through (vi).

(2) The liability imposed under paragraph (1) shall be:

(i) three times the amount of damages which the Commonwealth or political subdivision sustains because of the act of that person;

(ii) the costs of an action brought to recover any of those penalties or damages; and

(iii) a civil penalty of not less than \$5,000 nor more than \$10,000 for each false claim, except that if the court finds that:

(A) the person committing the violation of this subsection furnished the prosecuting

authority with all information known to such person about the violation within 30 days after the date on which the defendant first obtained the information;

(B) such person fully cooperated with any investigation by the prosecuting authority of such violation; and

(C) at the time such person furnished the prosecuting authority with the information about the violation, no criminal prosecution, civil action or administrative action had commenced under this chapter with respect to such violation, and the person did not have actual knowledge of the existence of an investigation into such violation;

the court may assess not less than two times the amount of damages which the Commonwealth or political subdivision sustains because of the act of the person. A person violating this subsection shall also be liable to the prosecuting authority for the costs of a civil action brought to recover any such penalty or damages.

(b) Joint and several liability.—Notwithstanding the provisions of section 7102 (relating to comparative negligence), liability under this section shall be joint and several for any act committed by two or more persons.

(c) Limitation.—

(1) This section does not apply to any controversy involving an aggregate amount of less than \$2,500 in value or where the claim was filed by the individual recipient of benefits or compensation conferred under the act of June 2, 1915 (P.L.736, No.338), known as the Workers’ Compensation Act, or the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, or the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

(2) As used in this subsection, the term “controversy” means any one or more false claims submitted or caused to be submitted by either a person or persons who act pursuant to a common plan, scheme or design in violation of this chapter.

§ 8612. False claims jurisdiction.

If any defendant can be found, resides or transacts business in this Commonwealth or if an act proscribed by this chapter occurred within this Commonwealth, an action under this chapter shall be brought in the Commonwealth Court exclusively.

§ 8613. Procedure.

(a) Commonwealth prosecution.—

(1) The Attorney General shall diligently investigate violations under section 8611 (relating to offenses defined) involving Commonwealth funds. If the Attorney General finds that a person has violated or is violating section 8611, the Attorney General may bring an action under this chapter against that person.

(2) If the Attorney General brings an action under this chapter on a claim involving political subdivision funds as well as Commonwealth funds, the Attorney General shall, on the same date that the complaint is filed in this action, serve by mail, return receipt requested, a copy of the complaint on the appropriate district attorney.

(3) The district attorney shall have the right to intervene in an action brought by the Attorney General under this chapter within 90 days after receipt of the complaint pursuant to paragraph (2).

(b) Political subdivision prosecution.—

(1) The district attorney shall diligently investigate violations under section 8611 involving political subdivision funds. If the district attorney finds that a person has violated or is violating section 8611, the district attorney may bring an action under this chapter against that person.

(2) The district attorney may refer a matter involving political subdivision funds to the Attorney General at any time. The Attorney General may decline or accept the referral.

(3) If the district attorney brings an action on a claim involving Commonwealth funds as well as political subdivision funds, the district attorney shall, on the same date that the complaint is filed in this action, serve by mail, return receipt requested, a copy of the complaint on the Attorney General.

(4) Within 90 days after receiving the complaint pursuant to paragraph (2), the Attorney General shall do one of the following:

(i) Notify the court that the Attorney General intends to proceed with the action, in which case the Attorney General shall assume primary responsibility for conducting the action and the district attorney shall have the right to continue as a party.

(ii) Notify the court that the Attorney General declines to prosecute the action, in which case the district attorney shall have the right to conduct the action on its own.

(iii) Proceed jointly with the district attorney, assuming coequal responsibility for prosecution of the action.

SUBCHAPTER C QUI TAM ACTIONS

Sec.

8621. General provisions.

8622. Commonwealth funds.

8623. Political subdivision funds.

8624. Complaints relating to Commonwealth and political subdivision funds.

8625. Intervention by political subdivision.

8626. Extension of time.

8627. Other actions prohibited.

8628. Exclusions.

8629. Employment-related discovery of information.

8630. Responsibility for prosecution.

8631. Dismissal of action.

8632. Settlement.

8633. Election not to proceed.

8634. Intervention.

8635. Proceeds.

8636. Reversion to General Fund.

8637. Expenses.

§ 8621. General provisions.

(a) When action may be brought and dismissed.—

(1) A person may bring a qui tam action for a violation of this chapter for the person and either for the Commonwealth in the name of the Commonwealth if any Commonwealth funds are involved or for a political subdivision in the name of the political subdivision if political subdivision funds are exclusively involved. A qui tam action may be brought alleging fraud involving both Commonwealth and political subdivision funds. The person bringing the qui tam action shall be referred to as the qui tam plaintiff.

(2) The prosecuting authority may seek dismissal of the qui tam action notwithstanding the objection of the qui tam plaintiff if the qui tam plaintiff has been notified by the prosecuting authority of the filing of the motion to dismiss and the court has provided the qui tam plaintiff with an opportunity for a hearing on the motion.

(b) Filing and service on defendant.—A complaint filed by a qui tam plaintiff under this act shall be filed ex parte under seal with the Clerk of the Commonwealth Court or ex parte under seal in the appropriate Federal district court if Federal funds are also involved, and the complaint and all related pleadings shall remain under seal for 90 days from the date of service. No service shall be made on the defendant until after the complaint is unsealed by order of the court.

(c) Service on Commonwealth.—Within three days of the complaint being filed pursuant to subsection (b), the qui tam plaintiff shall serve by mail, return receipt requested, the Attorney General and the General Counsel with a copy of the complaint and a written disclosure of substantially all material evidence and information the qui tam plaintiff possesses at that time.

§ 8622. Commonwealth funds.

Within 90 days after receiving a complaint alleging violations which involve Commonwealth funds, but not political subdivision funds, the Attorney General shall do either of the following:

(1) Notify the court that it intends to proceed with the action and petition the court to have the case unsealed. If the court grants the Attorney General's request, the seal may be lifted. The court may, upon motion by the Attorney General, order a partial unsealing where appropriate.

(2) Notify the court that it declines to prosecute the action, in which case the complaint may be unsealed by the court within 20 days after written notification is made by the Attorney General to the qui tam plaintiff and counsel that the Attorney General does not wish to intervene. Upon such notification, the qui tam plaintiff shall have the right to conduct the action.

§ 8623. Political subdivision funds.

(a) Procedure.—Within 30 days after receiving a complaint alleging violations which exclusively involve political subdivision funds, the Attorney General shall promptly forward the complaint and written disclosure to the appropriate district attorney for review and disposition and shall notify in writing the qui tam plaintiff and counsel of the transfer.

(b) Duty of district attorney.—Within 60 days after the Attorney General forwards the complaint and written disclosure under subsection (a), the district attorney shall do either of the following:

(1) Notify the court that the district attorney intends to proceed with the action and petition the court to have the case unsealed. If the court grants the district attorney's request, the seal shall be lifted.

(2) Notify the court that the district attorney declines to take over the action, in which case the seal may be lifted within 20 days after such notification has been made and the qui tam plaintiff shall have the right to conduct the action.

