

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, JUNE 30, 2004

SESSION OF 2004

188TH OF THE GENERAL ASSEMBLY

No. 47

HOUSE OF REPRESENTATIVES

The House convened at 2:20 p.m., e.d.t.

**THE SPEAKER PRO TEMPORE
(PATRICIA H. VANCE) PRESIDING**

PRAYER

The SPEAKER pro tempore. In the absence of our Chaplain, Rev. Juliann Whipple, her prayer will be read by the Speaker pro tem.

Would all guests and members please rise.

God of all nations and all people, we come before You this afternoon, our agendas heavy on our minds. We want to rush through the events of the week in order to be able to spend some time in celebration of this nation's independence lest we dishonor those who served so faithfully as well as those who serve in an attempt to secure independence for others.

Independence is such a powerful idea. It marks the yearning of many peoples and nations. It is the heady potion that people desire. We pray, O God, we may never become so independent that we turn our backs on You. We need You, O God. We seek Your wisdom on behalf of our country's destiny. You have walked with us from the beginning, and we know we need to respond to Your truth in the conduct of our affairs. Therefore, may we lift our vision beyond the festive nature of this weekend until our eyes come to rest on You. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Tuesday, June 29, 2004, will be postponed until printed.

JOURNALS APPROVED

The SPEAKER pro tempore. However, the following Journals are approved: Tuesday, April 13; Wednesday, April 14; and Thursday, April 15, 2004.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2750 By Representatives SCAVELLO, WILT, ROHRER, LEH, R. STEVENSON, DENLINGER, ARMSTRONG, BENNINGHOFF, BAKER, BALDWIN, BARRAR, BASTIAN, BIRMELIN, CAPPELLI, CLYMER, COLEMAN, CREIGHTON, DAILEY, EGOLF, FORCIER, GABIG, GILLESPIE, HERMAN, HERSHEY, HORSEY, LEWIS, MACKERETH, MARSICO, McILHATTAN, MILLARD, R. MILLER, S. MILLER, MUSTIO, PICKETT, ROBERTS, SATHER, SOLOBAY, THOMAS and YEWCIC

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, imposing a business receipts education tax; eliminating sales taxes; designating certain tax revenue for transfer to the Education Operating Fund; and further providing for the imposition and rate of the State Real Estate Transfer Tax and for the disposition of certain moneys raised by the Local Real Estate Transfer Tax.

Referred to Committee on FINANCE, June 30, 2004.

No. 2751 By Representatives WILT, DENLINGER, SCAVELLO, BENNINGHOFF, ROHRER, ARMSTRONG, BAKER, BALDWIN, BARRAR, BASTIAN, BIRMELIN, CAPPELLI, CLYMER, COLEMAN, CREIGHTON, DAILEY, EGOLF, FORCIER, GABIG, GILLESPIE, HERMAN, HERSHEY, HORSEY, LEH, LEWIS, MACKERETH, MARSICO, McILHATTAN, MILLARD, R. MILLER, S. MILLER, MUSTIO, PICKETT, ROBERTS, SATHER, SOLOBAY, R. STEVENSON, THOMAS and YEWCIC

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, restricting the power of certain school districts to levy, assess and collect taxes.

Referred to Committee on FINANCE, June 30, 2004.

No. 2752 By Representatives R. STEVENSON, ROHRER, ARMSTRONG, SCAVELLO, WILT, LEH, DENLINGER, BENNINGHOFF, BALDWIN, BARRAR, BASTIAN, BIRMELIN, CAPPELLI, CLYMER, COLEMAN, CREIGHTON, DAILEY, EGOLF, FORCIER, GABIG, GILLESPIE, HERMAN, HERSHEY, HORSEY, LEWIS, BAKER, MACKERETH, MARSICO, McILHATTAN, MILLARD, R. MILLER, S. MILLER, MUSTIO, PICKETT, ROBERTS, SATHER, SOLOBAY, THOMAS and YEWCIC

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for expiration of authority to issue certain debt, for reporting by local government units

of debt outstanding and for assumption of certain debt by the Commonwealth.

Referred to Committee on FINANCE, June 30, 2004.

No. 2753 By Representatives ROHRER, R. STEVENSON, LEH, SCAVELLO, WILT, BENNINGHOFF, ARMSTRONG, DENLINGER, BAKER, BALDWIN, BARRAR, BASTIAN, BIRMELIN, CAPPELLI, CLYMER, COLEMAN, CREIGHTON, DAILEY, EGOLF, FORCIER, GABIG, GILLESPIE, HERMAN, HERSHEY, HORSEY, LEWIS, MACKERETH, MARSICO, McILHATTAN, MILLARD, R. MILLER, S. MILLER, MUSTIO, PICKETT, ROBERTS, SATHER, SOLOBAY, THOMAS and YEWIC

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 tax levies and information related to taxes; authorizing the imposition of a personal income tax or an earned income tax by a school district subject to voter approval; establishing the School Financing Authority and providing for its powers and duties and for basic education funding for 2003-2004 school year; establishing the Education Operating Fund and providing for disbursements therefrom; adding provisions relating to performance and accountability technology; making a repeal; and making editorial changes.

Referred to Committee on FINANCE, June 30, 2004.

No. 2777 By Representatives BEBKO-JONES, MARKOSEK, SAINATO, SCRIMENTI, LEDERER, WHEATLEY, FABRIZIO, KOTIK, BIANCUCCI, GRUCELA, PETRONE, WOJNAROSKI, READSHAW, STURLA, McGEEHAN, LAUGHLIN, LEACH and FREEMAN

An Act amending the act of December 13, 2001 (P.L.871, No.95), known as the Long-Term Care Resident and Employee Immunization Act, further providing for resident immunization.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 30, 2004.