§ 8624. Complaints relating to Commonwealth and political subdivision funds.

(a) Complaints.—Within 30 days after receiving a complaint alleging violations which involve or allege both Commonwealth and political subdivision funds, the Attorney General shall forward copies of the complaint and written disclosure to the appropriate district attorney and shall coordinate the review and investigation with those of the district attorney.

(b) Procedure.—Within 90 days after receiving a complaint alleging violations which involve or allege both Commonwealth and political subdivision funds, the Attorney General shall do one of the following:

(1) Notify the court in writing that the Attorney General intends to proceed with the action, in which case the seal shall be lifted and service effected on the defendant.

(2) Notify the court in writing that the Attorney General declines to take over the action but that the district attorney involved intends to proceed with the action, in which case the seal shall be lifted and the action shall be conducted by the district attorney.

(3) Notify the court that both the Attorney General and the district attorney decline to take over the action, in which case the seal may be lifted within 20 days after notification has been made and the qui tam plaintiff shall have the right to conduct the action.

§ 8625. Intervention by political subdivision.

If the Attorney General proceeds with the action under section 8623 (relating to political subdivision funds), the

district attorney shall be permitted to intervene in the action within 60 days after the Attorney General notifies the court of his intentions.

§ 8626. Extension of time.

Upon a showing of good cause and reasonable diligence in his investigation, the prosecuting authority may move the court for reasonable extensions of time during which the complaint will remain under seal. The qui tam plaintiff shall be notified of any extensions requested under this section. Any such motions may be supported by affidavits or other submissions in camera.

§ 8627. Other actions prohibited.

When a qui tam plaintiff brings an action under this chapter, no other person shall be permitted to bring a related action under this chapter based on the same or similar facts underlying the pending action.

§ 8628. Exclusions.

(a) General rule.—No court shall have jurisdiction over an action brought under this subchapter:

(1) Against the Commonwealth, any county or municipality or a prosecuting authority.

(2) Against an official or employee of the Commonwealth or a political subdivision if the official or employee did not act with actual knowledge.

(3) Which relies upon the public disclosure of specific allegations or transactions in a criminal, civil or administrative hearing, in a governmental report, hearing, audit or investigation or from the news media, unless the action is brought by or intervened in by a prosecuting authority or the qui tam plaintiff is an original source of the information.

(b) Definition.—As used in this section, the term “original source” means an individual who has voluntarily provided the information to the prosecuting authority before filing an action based on that information and either has direct and independent knowledge of the information on which the allegations are based or directly or indirectly provided the impetus, basis or catalyst for the investigation, hearing, audit or report which led to the public disclosure.

§ 8629. Employment-related discovery of information.

No court shall have jurisdiction over an action brought under this chapter by a present or former employee of the Commonwealth, of a political subdivision or of the person if that employee’s exclusive responsibility is the investigation or prosecution of fraud, unless such employee first makes a good faith attempt to use existing internal procedures for reporting, auditing and seeking recovery of the falsely claimed funds before filing an action. The Commonwealth, political subdivision or the person shall have promulgated internal procedures for reporting, auditing and seeking recovery of falsely claimed funds and must act on the information reported by the employee within 60 days of receipt of the information.

§ 8630. Responsibility for prosecution.

If the prosecuting authority proceeds with the action, it shall have the primary responsibility for prosecuting the action. The qui tam plaintiff shall have the right to continue with all rights and obligations as a full party to the action.

§ 8631. Dismissal of action.

The Commonwealth or political subdivision may seek to dismiss the action at any time notwithstanding the objections of the qui tam plaintiff if the qui tam plaintiff has been notified by the prosecuting authority of the filing of the motion and the court has provided the qui tam plaintiff with an opportunity for a hearing on the motion.

§ 8632. Settlement.

The prosecuting authority may settle the action with the defendant notwithstanding the objections of the qui tam plaintiff if the court determines, after a hearing, that the proposed settlement is fair, adequate and reasonable under all circumstances. Upon a showing of good cause, the hearing may be held in camera.

§ 8633. Election not to proceed.

If the prosecuting authority elects not to proceed, the qui tam plaintiff shall have the right to conduct the action and shall apprise the prosecuting authority of all developments during the course of the

action. If the prosecuting authority so requests, it shall be served with copies of all pleadings filed in the action and supplied with copies of all deposition transcripts.

§ 8634. Intervention.

Upon application, the court shall permit the prosecuting authority to intervene in an action with which it had initially declined to proceed.

§ 8635. Proceeds.

(a) Attorney General.—If the Attorney General initiates an action under section 8613(a) (relating to procedure) or assumes control of an action initiated by the district attorney pursuant to section 8613(b)(4)(i), the Attorney General shall receive a fixed 33% of the proceeds of the action or settlement of the claim, which funds shall be used to support and expand its ongoing investigation and prosecution of false claims violations.

(b) District attorney.—If a district attorney initiates and conducts an action pursuant to section 8613(b), the office of the district attorney shall receive a fixed 33% of the proceeds of the action or settlement of the claim, which funds shall be used to support and expand its ongoing investigation and prosecution of false claims violations.

(c) Award of portion of recovery.—If a district attorney intervenes in an action initiated by the Attorney General pursuant to section 8613(a)(3) or remains a party to an action assumed by the Attorney General pursuant to section 8613(b)(4)(i) and (iii), the court may award the office of the district attorney a portion of the Attorney General’s fixed 33% of the recovery under subsection (a), taking into account the district attorney’s role in investigating and conducting the action and the resources of the office expended on the prosecution.

(d) Qui tam recovery.—

(1) If the prosecuting authority proceeds with an action brought by a qui tam plaintiff under this chapter, the qui tam plaintiff shall, subject to subsections (h) and (i), receive not less than 20% nor more than 33% of the full proceeds of the action or settlement of the claim, depending upon the extent to which the qui tam plaintiff substantially contributed to the overall prosecution of the action. If the prosecuting authority and the qui tam plaintiff cannot reach an agreement concerning the percentage of proceeds to be distributed to the qui tam plaintiff, the determination shall be made by the court.

(2) When it conducts the action, the Attorney General or the district attorney shall receive a fixed 33% of the proceeds of the action or settlement of the claim, which funds shall be used to support and expand its ongoing investigation and prosecution of false claims.

(3) When both the Attorney General and the district attorney are involved as coparties in a qui tam action pursuant to section 8624 (relating to complaints relating to Commonwealth and political subdivision funds), the court in its discretion may award the district attorney a portion of the Attorney General’s fixed 33% of the recovery, taking into account the district attorney’s cooperation and contribution to investigating and conducting the action.

(e) Decline to proceed.—If the prosecuting authority declines to proceed with an action, the qui tam plaintiff shall, subject to subsections (h) and (i), receive an amount which the court decides is reasonable for collecting the civil penalty and damages on behalf of the Commonwealth or political subdivision. The amount awarded by the court shall be not less than 30% nor more than 50% of the full proceeds of the action or settlement and shall be paid out of the proceeds.

(f) Attorney fees and expenses.—If the prosecuting authority does not proceed with the action and the person bringing the action conducts the action, the court may award to the defendant its reasonable attorney fees and expenses if the defendant prevails in the action and the court finds that the claim of the person bringing the action was clearly frivolous, clearly vexatious or brought primarily for purposes of harassment.

(g) Allocation of proceeds for costs of annual audit.—The controller, board of auditors or other government auditor performing

the annual audit of recoveries as provided under subsection (l) shall receive a fixed 1% of the proceeds of the action or settlement of the claim, which funds shall be used to defray the costs of the annual audit.

(h) Present or former employee.—If a qui tam action is brought by a present or former employee of the Commonwealth or political subdivision, the qui tam plaintiff shall not be entitled to any minimum guaranteed recovery from the proceeds. If the prosecuting authority and the qui tam plaintiff cannot reach an agreement concerning the percentage of proceeds to be distributed to the qui tam plaintiff, the determination shall be made by the court. The court may award the qui tam plaintiff those sums from the proceeds as it considers appropriate, but in no case more than 33% of the proceeds if the prosecuting authority goes forth with the action or 50% if it declines to go forth, taking into account the significance of the information, the role of the qui tam plaintiff in advancing the case to litigation and the scope of and response to the qui tam plaintiff's attempts to report and gain recovery of the falsely claimed funds through official channels.

(i) Fraudulent activity.—Whether or not the prosecuting authority proceeds with the action, if the court finds that the action was brought by a person who planned and initiated the violation of section 8611 (relating to offenses defined) upon which the action was brought, the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the action which the person would otherwise receive under subsections (d) and (e), taking into account the role of that person in advancing the case to litigation and any relevant circumstances pertaining to the violation. If the person bringing the action is convicted of criminal conduct arising from his or her role in the violation of section 8611, that person shall be dismissed from the civil action and shall not receive any share of the proceeds of the action. Such dismissal shall not prejudice the right of the prosecuting authority to continue the action.

(j) Use of recoveries.—

(1) Proceeds recovered under this chapter by the prosecuting authority or awarded to the government auditor pursuant to subsection (g) shall be placed in the General Fund of the Commonwealth, the operating fund of the county of the district attorney or the operating fund of the county of the government auditor, as appropriate.

(2) Notwithstanding any other provision of law to the contrary, the Commonwealth, county of the district attorney or the county of the government auditor, as appropriate, shall immediately make such funds available for expenditure, without restriction, by the prosecuting authority or government auditor for the purposes specified elsewhere in this chapter. The entity having budgetary control over such funds may not anticipate future recoveries in the adoption or approval of the budget for the prosecuting authority.

(k) Annual audit of recoveries.—It shall be the responsibility of the Commonwealth, the county of the district attorney, or both, as appropriate, to provide, through the controller, board of auditors or other appropriate auditor, an annual audit of all recoveries under this chapter. The audit shall be made public, subject to the right of the prosecuting authority to redact portions of the audit which it reasonably believes will compromise investigations or criminal proceedings, and shall be submitted to the Attorney General's office by September 30 of each year.

(l) Annual report.—The Attorney General shall annually submit a report to the Appropriations Committee and the Judiciary Committee of the Senate and the Appropriations Committee and Judiciary Committee of the House of Representatives, specifying the recoveries obtained under this chapter. The report shall give an accounting of all moneys recovered through the sale of any property seized in satisfaction of any judgment arising from an action under this chapter.

(m) Recoveries and appropriations.—Recoveries or future recoveries under this chapter shall be in addition to any appropriation made to the office of the prosecuting authority.

§ 8636. Reversion to General Fund.

(a) General rule.—The portion of the proceeds not distributed under section 8635 (relating to proceeds) shall revert to the General Fund when the underlying false claims involved Commonwealth funds exclusively and to the political subdivision when the underlying false claims involved political subdivision funds exclusively. When petitioned to do so, the court shall make an apportionment of the recovered proceeds between the Commonwealth and political subdivision based on their relative share of the funds falsely claimed.

(b) Reimbursement.—When an insurer, guarantor or surety has suffered a loss on an underlying false claim through either:

(1) reimbursing the Commonwealth or political subdivision; or

(2) directly paying a claimant;

the insurer, guarantor or surety shall be reimbursed for its losses to the extent that proceeds reverting to the General Fund or to the political subdivision under this section exceed any uninsured loss to the Commonwealth or the political subdivision.

§ 8637. Expenses.

If the Commonwealth, political subdivision or qui tam plaintiff prevails in or settles any action under this chapter, the qui tam plaintiff shall receive an amount for all reasonable expenses incurred in the prosecution of the claim, including expert witness fees plus reasonable litigation costs and attorney fees; all expenses, costs and attorney fees shall be awarded against the defendant, and under no circumstances shall they be the responsibility of the prosecuting authority.

SUBCHAPTER D

MISCELLANEOUS PROVISIONS

Sec.

8651. Rules of civil procedure.

8652. Stay of discovery.

8653. Control over prosecution.

8654. Employee protection.

8655. Limitations.

8656. Remedies.

8657. Enforcement.

8658. Civil investigative demand.

8659. Immunity.

8660. Regulations.

§ 8651. Rules of civil procedure.

Except where this chapter provides otherwise, actions under this chapter shall be governed by the Pennsylvania Rules of Civil Procedure.

§ 8652. Stay of discovery.

(a) General rule.—The court may stay discovery for a period of not more than 90 days if the prosecuting authority or the General Counsel shows that discovery would interfere with an investigation or a prosecution of a criminal or civil matter arising out of the same or similar facts, regardless of whether the prosecuting authority proceeds with the action. Such a showing shall be conducted in camera. The court may extend the 90-day period upon a further showing in camera that the prosecuting authority or the General Counsel has pursued the criminal or civil investigation or proceedings with reasonable diligence and that any proposed discovery in the action under this chapter would interfere with the ongoing criminal or civil investigation or proceedings.

(b) Criminal action.—When a criminal action has commenced based upon the same or similar facts underlying the pending action under this chapter, discovery by the defendant in the pending action under this chapter shall be confined to that available to a criminal defendant under the Rules of Criminal Procedure and the Constitutions of the United States and of the Commonwealth of Pennsylvania. The defendant in the pending action under this chapter may petition the court for a stay of proceedings pending the conclusion of the criminal action.

§ 8653. Control over prosecution.

When the prosecuting authority has intervened in an action brought under section 8621 (relating to general provisions), the prosecuting authority shall have full authority as to the manner in which the prosecution is conducted.

§ 8654. Employee protection.

(a) Disclosing information.—No employer shall solicit, attempt or conspire to prevent, make, adopt or enforce any rule, regulation or policy preventing an employee from disclosing information to a Federal, State or local law enforcement agency or from acting in furtherance of the investigation of, initiation of, testimony in or assistance in filing an action under this chapter.

(b) Discrimination.—No employer shall discharge, demote, suspend, threaten, harass, deny promotion to or in any other manner discriminate, or solicit, attempt or conspire to discriminate against an employee in the terms of and conditions of employment because of lawful acts done by the employee on behalf of the employee or others in disclosing information to a Federal, State or local government or law enforcement agency or in furthering false claims action, including investigation for, initiation of, testimony for or assistance in an action filed or to be filed under this chapter.