No. 2778 By Representatives BARRAR, HORSEY and YOUNGBLOOD

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, providing for transfer of the functions and duties of the Bureau of Liquor Control Enforcement of the Pennsylvania State Police to municipal and regional police departments.

Referred to Committee on LIQUOR CONTROL, June 30, 2004.

No. 2779 By Representatives STABACK, CAPPELLI, FABRIZIO, GERGELY, GOODMAN, HANNA, JAMES, KOTIK, McGEEHAN, PISTELLA, SURRA, TANGRETTI and TIGUE

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, deleting provisions relating to Sunday hunting prohibition.

Referred to Committee on GAME AND FISHERIES, June 30, 2004.

SENATE BILL FOR CONCURRENCE

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

SB 931, PN 1759

Referred to Committee on EDUCATION, June 30, 2004.

BILLS REMOVED FROM TABLE

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

Mr. S. SMITH. Madam Speaker, I move that SB 1040 and SB 1042 be taken from the table.

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

BILLS ON SECOND CONSIDERATION

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

SB 1040, PN 1762; and SB 1042, PN 1763.

BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Madam Speaker, I move that HB 335 be taken off the table.

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

BILL TABLED

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

Mr. S. SMITH. Madam Speaker, I move that HB 335 be placed on the table.

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

COMMUNICATIONS FROM DEPARTMENT OF HEALTH

The SPEAKER pro tempore. The Speaker acknowledges receipt of the Pennsylvania State plan for the treatment of drug and alcohol abuse and dependence problems for fiscal year 2004-2005.

The Speaker acknowledges receipt of the annual report on drug and alcohol programs from the Department of Health for the period July 2002-June 2003 as required by Act 63 of 1973 and the annual report on women and children as required by Act 65 of 1993.

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

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House Alexandra Sacavage, who is the guest of Representative Belfanti. She is his summer intern. She is seated to the left of the Speaker. Would she please rise.

COMMUNICATIONS FROM GOVERNOR

APPROVAL OF HOUSE BILLS

The Speaker pro tempore laid before the House communications in writing from the office of His Excellency, the Governor of the Commonwealth, advising that the following House bills had been approved and signed by the Governor:

HB 659, HB 1809, and HB 2273.

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

HB 1720, PN 4240 (Amended) By Rep. GANNON

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, providing for delegation of functions necessary for the support of nursing services.

PROFESSIONAL LICENSURE.

HB 1723, PN 4241 (Amended) By Rep. GANNON

An Act amending the act of March 2, 1956 (1955 P.L.1211, No.376), known as the Practical Nurse Law, providing for the delegation of functions.

PROFESSIONAL LICENSURE.

HB 1922, PN 4239 (Amended) By Rep. STAIRS

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for creditable nonschool service and for contributions for purchase of credit for creditable nonschool service.

EDUCATION.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 157, PN 1766; and SB 200, PN 1765.**

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

SENATE MESSAGE

AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE AND REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 445, PN 4198; HB 2524, PN 4196; and HB 2527, PN 4197**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1937, PN 2533; HB 2378, PN 3356; HB 2522, PN 3665; HB 2523, PN 3666; HB 2525, PN 3668; HB 2526, PN 3669; and HB 2649, PN 3944**, with information that the Senate has passed the same without amendment.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the majority leader, who calls for an immediate meeting of the Rules Committee.

BILLS REREPORTED FROM COMMITTEE

HB 1116, PN 1318 By Rep. S. SMITH

An Act providing for the certification of persons conducting hazardous painting; and providing for a penalty.

RULES.

HB 2011, PN 2653 By Rep. S. SMITH

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, providing for extension of licensed premises in a city of the first class.

RULES.

HB 2383, PN 3361

By Rep. S. SMITH

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, providing for exemption of military personnel from occupational privilege tax.

RULES.

HB 2666, PN 3972

By Rep. S. SMITH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for period of registration.

RULES.

HB 2744, PN 4159

By Rep. S. SMITH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, reenacting provisions relating to comparative negligence; and making a repeal.

RULES.

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 445, PN 4198

By Rep. S. SMITH

An Act providing for State registration of individuals providing sign language interpreting and transliterating services to individuals who are deaf or hard of hearing; and imposing duties on the office for the deaf and hard of hearing in the Department of Labor and Industry.

RULES.

HB 550, PN 4101

By Rep. S. SMITH

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

RULES.

HB 2524, PN 4196

By Rep. S. SMITH

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.

RULES.

HB 2527, PN 4197

By Rep. S. SMITH

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 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.

RULES.

SB 200, PN 1765

By Rep. S. SMITH

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for termination of annuities.

RULES.

BILLS ON SECOND CONSIDERATION

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

HB 2011, PN 2653; HB 2383, PN 3361; HB 2666, PN 3972; and HB 2744, PN 4159.

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

LEAVES OF ABSENCE

The SPEAKER. There are currently no requests for leaves of absence.

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—203

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—0

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House two very special guests from the city of Philadelphia. They actually live in New Hope – Susan and Jim Anderson. They are both guests of the Speaker. They are to the left of the rostrum. Would our guests, Susan and Jim, please rise.

FINNEGAN FOUNDATION INTERNS
INTRODUCED

The SPEAKER. The Chair at this time recognizes the gentleman from Schuylkill, Mr. Argall, for the purpose of introducing several guests.

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, we have some special guests today from the Finnegan Foundation, and I would ask them to rise as I introduce them. We have Malcolm Derk from Freeburg, Pennsylvania, who is a senior at Susquehanna University, who has been placed in the Department of Education; we have Gina Fenice from Harrisburg, a senior at the University of Notre Dame, at the Department of Revenue; Craig Hirneisen from Reading, a senior at IUP (Indiana University of Pennsylvania), who has been placed in the Department of State for the summer; and Kyle Kopko from Enola, a senior at Elizabethtown College, who has also been placed in the Department of State.