(c) Good faith reporting to employer.—No employer may discharge, threaten or otherwise discriminate or retaliate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee made or is about to make a good faith report to the employer regarding a false claim under this chapter, regardless of whether the report is made or to be made orally or in writing.

(d) Penalty.—

(1) An employer who violates subsection (a), (b) or (c) shall be liable for all relief necessary to make the employee whole, including reinstatement with the same seniority status that the employee would have had but for the discrimination, three times the amount of back pay, prevailing interest on the back pay, compensation for any special damage sustained as a result of the discrimination and, where appropriate, punitive damages. Except in cases alleging intentional misconduct, punitive damages against a person shall not exceed 200% of the compensatory damages awarded. In addition, the employer shall be required to pay all litigation costs and attorney fees.

(2) An employee may bring an action in the Commonwealth Court for the relief provided in this subsection.

§ 8655. Limitations.

(a) Time of filing.—An action under this chapter may not be filed more than six years after the date on which the violation of this chapter is completed or more than three years after the date of discovery by the prosecuting authority, but in any event no more than ten years after the date on which the violation of section 8611 (relating to offenses defined) is completed.

(b) Prior acts.—An action under this chapter may be brought regarding false claims made prior to the effective date of this chapter if the limitations period set forth in subsection (a) has not elapsed.

(c) Proof.—In any action brought under this chapter, the Commonwealth, the political subdivision or the qui tam plaintiff shall be required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.

(d) Estoppel.—Notwithstanding any other provision of law, a guilty verdict, guilty plea or nolo contendere plea rendered in a criminal proceeding which alleged a scheme to obtain funds fraudulently from the Commonwealth or a political subdivision shall estop the defendant from denying the essential elements of the offense in any action which involves the same transaction as in the criminal proceeding and which is brought under this chapter.

§ 8656. Remedies.

(a) Civil remedies.—The Commonwealth Court shall have the jurisdiction to issue any order to prevent and restrain violations of this subchapter.

(b) Remedies cumulative.—

(1) The provisions of this chapter are not exclusive and shall be in addition to any other remedies provided for in any other law or available under common law.

(2) Election by the prosecuting authority or a qui tam plaintiff to bring an action under this chapter shall neither preclude the Commonwealth or political subdivision from bringing any other appropriate action nor moot any such action filed prior to commencement of an action under this chapter.

(3) Election by the prosecuting authority or a qui tam plaintiff to bring an action under this chapter shall not preclude the Commonwealth or prosecuting authority from bringing criminal charges against the defendant, nor shall it moot any pending criminal charges.

(4) Judgment for a defendant in any action brought under this chapter shall have no res judicata effect in any other action brought by the Commonwealth or political subdivision.

§ 8657. Enforcement.

(a) Prosecuting authority.—The prosecuting authority shall have the power and duty to enforce this chapter, including the authority to issue civil investigative demands pursuant to this chapter, to institute proceedings under this chapter and to take such actions as may be necessary to ascertain and investigate alleged violations of this chapter. The prosecuting authority may delegate its powers to investigate and prosecute actions under this chapter to appropriate Deputy Attorneys General or deputy or assistant district attorneys.

(b) Construction.—Nothing contained in this chapter shall be construed to limit the regulatory or investigative authority of any department or agency of the Commonwealth or political subdivision whose functions might relate to persons, enterprises or matters falling within the scope of this chapter.

§ 8658. Civil investigative demand.

(a) General rule.—Whenever the prosecuting authority has reason to believe that any person may be in possession, custody or control of any documentary material or information relevant to a false claim investigation, the prosecuting authority may issue in writing and cause to be served upon the person a civil investigative demand requiring such person to:

(1) produce such documentary material for inspection and copying;

(2) answer in written interrogatories with respect to such documentary material or information;

(3) give oral testimony concerning such documentary material or information; or

(4) furnish any combination of such material, answers and testimony.

(b) Content.—Each demand under this section shall:

(1) State the nature of the conduct constituting the alleged false claim violation which is under investigation and the provision of law applicable thereto.

(2) If the demand is for the production of documentary material:

(i) describe the class or classes of documentary material to be produced thereunder with such definiteness and certainty as to permit the material to be fairly identified;

(ii) state that the demand is returnable forthwith or prescribe a return date which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying or reproduction; and

(iii) identify an investigator to whom the material shall be made available.

(3) If the demand is for written interrogatories:

(i) set forth with specificity the written interrogatories to be answered;

(ii) prescribe dates at which time answers to written interrogatories shall be submitted; and

(iii) identify the investigator to whom such answers shall be submitted.

(4) If such demand is for the giving of oral testimony:

(i) prescribe a date, time and place at which oral testimony should be commenced;

(ii) identify the investigator who shall conduct the examination and the person to whom the transcript of such investigation shall be submitted;

(iii) specify that such attendance and testimony are necessary to the conduct of the investigation; and

(iv) describe the general purpose for which the demand is being issued and the general nature of the testimony, including the primary areas of inquiry, which will be taken pursuant to the demand.

(5) Contain the following statement printed conspicuously at the top of the demand:

You have the right to seek the assistance of any attorney, and he may represent you in all phases of the false claim investigation of which this civil investigative demand is a part.

(c) Limitation.—No demand under this section shall:

(1) contain any requirement which would be held to be unreasonable if contained in a subpoena duces tecum issued by any court in connection with a grand jury investigation of the alleged violation; or

(2) require the production of any documentary evidence which would be privileged from disclosure if demanded by a subpoena duces tecum issued by any court in connection with a grand jury investigation of the alleged violation.

(d) Service.—Service of any demand or any petition filed under this section shall be made in the manner prescribed by the Pennsylvania Rules of Civil Procedure for service of writs and complaints unless otherwise agreed to by the prosecuting authority and the person.

(e) Return.—A verified return by the individual serving any demand or petition under this section setting forth the manner of service shall be prima facie proof of such service. In the case of service by registered or certified mail, the return shall be accompanied by the return post office receipt of delivery of the demand.

(f) Procedure.—

(1) A person upon whom a demand issued under this section has been duly served shall make the demanded material available for inspection and copying or reproduction to an investigator designated in the demand at the principal place of business of the person or at such other place as the investigator and the person thereafter may agree or as the court may direct pursuant to this section on the return date specified in the demand. The person may, upon agreement of the investigator, substitute copies of all or any part of the demanded material for the originals of the demanded material.

(2) The investigator to whom any documentary material is so delivered shall take physical possession of the material and shall be responsible for the use made of the material and for its return pursuant to this section. The investigator may cause the preparation of the copies of the documentary material as may be required for official use. While in the possession of the investigator, no material so produced shall be available for examination by any individual other than the prosecuting authority or any investigator without the consent of the person who produced the material. Under such reasonable terms and conditions as the prosecuting authority shall prescribe, documentary material while in the possession of the investigator shall be available for examination by the person who produced the material or any duly authorized representatives of that person.

(3) The production of documentary material in response to a civil investigative demand served under this section shall be made under a sworn certificate, in such form as the demand designates, by:

(i) in the case of a natural person, the person to whom the demand is directed; or

(ii) in the case of a person other than a natural person, a person having knowledge of the facts and circumstances relating to such production and authorized to act on behalf of such person.

The certificate shall state that all of the documentary material required by the demand and in the possession, custody or control of the person to whom the demand is directed has been produced and made available to the investigator identified in the demand.

(4) Each interrogatory in a civil demand served under this section shall be answered separately and fully in writing under oath and shall be submitted under a sworn certificate, in such form as the demand designates, by:

(i) in the case of a natural person, the person to whom the demand is directed; or

(ii) in the case of a person other than a natural person, a person or persons responsible for answering each interrogatory.

(5) If any interrogatory is objected to, the reasons for the objection shall be stated in the certificate instead of an answer. The certificate shall state that all information required by the demand and in the possession, custody, control or knowledge of the person to whom the demand is directed has been submitted. To the extent that any information is not furnished, the information shall be identified and reasons set forth with particularity regarding the reasons why the information was not furnished.

(6) (i) The examination of any person pursuant to a civil investigative demand for oral testimony served under this section shall be deemed an “official proceeding” within the meaning of 18 Pa.C.S. § 4902(a) (relating to perjury). The examination shall be taken before an officer authorized to administer oaths and affirmations by the laws of this Commonwealth. The officer before whom the testimony is to be taken shall put the witness on oath or affirmation and shall, personally or by someone acting under the direction of the officer and in the officer’s presence, record the testimony of the witness. The testimony shall be taken accurately and shall be transcribed. When the testimony is fully transcribed, a copy of the transcript shall be promptly forwarded to the designated person. This subsection shall not preclude the taking of testimony by any means authorized by, and in a manner consistent with, the Pennsylvania Rules of Civil Procedure.

(ii) The investigator conducting the examination shall exclude from the place where the examination is held all persons except the person giving the testimony, the attorney for and any other representative of the person giving the testimony, the prosecuting authority, any person who may be agreed upon by the prosecuting authority and the person giving the testimony, and any stenographer taking such testimony.

(iii) The oral testimony of any person taken pursuant to a civil investigative demand served under this section shall be taken in the county where the office of the investigator conducting the examination is situated, or in such other place as may be agreed upon by the investigator and such person.

(iv) When the testimony is fully transcribed, the investigator shall afford the witness, who may be accompanied by counsel, a reasonable opportunity to examine and read the transcript, unless such examination and reading are waived by the witness. Any changes in form or substance which the witness desires to make shall be entered and identified upon the transcript by the officer or the investigator, with a statement of the reasons

given by the witness for making such changes. The transcript shall then be signed by the witness, unless the witness in writing waives the signing, is ill, cannot be found or refuses to sign. If the transcript is not signed by the witness within 30 days after being afforded a reasonable opportunity to examine it, the officer or the investigator shall sign it and state on the record the fact of the waiver, illness, absence of the witness or the refusal to sign, together with the reasons, if any, given therefor.

(v) Upon payment of reasonable charges therefor, the investigator shall furnish a copy of the transcript to the witness only, except that the prosecuting authority may, for good cause, limit such witness to inspection of the official transcript of the witness' testimony.

(vi) Any person compelled to appear for oral testimony under a civil investigative demand may be accompanied, represented and advised by counsel. Counsel may advise the person, in confidence, with respect to any question asked of that person. The person or counsel may object on the record to any question, in whole or in part, and shall briefly state for the record the reason for the objection. An objection may be made, received and entered upon the record when it is claimed that such person is entitled to refuse to answer the question on the grounds of any constitutional or other legal right or privilege, including the privilege against self-incrimination. The person may not otherwise object to or refuse to answer any question, and may not directly or through counsel otherwise interrupt the oral examination. If the person refuses to answer any question, a petition may be filed in the Commonwealth Court under subsection (g) for an order compelling the person to answer the question.

(7) Upon completion of:

(i) the false claims investigation for which any documentary material was produced under this section; and

(ii) any case or proceeding arising from such investigation;

the investigator shall return to the person who produced the material all of the material other than copies of the material made pursuant to this section which have not passed into the control of any court or grand jury through introduction into the record of such case or proceeding.

(8) When documentary material has been produced by a person under this section for use in a false claims investigation and no case or proceeding arising from the investigation has been instituted within a reasonable time after completion of the examination and analysis of all evidence assembled in the course of the investigation, the person shall be entitled, upon written demand made upon the prosecuting authority, to the return of all documentary material, other than copies of the material made pursuant to this section, so produced by that person.

(g) Failure to comply.—Whenever a person fails to comply with a civil investigative demand that is served upon him under this section or whenever satisfactory copying or reproduction of any of the material cannot be done and the person refuses to surrender the material, the prosecuting authority may file in the Commonwealth Court and serve upon the person a petition for an order of the court for the enforcement of this section.

(h) Petition for relief.—

(1) Within 20 days after the service of any demand under this section upon any person or at any time before the return date specified in the demand, whichever period is shorter, the person may file in the Commonwealth Court and serve upon the prosecuting authority a petition for an order of the court

modifying or setting aside this demand. The time allowed for compliance with the demand, in whole or in part, as deemed proper and ordered by the court shall not run during the pendency of the petition in the court. The petition shall specify each ground upon which the petitioner relies in seeking the relief and may be based on any failure of the demand to comply with the provisions of this section or on any constitutional or other legal right or privilege of the person.

(2) At any time during which the prosecuting authority is in custody or control of documentary material delivered by a person in compliance with a demand under this section, the person may file in the Commonwealth Court and serve upon the prosecuting authority a petition for an order of the court requiring the performance of any duty imposed by this section.

(3) Whenever a petition is filed in the Commonwealth Court, the court shall have jurisdiction to hear and determine the matter so presented and, after a hearing at which all parties are represented, to enter such order or orders as may be required to carry into effect the provisions of this section.

(i) Definition.—As used in this section, the term “documentary material” includes, but is not limited to, any book, paper, record, recording, tape, report, memorandum, data, written or electronic communication or other document relating to the business affairs of any person, enterprise or matter falling within the purview of this chapter.

§ 8659. Immunity.

Whenever any individual refuses on the basis of his privilege against self-incrimination to comply with a civil investigative demand issued pursuant to this chapter or to testify or produce other information in a proceeding under this chapter, the prosecuting authority may invoke the provisions of section 5947 (relating to immunity of witnesses).

§ 8660. Regulations.

(a) General rule.—The Attorney General shall have the power and authority to promulgate rules and regulations which may be necessary to carry out the purposes set forth in this chapter.

(b) Guidelines.—In order to facilitate the speedy implementation of this chapter, the Attorney General shall have the power and authority to promulgate, adopt and use guidelines which shall be published in the Pennsylvania Bulletin. The guidelines shall not be subject to review pursuant to section 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, sections 204(b) and 301(10) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, and shall be effective for a period of not more than two years from the effective date of this chapter. After the expiration of the two-year period, the guidelines shall expire and be replaced by regulations which shall be promulgated, adopted and published as provided by law.

Section 2. Sections 9795.1(a)(1), 9795.2(b), 9798(a) and (e) and 9799.7 of Title 42 are amended to read:

Amend Bill, page 5, by inserting between lines 3 and 4

Section 3. The provisions of 42 Pa.C.S. Ch. 86 are severable.