It is rather depressing for me to note, Mr. Speaker, that none of these people were alive when I was a 1979 Finnegan intern. Maybe they were around when Eric Fillman, a 1983 Finnegan intern from Representative Cohen's office, was on the planet. He is the current president of the Finnegan Foundation, and I ask you to give them a warm welcome.

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.

The Children and Youth Committee meeting that was scheduled today is going to be postponed until tomorrow morning. We are going to be meeting at 9:30 a.m. in room 60 in the East Wing. That is the Children and Youth Committee meeting that was scheduled for today will be rescheduled tomorrow morning, 9:30 a.m., room 60, East Wing.

Thank you.

The SPEAKER. The Children and Youth Committee meeting is postponed until tomorrow morning at 9:30 a.m. in room 60, East Wing.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1530, PN 2796**, entitled:

An Act providing for Commonwealth support for a Mental Health and Mental Retardation Staff Member Loan Forgiveness Program for Commonwealth residents who graduate from institutions of higher education and who apply their degrees to careers as mental health and mental retardation staff members in this Commonwealth.

On the question,

Will the House agree to the bill on third consideration?

Mr. STURLA offered the following amendment No. **A0733**:

Amend Sec. 3, page 3, line 3, by inserting after "with"
either

Amend Sec. 3, page 3, line 4, by removing the period after "services" and inserting

or the Department of Public Welfare to provide behavioral health rehabilitation services to individuals with developmental disabilities.

Amend Sec. 3, page 3, line 11, by inserting after "with"
either

Amend Sec. 3, page 3, line 12, by removing the period after "services" and inserting

or the Department of Public Welfare to provide behavioral health rehabilitation services to individuals with developmental disabilities.

Amend Sec. 5, page 4, line 16, by striking out "a county" and inserting

either a county or the Department of Public Welfare

On the question,

Will the House agree to the amendment?

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

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER. The House will temporarily go over the Sturla amendment.

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

Mrs. VANCE offered the following amendment No. **A2579**:

Amend Sec. 3, page 2, line 30, by inserting after “agency”
within this Commonwealth

Amend Sec. 3, page 3, line 10, by inserting after “agency”
within this Commonwealth

Amend Sec. 3, page 3, line 10, by inserting after “provider”
within this Commonwealth

Amend Sec. 3, page 3, line 17, by striking out “Is in or has” and
inserting

Has

Amend Sec. 4, page 4, line 9, by striking out “Limitation.—” and
inserting

Limitations.—

Amend Sec. 4, page 4, by inserting after “application.”

Loan forgiveness provided under the
provisions of this act shall not be awarded to a
recipient of another Commonwealth-provided
loan forgiveness program concurrently.

Amend Sec. 5, page 4, line 16, by striking out all of said line and
inserting

service within this Commonwealth or a private
provider within this Commonwealth under
contract to a county. Mental

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

The SPEAKER. The Chair recognizes the gentleman from
Allegheny, Mr. Petrone.

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, this is an agreed-to amendment, and I would
appreciate an affirmative vote.

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—203

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

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

NAYS—0

NOT VOTING—0

EXCUSED—0

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

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

Mr. STURLA reoffered the following amendment. No.
A0733:

Amend Sec. 3, page 3, line 3, by inserting after “with”
either

Amend Sec. 3, page 3, line 4, by removing the period after
“services” and inserting

or the Department of Public Welfare to provide
behavioral health rehabilitation services to
individuals with developmental disabilities.

Amend Sec. 3, page 3, line 11, by inserting after “with”
either

Amend Sec. 3, page 3, line 12, by removing the period after
“services” and inserting

or the Department of Public Welfare to provide
behavioral health rehabilitation services to
individuals with developmental disabilities.

Amend Sec. 5, page 4, line 16, by striking out “a county” and inserting
 either a county or the Department of
 Public Welfare

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

The SPEAKER. At this time the Chair recognizes the gentleman from Allegheny, Mr. Petrone.

Mr. PETRONE. Thank you, Mr. Speaker.

Again, this is an agreed-to amendment. I would appreciate an affirmative vote.

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—203

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

Eachus
 Egolf
 Evans, D.

Lescovitz
 Levdansky

Rubley
 Ruffing

Perzel,
 Speaker

NAYS—0

NOT VOTING—0

EXCUSED—0

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?

The Chair recognizes the gentleman from Lebanon, Mr. Zug.
 Mr. ZUG. Thank you, Mr. Speaker.

Could I interrogate the sponsor of the bill?

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

Mr. ZUG. I would like to know how many people this affects annually.

The SPEAKER. Mr. Petrone.

Mr. PETRONE. At the present time we could not estimate that, Mr. Speaker. This would have to wait until it is implemented and applications are made. At the present time—

Mr. ZUG. Is there a ballpark estimate – 100 people, 1,000 people, 1 million people?

Mr. PETRONE. Well, again, this would depend on the funding granted by the program. So it is going to vary. At this point we do not have a definite figure.

Mr. ZUG. Okay.

Thank you, Mr. Speaker.

Mr. PETRONE. We will try to find that for you, sir. We will try to get you an estimate.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Petrone, seek recognition?

Mr. PETRONE. Thank you, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, we have been working on this particular piece of legislation for many, many years and many, many sessions, and a lot of my colleagues on both sides of the aisle are aware of this.

As many of you know already, community-based mental health and mental retardation services provide those that suffer from mental illness and mental retardation with lifelong opportunity for a meaningful life. Also, these types of services help fulfill many Federal and State laws requiring that such services be provided to individuals with the above-mentioned afflictions.