If any provision of 42 Pa.C.S. Ch. 86 or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of 42 Pa.C.S. Ch. 86 which can be given effect without the invalid provision or application.

Amend Sec. 2, page 5, line 4, by striking out “2” and inserting

4

On the question,

Will the House agree to the amendment?

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

Mr. KENNEY. Thank you, Mr. Speaker.

I was waiting for Mr. Vitali to jump, and—

The SPEAKER. I was too, Mr. Kenney.

Mr. KENNEY. Mr. Speaker, this amendment is 1910. It is essentially HB 898, which is legislation this House has passed in three consecutive sessions, the Fraud Against Taxpayers Act. It has gone to the Senate on three different occasions and never has seen the light of day over there, and I think it is important that we send a message to our constituents and taxpayers that we eradicate fraud in government contracts and create this act, which essentially is the False Claims Act, which is the Federal act, which allows our Attorney General, district attorneys, to go after those entities across the Commonwealth that we believe have defrauded government, either the Commonwealth or a political subdivision.

So today I offer this amendment to SB 903 on behalf of Pennsylvania taxpayers and ask that the House support this legislation.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—199

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

DeWeese	Laughlin	Roebuck	Yudichak
DiGirolamo	Leach	Rohrer	Zug
Diven	Lederer	Rooney	
Eachus	Leh	Ross	Perzel,
Egolf	Lescovitz	Rubley	Speaker
Evans, D.			

NAYS—0

NOT VOTING—0

EXCUSED—4

Donatucci	Myers	Taylor, E. Z.	Travaglio
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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 gentleman, Mr. Adolph, offers the following amendment, which the clerk will read.
The gentleman, Mr. Adolph, has withdrawn the amendment.

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

The following roll call was recorded:

YEAS—199

Adolph	Evans, J.	Levdansky	Ruffing
Allen	Fabrizio	Lewis	Sainato
Argall	Fairchild	Lynch	Samuelson
Armstrong	Feese	Mackereth	Santoni
Baker	Fichter	Maher	Sather
Baldwin	Fleagle	Maitland	Saylor
Bard	Flick	Major	Scavello
Barrar	Forcier	Manderino	Schroder
Bastian	Frankel	Mann	Scrimenti
Bebko-Jones	Freeman	Markosek	Semmel
Belardi	Gabig	Marsico	Shaner
Belfanti	Gannon	McCall	Smith, B.
Benninghoff	Geist	McGeehan	Smith, S. H.
Biancucci	George	McGill	Solobay
Birmelin	Gergely	McIlhattan	Staback
Bishop	Gillespie	McIlhinney	Stairs
Blaum	Gingrich	McNaughton	Steil
Boyd	Godshall	Melio	Stern
Browne	Good	Metcalfe	Stetler
Bunt	Goodman	Micozzie	Stevenson, R.
Butkovitz	Grucela	Millard	Stevenson, T.
Buxton	Gruitza	Miller, R.	Sturla
Caltagirone	Habay	Miller, S.	Surra
Cappelli	Haluska	Mundy	Tangretti
Casorio	Hanna	Mustio	Taylor, J.

Causer	Harhai	Nailor	Thomas
Cawley	Harhart	Nickol	Tigue
Civera	Harper	O'Brien	True
Clymer	Harris	Oliver	Turzai
Cohen	Hasay	O'Neill	Vance
Coleman	Hennessey	Pallone	Veon
Cornell, S. E.	Herman	Payne	Vitali
Corrigan	Hershey	Petrarca	Walko
Costa	Hess	Petri	Wansacz
Coy	Hickernell	Petrone	Washington
Crahalla	Horsey	Phillips	Waters
Creighton	Hutchinson	Pickett	Watson
Cruz	James	Pistella	Weber
Curry	Josephs	Preston	Wheatley
Dailey	Keller	Raymond	Williams
Daley	Kenney	Readshaw	Wilt
Dally	Killion	Reed	Wojnarowski
DeLuca	Kirkland	Reichley	Wright
Denlinger	Kotik	Rieger	Yewcic
Dermody	LaGrotta	Roberts	Youngblood
DeWeese	Laughlin	Roebuck	Yudichak
DiGirolamo	Leach	Rohrer	Zug
Diven	Lederer	Rooney	
Eachus	Leh	Ross	Perzel,
Egolf	Lescovitz	Rubley	Speaker
Evans, D.			

NAYS—0

NOT VOTING—0

EXCUSED—4

Donatucci Myers Taylor, E. Z. Travaglio

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

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

* * *

The House proceeded to third consideration of **HB 826, PN 3908**, entitled:

An Act amending the act of February 13, 1970 (P.L.19, No.10), entitled "An act enabling certain minors to consent to medical, dental and health services, declaring consent unnecessary under certain circumstances," further providing for consent to treatment; providing for release of medical records and for certain court reporting; and requiring a report by the Legislative Budget and Finance Committee.

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

Mr. **VITALI** offered the following amendment No. **A2029**:

Amend Sec. 1 (Sec. 1.1), page 2, line 17, by inserting after "physician"

who is board certified in the field of psychiatry or licensed to practice psychology and

Amend Sec. 1 (Sec. 1.1), page 2, lines 18 through 21, by striking out "THE EXAMINING PHYSICIAN SHALL BE APPROPRIATELY" in line 18, all of lines 19 and 20 and "FACILITY." in line 21

Amend Sec. 1 (Sec. 1.1), page 2, line 21, by removing the period after "necessary" and inserting
: provided, however, for inpatient treatment to commence against the minor's wishes, the physician shall:

(i) find that the minor has a diagnosed mental disorder;

(ii) find that the disorder is treatable;

(iii) find that the disorder requires inpatient treatment; and

(iv) describe the type of inpatient facility most suited to the recommended treatment.

The physician shall certify the conclusions and submit them in writing to the director of the admitting facility prior to admission of the minor.

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.

By way of background, one of the things this bill does is, with regard to children over 14 but under 18 years of age, it allows them to be committed against their will in a situation when they are not a danger to themselves or others if their parent consents and a physician consents. Under current law, that cannot happen. Under current law, a child 14 to 18, if he is not a danger to himself or others, cannot be committed against his will.

Now, what this amendment does is say, it does not change what the bill is trying to do. It allows a child to be committed against his will if a parent and a physician say so, but it adds one safeguard, and that is this: It says that, A, the physician has to be board certified in the field of psychiatry or licensed to practice psychology, so it has to be a mental-health professional. That is one thing.

And the second thing it says is, that mental-health professional has to, in writing, find four things, and those four things basically are as follows: that the child has a diagnosed mental disorder; that the disorder is treatable; that the disorder requires inpatient treatment; and he has to describe the type of inpatient treatment most suitable. It simply forces the psychiatrist or psychologist to put on the record in writing why he thinks this child, against his will, should receive inpatient treatment. This is not an undue burden. It simply requires—The goal is to let that psychologist pause and know he is going to be on the record, so he needs to be sure when he is giving his consent. This should not be burdensome. It should just provide one safeguard to the bill.

We have modified this to deal with the maker of the bill's objections, which he expressed to a previous amendment, and I hope that we can support the amendment.

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

The gentleman from Adams, Mr. Maitland.
Mr. MAITLAND. Thank you, Mr. Speaker.

I would ask for a "no" vote by the members on this amendment. It does at least four things that are very bad in terms of the intent of the bill.

First, this could create the need for parents to go to court to get their children voluntarily admitted, which is directly contrary to the object of the bill. Secondly, it would require a physician to diagnose the mental illness before the patient has been admitted and diagnosed, which is not very feasible. Third, it would require the admitting physician to say that the mental illness could be treated at the facility to which the minor

is being admitted. Again, without knowing the diagnosis, you cannot be sure that you are admitting them to the proper place to treat whatever mental illness will ultimately be diagnosed. Quite often adolescents are admitted, diagnosed, and transferred to another facility. And finally, this amendment expands the practice of psychology by allowing psychologists to admit patients to inpatient mental-health facilities, which they cannot do today.

So for all those reasons I would urge a “no” vote on this amendment.

Thank you, Mr. Speaker.

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

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I, too, rise to oppose the amendment. This is a very important issue, and what the gentleman is trying to do with the bill is to help parents in very, very difficult situations who have children between the ages of 14 and 18 who may have very serious problems. I have had constituents who have had this exact problem and cannot get their child help because they simply refuse. What this legislation does is with the help and advice and permission of a doctor, for parents to make sure that they have done, that they at least have done everything they possibly can for their teenager who may suffer from a mental illness.

This bill is a good piece of legislation. I think the maker of the amendment has all good intention, but it does cripple the bill, and it does handicap parents’ ability to do their job for their 14-year-old or 15-year-old or 16-year-old who needs some serious help.

I would ask for a negative vote and then an affirmative vote on the bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Maitland, wish to be recognized again?

The gentleman, Mr. Vitali. Do you wish to be recognized again?

Mr. VITALI. Yes, Mr. Speaker, if I do not see anyone else who wants to be recognized.

The SPEAKER. Neither do I, Mr. Vitali.

Mr. VITALI. I am just quite confused and puzzled at the objections to this amendment, and I would hope that the members would just sort of read the amendment and listen to the argument, because there seems to be a disconnect between the language I am proposing and the arguments that the maker of the amendment and the other speaker have raised.

Let me take them point by point. I mean, one of the objections raised by the prime sponsor is this would involve the parents going to court. It would involve nothing of the sort. What the Maitland bill does is say the child can be committed against his will if a parent and a physician consent. This does not change that. All this says is, yes, they have to consent, but the physician has to lay out his reasons in writing. That is all it says. It says nothing about the court. This is not going to allow the court to get involved any further than it could in the absence of this amendment.

I mean, the second thing it does, the second objection raised by the maker of the bill is, it gives admitting privileges to psychologists. This bill narrows, frankly, this bill is more specific than what the prime sponsor is saying. Right now under

the current language of 826, just the say-so, not in writing but just the say-so, just the oral consent of the physician, undefined, any physician, a podiatrist for the love of God, just his consent can get the child in. This does not give anybody any additional admitting privileges.

You know, Mr. Speaker, all this does – and it is not burdensome – is require the physician to simply put in writing his reasons for saying why a child should be committed against his will. A psychologist and a psychiatrist, if anyone has had any dealings with the mental-health field, they can make outpatient diagnoses. They do it every day; it is not a big deal, and simply to require a mental-health professional to state the diagnosis of a child before he commits him against his will is not a big deal. It is not burdensome. It is not going to slow things down.

You know, Mr. Speaker, I think in this society, even though you might be 15 or 16 or 17 years old, you still have rights – you still have rights – and if you are put somewhere where you do not want to be against your will, your freedom has been compromised, and all I am saying is this. All I am saying is, if you are going to compromise any person’s freedom, even if they are only 17 years old, it is a minimal intrusion – a minimal intrusion – to have a doctor simply put in writing what those reasons are.

We should not be objecting to this. It should not be a knee-jerk reaction, perhaps because the maker objects. Just read the language and think about it, and think about the child and try to do the right thing. I urge a “yes” vote.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Maitland.

Mr. MAITLAND. Thank you, Mr. Speaker.

If you do look at the language of the gentleman’s amendment, you will see that the way it is drafted, the way it is written, it would give psychologists the right to admit to inpatient psychiatric facilities, which they do not have today and they do not want. Furthermore, podiatrists or, you know, orthopedists cannot admit patients to inpatient psychiatric facilities. That is not the way the system works. I understand what the gentleman is trying to say, but under the current law today, you can have a 15-year-old diagnosed with schizophrenia, you can admit them to an inpatient psychiatric hospital for treatment, and they can check themselves out because the law does not require them to stay. That is what we are trying to address here today. We are trying to get these people treatment and help, and physicians often do not know the exact diagnosis when they are admitting a patient. Maybe they are bipolar, maybe they are depressed, maybe they are schizophrenic, or maybe they are just suffering from malnutrition. They often do not know. They need to be admitted, they need to be assessed and diagnosed then, and then the proper course of treatment and the proper location for treatment can be determined.

The gentleman’s amendment does great violence to the intent of this legislation. It is not agreed to by the psychiatrists and the psychologists, and I would again urge a negative vote on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman, Mr. Gannon.

Mr. GANNON. Mr. Speaker, I rise in opposition to this amendment.

Mr. Speaker, this is not a joke here. These are people who are in crisis, can be a harm to themselves and a harm to others. The process that the maker of this amendment sets out will delay the immediacy of treatment that may be critical to that patient. This makes this whole process cumbersome and, quite frankly, turns this into some kind of a charade.

I urge a “no” vote on this amendment. It is a bad amendment, and it destroys the intent of the bill.

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—14

Cohen	Kirkland	Roebuck	Vitali
Evans, D.	Pistella	Scrimenti	Washington
James	Preston	Thomas	Williams
Josephs	Rieger		

NAYS—185

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

DiGirolamo	Leach	Rooney	Perzel,
Diven	Lederer	Ross	Speaker

NOT VOTING—0

EXCUSED—4

Donatucci	Myers	Taylor, E. Z.	Travaglio
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Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

The SPEAKER. Does the gentleman, Mr. Vitali, have an additional amendment? The gentleman indicates that he does not.

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

Mr. REICHLEY offered the following amendment No. **A2020**:

Amend Sec. 1 (Sec. 1.1), page 5, by inserting between lines 13 and 14

(11) Nothing in this subsection shall prevent a nonconsenting parent who has legal custody rights of a minor child to object to the consent given by the other parent to inpatient treatment under paragraph (1) by filing a petition in a court of common pleas in the county where the child resides. The court shall hold a hearing on the objection within seventy-two hours of the filing of the petition.

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

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

Mr. REICHLEY. Thank you, Mr. Speaker.

This amendment has been agreed to by both the Pennsylvania Psychological Association and Psychiatric Association and the prime sponsor of the legislation. It is meant to create the option for a nonconsenting parent, whether they are married or in a separated marital situation, to file an objection to the voluntary inpatient treatment of the minor and that a hearing be held within 72 hours of the objection being filed with the court.