A qualified and stable workforce is the key to quality community mental health and mental retardation services. Unfortunately, the pool of qualified staff members continues to diminish, and the number of college students planning to enter the mental health and mental retardation profession appears to be inadequate to meet the great need for qualified staff members in this Commonwealth.

Therefore, my HB 1530 would provide a significant incentive to individuals interested in this vital field by providing the payment of a portion of the student loans for mental health and mental retardation staff members. The proposed program will help to promote the important public purpose of encouraging new staff members to continue their careers in this field and remain in Pennsylvania.

My proposal would create the Mental Health and Mental Retardation Staff Member Loan Forgiveness Program within the Pennsylvania Higher Education Assistance Agency. Individuals employed full time by a county mental health/mental retardation service agency would be eligible to have up to \$20,000 of their college student loans forgiven.

Under the bill, the loan forgiveness awards would be based on appropriations made by the General Assembly. Moreover, in the event that funding is insufficient to fully fund all eligible applicants, the agency would utilize a random lottery system. Random lotteries are also utilized in determining which applicants receive loan forgiveness awards under several of the State's existing loan forgiveness programs.

In addition to attracting new people to the field, a student loan forgiveness program would encourage current employees to continue this career path. Although the mental health and mental retardation field is not always easy work, it is very rewarding work in that you are helping someone improve their quality of life. I believe that the Commonwealth needs to do what it can to ensure that mental health agencies have staff levels to meet the great need that exists for such services. I therefore urge all of my members to support my bill with an affirmative vote.

Finally, I would like to take this opportunity to thank everyone from the Pennsylvania Association of Resources for People with Mental Retardation and the Pennsylvania Chapter of the National Association of Social Workers and all of the members of the MH/MR Coalition who have supported this legislation since its inception and for all the hard work each organization has contributed to getting this important legislation to the House for final consideration.

Thank you very much. Thank you, Mr. Speaker, and I urge your support.

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—203

Adolph	Evans, J.	Lewis	Sainato
Allen	Fabrizio	Lynch	Samuelson
Argall	Fairchild	Mackereth	Santoni
Armstrong	Feese	Maher	Sather

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

NAYS—0

NOT VOTING—0

EXCUSED—0

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

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

* * *

The House proceeded to third consideration of **HB 2482, PN 4149**, entitled:

An Act establishing the State Railroad Infrastructure Bank and the State Railroad Infrastructure Bank Fund; and providing for the powers and duties of the Department of Community and Economic Development.

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

Mr. **STERN** offered the following amendment No. **A2725**:

Amend Sec. 3, page 2, line 15, by striking out “railroad” and inserting

rail freight

Amend Sec. 5, page 2, line 25, by striking out “0.50%” and inserting

0.5 percentage points

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

The following roll call was recorded:

YEAS—203

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

NAYS—0

NOT VOTING—0

EXCUSED—0

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

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

Mr. **McCALL** offered the following amendment No. **A2848**:

Amend Title, page 1, lines 3 and 4, by striking out “Community and” in line 3 and all of line 4 and inserting
Transportation.

Amend Sec. 2, page 1, line 14; page 2, line 1, by striking out “Community and Economic” in line 14 on page 1 and “Development” in line 1 on page 2 and inserting
Transportation

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

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

Mr. McCall. Thank you, Mr. Speaker.

Mr. Speaker, my amendment simply changes the authorization from the Department of Community and Economic Development to the Department of Transportation.

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

Mr. Stern, the Chair recognizes the gentleman.

Mr. **STERN**. Thank you, Mr. Speaker.

This is an agreed-to amendment. I would ask the members to support this amendment.

Thank you.

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

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

The following roll call was recorded:

YEAS—203

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

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

NAYS—0

NOT VOTING—0

EXCUSED—0

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

On the question recurring,

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

Mr. **GEORGE** offered the following amendment No. **A2859**:

Amend Sec. 5, page 2, line 22, by striking out "Loans" and inserting

(a) General rule.—Subject to the provisions of subsection (b), loans

Amend Sec. 5, page 2, by inserting between lines 28 and 29

(b) Limitation.—No loan issued under this act or any other type of financial assistance from the Commonwealth of Pennsylvania may be used for the construction or repair of rail freight infrastructure at a municipal solid waste landfill or resource recovery facility.

On the question,

Will the House agree to the amendment?

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

Mr. **GEORGE**. Thank you, Mr. Speaker.

Mr. Speaker, if I may, I apologize.

I have an amendment, Mr. Speaker, and the reason we are taking some time is we are trying to establish the variable between resource recovery and solid waste.

As you probably know, Mr. Speaker, and our colleagues should know, there was a capital budget item placed in this year's capital budget to put \$10 million in for rail for the purpose of bringing solid waste into Centre County, Clearfield County, and Clinton County, reputedly, Mr. Speaker, to be the largest waste dump east of the Mississippi.

Now, I would encourage building rails even though, Mr. Speaker, you and I and all have seen the rise and the fall of rails, but if it is going to be used for private investment to place 110 years of waste dumping, which will ultimately ruin most of the acreage in three counties, I want to be sure, because we should not be doing that and we should not be allowing this to happen.

AMENDMENT WITHDRAWN TEMPORARILY

Mr. **GEORGE**. So with your permission, could I withdraw this amendment temporarily?

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

BILLS REMOVED FROM TABLE

The **SPEAKER** pro tempore. While we await the gentleman, Mr. George, the Chair recognizes the majority leader.

Mr. **S. SMITH**. Mr. Speaker, I move that the following bills be taken off the table:

SB 217;
SB 679; and
SB 979.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS ON SECOND CONSIDERATION

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

SB 217, PN 1758; SB 679, PN 1549; and SB 979, PN 1779.

BILLS RECOMMITTED

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

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

SB 217;
SB 679; and
SB 979.

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

BILLS RECOMMITTED

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

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

HB 2011;
HB 2666;
HB 2744;
HB 1116; and
HB 2383.

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

BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that SB 689 be taken from the table.

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

BILL ON SECOND CONSIDERATION

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

SB 689, PN 1778.

THE SPEAKER (JOHN M. PERZEL) PRESIDING

CONSIDERATION OF HB 2482 CONTINUED

BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 2482 is over temporarily.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 922, PN 1438**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for custodial care facilities.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—186

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

NAYS—16

Causar	Habay	Metcalfe	Reichley
Coleman	Hutchinson	Miller, R.	Stevenson, R.
Creighton	Mackereth	Mustio	True
Forcier	Maher	Nickol	Wilt

NOT VOTING—1

Rohrer

EXCUSED—0

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

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Diven.

Mr. DIVEN. Mr. Speaker, I move that the rules of the House be suspended for immediate consideration of HB 2719, PN 4228.

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

The following roll call was recorded:

YEAS—203

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

Eachus
Egolf
Evans, D.

Lescovitz
Levdansky

Rubley
Ruffing

Perzel,
Speaker

NAYS—0

NOT VOTING—0

EXCUSED—0

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 2719, PN 4228**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for waiting period after application for marriage license.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—203

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

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

NAYS—0

NOT VOTING—0

EXCUSED—0

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

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

The SPEAKER. Would the gentleman, Mr. Casorio, please come to the rostrum.

(Conference held at Speaker's podium.)

* * *

The House proceeded to third consideration of **HB 873, PN 4190**, entitled:

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

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

Mr. **GEORGE** offered the following amendment No. **A2863**:

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

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

and for prohibition on expenditures for emission inspection program.

Amend Bill, page 6, by inserting between lines 8 and 9

Section 2. Section 4706 of Title 75 is amended by adding a subsection to read:

§ 4706. Prohibition on expenditures for emission inspection program.

* * *

(b.9) Gas cap testing.—The department shall not require a separate gas cap test under this section if the vehicle is equipped with a gas cap guaranteed by its manufacturer in documentation previously submitted to the department that the gas cap is designed and manufactured in a way to ensure that it will pass a gas cap test for at least three years following its purchase.

Amend Sec. 2, page 6, line 9, by striking out "2" and inserting
3

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

AMENDMENT WITHDRAWN

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

It is the information of the Speaker that the gentleman, Mr. George, has withdrawn his amendment.

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

The SPEAKER. The House will be at ease.

For the information of the members, the gentleman, Mr. Casorio, asked for 2 minutes, which he was allotted.

The amendment that the gentleman has offered was defeated on July 8, 2003, 60 to 130. Based on that, since it was already defeated, we are ruling the amendment out of order.

The gentleman has the option of appealing the ruling of the Chair.

If not, we are moving to final passage of HB 873, PN 4190.

RULING OF CHAIR APPEALED

The SPEAKER. The gentleman, Mr. Casorio.

Mr. CASORIO. Mr. Speaker?

The SPEAKER. The gentleman is in order.

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, may I appeal the ruling of the Chair?

The SPEAKER. Yes, you may.

Mr. CASORIO. Thank you.

I would like to do that, please.

The SPEAKER. The Chair has ruled that the Casorio amendment is out of order because it was previously defeated on July 8, 2003, 60 to 130.

And the question is, shall the decision of the Chair stand as the judgment of the House?

Those in favor of sustaining the Chair's decision will vote "aye"; those opposed will vote "no."

On the question recurring,
Shall the decision of the Chair stand as the judgment of the House?

The following roll call was recorded:

YEAS—194

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

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

NAYS-9

Casorio	McGeehan	Petrarca	Vitali
Curry	Melio	Tangretti	Walko
Grucela			

NOT VOTING-0

EXCUSED-0

The majority having voted in the affirmative, the question was determined in the affirmative and the decision of the Chair stood as the judgment of the House.

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-202

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

NAYS-1

Hutchinson

NOT VOTING-0

EXCUSED-0

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

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

* * *

The House proceeded to third consideration of **HB 2306, PN 3215**, entitled:

An Act designating a bridge on State Route 11 crossing the Susquehanna River between Great Bend Township and Hallstead Borough, Susquehanna County, Pennsylvania, as the Community Memorial Bridge.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—203

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

Donatucci	Leh	Ross	
Eachus	Lescovitz	Rubley	Perzel,
Egolf	Levdansky	Ruffing	Speaker
Evans, D.			

NAYS—0

NOT VOTING—0

EXCUSED—0

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

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

BILL ON FINAL PASSAGE

The House proceeded to consideration on final passage of **HB 2470, PN 4191**, entitled:

An Act amending the act of May 16, 2002 (P.L.315, No.46), known as the Community Services Block Grant Act, establishing the Commonwealth Community Action Partnership Program.

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 on third consideration.

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

Mr. **VITALI** offered the following amendment No. **A2788**:

Amend Sec. 3, page 6, line 8, by striking out "a section" and inserting

sections

Amend Sec. 3, page 7, by inserting after line 30

Section 10.1. Community revitalization grant information.

The following information shall be made available for public inspection and photocopying as soon as practicable:

(1) All submitted community revitalization grant applications within 15 business days of receipt.

(2) Finalized grant contracts.

(3) Logging and summary information compiled by the department.

The charge to the public for photocopying shall be reasonable, not to exceed the actual cost of the photocopying.

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

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

Mr. **VITALI**. Thank you.

I am going to respect the Chair's advice that this amendment may have some technical problems and withdraw it, but before I do that, I just want to outline what it was.