I would appreciate a unanimous vote.

Thank you.

The SPEAKER. The Chair recognizes the gentleman from Adams, Mr. Maitland.

Mr. MAITLAND. Thank you, Mr. Speaker.

The amendment is agreed to, and I would urge an affirmative vote.

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

The following roll call was recorded:

YEAS—199

Adolph	Evans, J.	Levdansky	Ruffing
Allen	Fabrizio	Lewis	Sainato

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

NAYS-0

NOT VOTING-0

EXCUSED-4

Donatucci	Myers	Taylor, E. Z.	Travaglio
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

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

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

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

The following roll call was recorded:

YEAS-199

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

NAYS-0

NOT VOTING-0

EXCUSED-4

Donatucci	Myers	Taylor, E. Z.	Travaglio
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

* * *

The House proceeded to third consideration of **HB 2341, PN 3270**, entitled:

An Act amending the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act, further providing for public employer unit; and adding law enforcement officers of limited jurisdiction as an additional category of covered employee.

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?

On that question, the Chair recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Just looking for a brief explanation of the bill from the maker.

The SPEAKER. Mr. Dally? The Chair recognizes the gentleman from Northampton, Mr. Dally.

Mr. DALLY. Thank you, Mr. Speaker.

This legislation defines a “law enforcement officer of limited jurisdiction” as “a public employe employed by a public employer as a police officer whose power and authority to arrest is statutorily limited by territory or by subject matter.” So basically, this extends Act 111 arbitration rights to police officers of limited jurisdiction who have been, up to this point, excluded from that protection.

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

Mr. VITALI. I have to apologize, Mr. Speaker. I was honestly trying to hear, and it sounded like he gave a good explanation, but I just could not – the noise – I just could not hear it. I apologize.

Mr. DALLY. Mr. Speaker, it would be my pleasure to describe the legislation once again.

This pertains to police officers of limited jurisdiction, and what it does, it extends Act 111 arbitration benefits to those individuals, and it defines a “law enforcement officer of limited jurisdiction” as “a public employe employed by a public employer as a police officer whose power and authority to arrest is statutorily limited by territory or by subject matter.”

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Casorio.

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the maker of the bill, please?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Casorio, is in order and may proceed.

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, to whom is this bill directed? Do you have a department or a jurisdiction in mind?

Mr. DALLY. Mr. Speaker, some examples of officers in this category would be narcotics agents in the Attorney General’s Office, campus police under the State System of Higher Ed,

liquor control enforcement officers in the State Police, housing authority police, and other police such as transit and airport police.

Mr. CASORIO. Mr. Speaker, they are currently Act 120. Correct?

Mr. DALLY. I am not sure of the answer to that question. I can get the answer to that, if you will hold on one second.

Mr. CASORIO. Thank you, Mr. Speaker.

Yes; the Municipal Police Training Academy, Act 120 certification.

Mr. DALLY. Yes, they are, Mr. Speaker.

Mr. CASORIO. Mr. Speaker, are these individuals now covered by Act 111?

Mr. DALLY. No, Mr. Speaker. That is the purpose of the bill.

Mr. CASORIO. Mr. Speaker, have you heard from – and again, I have not, so I am asking you, because I have no direction from them – have you heard from the State Fraternal Order of Police on this bill, Mr. Speaker?

Mr. DALLY. Yes, Mr. Speaker; the Fraternal Order of Police, the Pennsylvania State Lodge, is in full support of this bill.

Mr. CASORIO. Okay. Mr. Speaker, currently, and I am looking at just a brief analysis here that said your HB 2341 provides for law enforcement officers of limited jurisdiction will be prohibited from being included in any collective-bargaining unit with other public employees. So they will be included just primarily by themselves, or what is the analysis directed to, Mr. Speaker?

Mr. DALLY. Mr. Speaker, under Act 111, police officers are not given the right to strike. Thus, they have to have some way to resolve labor impasses, and that right is through an arbitration process, and that arbitration would then apply to these officers of limited jurisdiction, who could then seek redress of any type of disagreement through an arbitration process. They would not be permitted to strike.

Mr. CASORIO. 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—199

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

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Donatucci Myers Taylor, E. Z. Travaglio

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.

CHILDREN AND YOUTH COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Birmelin, for the purpose of an announcement.

Mr. BIRMELIN. Thank you, Mr. Speaker.

There is going to be an immediate meeting of the Children and Youth Committee today as soon as we adjourn. That will be held in room 302 in the Irvis Office Building. That is the Children and Youth Committee meeting at 302 Irvis Office Building immediately upon the adjournment.

The SPEAKER. The Chair thanks the gentleman.

There will be an immediate meeting of the Children and Youth Committee today as soon as we adjourn in room 302 of the Irvis Building.

CONSUMER AFFAIRS COMMITTEE MEETING

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

Mr. FLICK. Thank you, Mr. Speaker.

There will be an immediate meeting of the Consumer Affairs Committee in the rear of the House to consider one bill, to report it out so that it could be rereferred to another committee.

Thank you, Mr. Speaker.

The SPEAKER. There will be an immediate meeting of the Consumer Affairs Committee in the rear of the House.

COMMITTEE MEETING CANCELED

The SPEAKER. The gentleman, Mr. Allen.

Mr. ALLEN. Thank you, Mr. Speaker.

The Labor Committee meeting scheduled for 9:30 tomorrow morning has been canceled.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

For the information of the members, tomorrow's session will start at 10 a.m.

ANNOUNCEMENT BY MR. CLYMER

The SPEAKER. Mr. Clymer. Does the gentleman, Mr. Clymer, seek recognition?

Mr. CLYMER. Thank you, Mr. Speaker.

I wonder if I could have the attention of the members for a very important announcement for tomorrow morning.

The SPEAKER. The gentleman is entirely correct. He is entitled to be heard. Please keep the noise levels down.

Mr. CLYMER. A number of us together – we would like to do this in a very bipartisan way – we want to have a Capitol salute for our late President, the 40th President of the United States, Ronald Reagan. This will take place in the Capitol rotunda. That is tomorrow beginning at 11 o'clock.

It is going to be very informal. We are asking members if they would just come up to the podium that will be there and express whatever wishes they would like to say about our former and great President.

There will be a book there that they can record their remarks, and that book of record will then be mailed to the Reagan Library as part of the permanent record.

So again, that will begin when we are dismissed here tomorrow at 11 o'clock. It is in the Capitol rotunda. I think this is something that each and every one of us would want to participate in, if you can.

So thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

There will be no further votes. The desk will remain open for reports back from committee.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON PROFESSIONAL LICENSURE**

SB 1059, PN 1473

By Rep. FLICK

An Act amending the act of May 11, 1889 (P.L.188, No.210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for certain charges.

CONSUMER AFFAIRS.

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.

ADJOURNMENT

The SPEAKER. The Chair recognizes at this time the gentleman from Delaware, Mr. Killion.

Mr. KILLION. Mr. Speaker, I move that this House do now adjourn until Wednesday, June 9, 2004, at 10 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 3:07 p.m., e.d.t., the House adjourned.