What this amendment would do would be to require the Department of Community and Economic Development when it administers its Community Revitalization Program to make all applications for this grant program subject to public inspection. We have discussed this before. The CRP program, formerly known as the WAM (walking-around money) program, is a discretionary program with the legislature, and this is a program where I think it is generally believed that you need a political in to get one of these grants, but unbeknownst to many municipalities and other officials, applications are made that are never even considered by the department. This has come out in recent court testimony.

What we are trying to do is shed a little light on this by having all applications open to public inspection so the public could make a comparison between the grants that are accepted versus the grants that are rejected so the public can judge whether the public money is being put to best use.

AMENDMENT WITHDRAWN

Mr. VITALI. Because this had some germaneness problems, I am going to be withdrawing at this time with the hope that it could be considered at a later date.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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—203

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

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

NAYS—0

NOT VOTING—0

EXCUSED—0

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

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

RESOLUTIONS

Mrs. HARHART called up **HR 745, PN 3912**, entitled:

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

On the question,

Will the House adopt the resolution?

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the lady, Mrs. Harhart, who submits remarks for the record.

Mrs. HARHART submitted the following remarks for the Legislative Journal:

As legislators, I believe that we should encourage our constituents to be aware of health risks that may affect their lives. For this reason in addition to the fact that I am a woman, I introduced HR 745, which requires the Joint State Government Commission to investigate and report on the prevalence and burden of cervical cancer, identify the risk factors, and recommend appropriate steps toward awareness and elimination of this disease.

In 2003 an estimated 12,200 women in the United States were diagnosed with and 4,100 women died of cervical cancer. Because the symptoms of cervical cancer are oftentimes not obvious, many women

may have cervical cancer and not realize it. That is why I believe it is so important to educate women about cervical cancer and work toward eliminating preventable diseases which are attacking Pennsylvanians.

I am pleased to know that 73 of my colleagues supported my idea by cosponsoring this resolution. I want to thank you.

Please join me in voting HR 745 out of committee.

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

The following roll call was recorded:

YEAS—203

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

NAYS—0

NOT VOTING—0

EXCUSED—0

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

* * *

Mr. HERSHEY called up **HR 797, PN 4217**, entitled:

A Resolution directing the Joint State Government Commission to study the feasibility and suitability of transferring the regulatory authority of exotic wildlife maintained in captivity from the Pennsylvania Game Commission to the Department of Agriculture.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—203

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

NAYS—0

NOT VOTING—0

EXCUSED—0

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

RESOLUTION PURSUANT TO RULE 35

Mr. GILLESPIE called up **HR 807, PN 4199**, entitled:

A Resolution commending the efforts of the International Martial Arts Committee of Pennsylvania in fostering world peace through international cooperation and the practice of martial arts and recognizing the efforts of Master Tony Abel, Master George Bierman and Judge Thomas Kelley to establish the International Martial Arts College program in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—203

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

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

NAYS—0

NOT VOTING—0

EXCUSED—0

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

CONSIDERATION OF HB 2482 CONTINUED

The SPEAKER. The Chair is returning to consideration of HB 2482, PN 4149.

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

AMENDMENT WITHDRAWN

The SPEAKER. It is the information of the Chair that the gentleman, Mr. George, has withdrawn his 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—203

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

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

NAYS—0

NOT VOTING—0

EXCUSED—0

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

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

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority Appropriations chairman, the gentleman from Schuylkill, Mr. Argall, for the purposes of an announcement.

Mr. ARGALL. Thank you, Mr. Speaker.

At the declaration of the recess, the House Appropriations Committee will meet in room 245.

The SPEAKER. The Chair thanks the gentleman.

Appropriations will meet in room 245 at the recess.

COMMITTEE MEETING CANCELED

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

Mr. HERMAN. Thank you, Mr. Speaker.

The House Local Government Committee meeting that was scheduled today at the call of the Chair has been canceled. We will reschedule tomorrow, and we will have the meeting of the House Local Government Committee sometime tomorrow at a convenient time at the call of the Chair.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

At this time the House will be at ease for approximately 15 minutes awaiting the bills coming back from the Appropriations Committee.

All of the Appropriations Committee members should go to the room that was assigned for the Appropriations meeting.

The House will come to order.

BILLS REREPORTED FROM COMMITTEE

HB 1116, PN 4245 (Amended) By Rep. ARGALL

An Act providing for the certification of persons conducting hazardous painting; and providing for a penalty.

APPROPRIATIONS.

HB 2011, PN 2653 By Rep. ARGALL

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, providing for extension of licensed premises in a city of the first class.

APPROPRIATIONS.

HB 2036, PN 4166 By Rep. ARGALL

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for mental health care declarations and powers of attorney.

APPROPRIATIONS.

HB 2412, PN 3981 By Rep. ARGALL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the period of limitation in the doctrine of adverse possession; and making related repeals.

APPROPRIATIONS.

HB 2724, PN 4111 By Rep. ARGALL

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, providing for the definition of "structure"; and further providing for prohibited acts and penalties.

APPROPRIATIONS.

HB 2739, PN 4127

By Rep. ARGALL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for restitution for cleanup of clandestine laboratories.

APPROPRIATIONS.

SB 1039, PN 1744

By Rep. ARGALL

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, clarifying the definition of “agency.”

APPROPRIATIONS.

BILL ON SECOND CONSIDERATION

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

SB 1039, PN 1744.**RULES COMMITTEE MEETING**

The SPEAKER. The gentleman, Mr. Smith, calls for an immediate meeting of the Rules Committee.

BILL REREPORTED FROM COMMITTEE**HB 2655, PN 3954**

By Rep. S. SMITH

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

RULES.

BILL ON SECOND CONSIDERATION

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

HB 2655, PN 3954.**SUPPLEMENTAL CALENDAR A****BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 445, PN 4198**, entitled:

An Act providing for State registration of individuals providing sign language interpreting and transliterating services to individuals who are deaf or hard of hearing; and imposing duties on the office for the deaf and hard of hearing in the Department of Labor and Industry.

On the question,
Will the House concur in Senate amendments?

The SPEAKER. It is moved by the gentleman, Mr. Nailor, that the House do concur in the amendments inserted by the Senate.

On the question recurring,
Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—203

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

NAYS—0**NOT VOTING—0****EXCUSED—0**

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

Ordered, That the clerk inform the Senate accordingly.

STATEMENT BY MR. NAILOR

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

Mr. NAILOR. Thank you, Mr. Speaker.

I would just like to offer a few comments on HB 445. It is not a bill that is going to shake the pillars of our Capitol, for sure, but it is a bill that has been a priority of the deaf and hard-of-hearing community for the last several sessions.

I just want to say that similar bills were put in in the House and the Senate by Senator Lemmond in the Senate, myself in the House, and Senator Lemmond and his staff helped out a great deal. We did not work with the pride of authorship it concerned but rather the content in getting the bill passed.

Also, I would like to thank Dr. Jeff Weber, who is on the Senate staff. I worked very closely with him, and I thank the members for their positive vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2524, PN 4196**, entitled:

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.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. It is moved by the gentleman, Mr. Argall, that the House do concur in the amendments inserted by the Senate.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—203

Adolph	Evans, J.	Lewis	Sainato
Allen	Fabrizio	Lynch	Samuelson
Argall	Fairchild	Mackereth	Santoni
Armstrong	Feese	Maher	Sather
Baker	Fichter	Maitland	Saylor
Baldwin	Fleagle	Major	Scavella
Bard	Flick	Manderino	Schroder
Barrar	Forcier	Mann	Scrimenti
Bastian	Frankel	Markosek	Semmel
Bebko-Jones	Freeman	Marsico	Shaner
Belardi	Gabig	McCall	Smith, B.

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

NAYS—0

NOT VOTING—0

EXCUSED—0

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 2527, PN 4197**, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 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.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. It is moved by the gentleman, Mr. Argall, that the House do concur in the amendments inserted by the Senate.

On that question, the Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, will the chairman of the Appropriations Committee consent to interrogation?

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, my understanding is that the changes in the Senate have increased the amount of appropriation for the Workmen's Compensation Administration. Is that correct?

Mr. ARGALL. I believe so, yes.

Mr. COHEN. Do you have the information about how much the appropriation has been increased?

Mr. ARGALL. The bill is— I would need a couple of minutes to get back to you on that, Mr. Speaker.

Mr. COHEN. Could we suspend for the—

Mr. ARGALL. Mr. Speaker, could we go over the bill temporarily until I am able to get the information that the Representative has requested?

BILL PASSED OVER TEMPORARILY

The SPEAKER. The Chair goes over 2527 temporarily.

SUPPLEMENTAL CALENDAR B

RESOLUTION PURSUANT TO RULE 35

Mr. COHEN called up **HR 820, PN 4231**, entitled:

A Resolution commending the Chiropractic Fellowship of Pennsylvania for its educational efforts, and recognizing the week of September 12 through 18, 2004, as "Vertebral Subluxation Awareness Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—203

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

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

NAYS—0

NOT VOTING—0

EXCUSED—0

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

The SPEAKER. Mr. Cohen, is it appropriate to go back to 2527?

SUPPLEMENTAL CALENDAR A CONTINUED

CONSIDERATION OF HB 2527 CONTINUED

The SPEAKER. It is moved by the gentleman, Mr. Argall, that the House concur in the amendments inserted by the Senate.

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

Mr. COHEN. Thank you.

Mr. Speaker, the chairman of the Appropriations Committee has given me the information. There is a \$750,000 increase in the appropriation for the operation of the workers' compensation system from \$54,250,000, I believe, to \$55 million. Is that correct, Mr. Speaker?

Mr. ARGALL. That is correct, Mr. Speaker.

Mr. COHEN. And, Mr. Speaker, it is your judgment that that is adequate based on the information you have received to run the fund?

Mr. ARGALL. Yes, it is.

Mr. COHEN. Thank you.

Mr. Speaker, could I speak on this subject?

The SPEAKER. The gentleman is in order.

Mr. COHEN. Mr. Speaker, over the years, from time to time, the Workmen's Compensation Fund is underfunded, and there is always a sense, well, we could cut this appropriation here, we could delay hiring another referee here, we could delay hiring a staff member there, and the effect of this often is that the backlog grows far higher than it ought to be.

I am very happy that this increase has been made. It is my hope that this House and the Appropriations Committee staff will be very careful in monitoring the Workmen's Compensation Administration Fund in the future to make sure that every dollar that needs to be spent actually is spent so that claimants can be certain that their cases will be promptly heard, the claimants can be certain that their decisions will promptly be rendered and that the decisions will be rendered with enough quality to avoid unnecessary appeals, and that the workers' compensation system will work the way it is intended to work.

I urge concurrence on this bill.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—198

Adolph	Evans, D.	Lescovitz	Sainato
Allen	Evans, J.	Levdansky	Samuelson
Argall	Fabrizio	Lewis	Santoni
Armstrong	Fairchild	Lynch	Sather
Baker	Feese	Mackereth	Saylor
Baldwin	Fichter	Maher	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.
Biancucci	Gannon	McGeehan	Solobay
Birmelin	Geist	McGill	Staback
Bishop	George	McIlhattan	Stairs
Blaum	Gergely	McIlhinney	Steil
Boyd	Gillespie	McNaughton	Stern
Browne	Gingrich	Melio	Stetler
Bunt	Godshall	Micozzie	Stevenson, R.
Butkovitz	Good	Millard	Stevenson, T.
Buxton	Goodman	Miller, R.	Sturla
Caltagirone	Grucela	Miller, S.	Surra
Cappelli	Gruitza	Mundy	Tangretti
Casorio	Habay	Mustio	Taylor, E. Z.
Causar	Haluska	Myers	Taylor, J.
Cawley	Hanna	Nailor	Thomas
Civera	Harhai	O'Brien	Tigue
Clymer	Harhart	Oliver	Travaglio
Cohen	Harper	O'Neill	True
Coleman	Harris	Pallone	Turzai
Cornell, S. E.	Hasay	Payne	Veon
Corrigan	Hennessey	Petrarca	Vitali
Costa	Herman	Petri	Walko
Coy	Hershey	Petrone	Wansacz
Crahalla	Hess	Phillips	Washington
Creighton	Hickernell	Pickett	Waters
Cruz	Horsey	Pistella	Watson

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

NAYS—5

Benninghoff	Metcalfe	Nickol	Vance
Maitland			

NOT VOTING—0

EXCUSED—0

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

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR C

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 550, PN 4101**, entitled:

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

On the question,

Will the House concur in Senate amendments?

The SPEAKER. It is moved by the gentleman, Mr. Petri, that the House do concur in the amendments inserted by the Senate.

On that question, the Chair recognizes the gentleman from Lehigh, Mr. Reichley. The gentleman waives off.

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

Mr. SAMUELSON. Thank you, Mr. Speaker.

I am just seeking a brief description of the Senate amendments.

The SPEAKER. The gentleman, Mr. Petri, has indicated he will stand and answer any questions that the gentleman, Mr. Samuelson, may have, to the best of his ability.

Mr. PETRI. Thank you, Mr. Speaker.

Essentially the amendment, Senate amendment, seeks to create a procedure whereby our municipalities must offer an ordinance before the provision becomes effective. So it is a local-option amendment.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—203

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

NAYS—0

NOT VOTING—0

EXCUSED—0

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

Ordered, That the clerk inform the Senate accordingly.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 445, PN 4198

An Act providing for State registration of individuals providing sign language interpreting and transliterating services to individuals who are deaf or hard of hearing; and imposing duties on the office for the deaf and hard of hearing in the Department of Labor and Industry.

HB 550, PN 4101

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

HB 1937, PN 2533

An Act redesignating the bridge known as the Napoleon Street Bridge, in the City of Johnstown, Cambria County, as the Edward A. Silk Memorial Bridge.

HB 2378, PN 3356

An Act designating a portion of State Route 4013 in Blair County as the Jack E. Kuhn Memorial Highway.

HB 2522, PN 3665

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

HB 2523, PN 3666

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

HB 2524, PN 4196

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.

HB 2525, PN 3668

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 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.

HB 2526, PN 3669

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

HB 2527, PN 4197

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 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.

HB 2649, PN 3944

An Act designating a portion of State Route 405 from Clinton Township to Montgomery Borough, Lycoming County, Pennsylvania, as the Dr. Charles F. Taylor Memorial Highway; and designating a bridge over the West Branch of the Susquehanna River on State Route 405 between Muncy Creek Township and Clinton Township, Lycoming County, Pennsylvania, as the The Last Raft Memorial Bridge.

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

CALENDAR CONTINUED**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 2722, PN 4102**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for medical professional liability actions.

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

Mr. **VEON** offered the following amendment No. **A2814**:

Amend Title, page 1, line 1, by striking out "an amendment" and inserting

distinct amendments

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

; and prohibiting imposition of the death penalty.

Amend Sec. 1, page 1, lines 6 through 8, by striking out all of said lines and inserting

Section 1. The following distinct amendments to the Constitution of Pennsylvania are proposed in accordance with Article XI:

(1) That section 13 of Article I be amended to read:

§ 13. Bail, fines and punishments.

Excessive bail shall not be required, nor excessive fines imposed nor cruel punishments inflicted. A sentence of death shall not be imposed as a punishment for any criminal offense.

(2) That section 18 of Article III be amended to read:

Amend Sec. 2, page 2, lines 21 through 30; page 3, lines 1 through 13, by striking out all of said lines on said pages and inserting

Section 2. (a) Upon the first passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. The Secretary of the Commonwealth shall submit the proposed constitutional amendments under section 1 to the qualified electors of this Commonwealth as separate ballot questions at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendments are passed by the General Assembly.

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

AMENDMENT WITHDRAWN

The SPEAKER. For the information of the members, that amendment is withdrawn.

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

Mr. **S. SMITH** offered the following amendment No. **A2780**:

Amend Title, page 1, lines 2 and 3, by striking out "providing for medical professional liability" in line 2 and all of line 3 and inserting
further providing for compensation laws allowed to General Assembly relating to medical professional liability actions.

Amend Bill, page 1, lines 6 through 15; page 2, lines 1 through 30; page 3, lines 1 through 13, by striking out all of said lines on said pages and inserting

Section 1. The following amendment to the Constitution of Pennsylvania is proposed in accordance with Article XI:

That section 18 of Article III be amended to read:

§ 18. Compensation laws allowed to General Assembly.

(a) The General Assembly may enact laws requiring the payment by employers, or employers and employees jointly, of reasonable compensation for injuries to employees arising in the course of their employment, and for occupational diseases of employees, whether or not such injuries or diseases result in death, and regardless of fault of employer or employee, and fixing the basis of ascertainment of such compensation and the maximum and minimum limits thereof, and providing special or general remedies for the collection thereof; but in].

(b) In a medical professional liability action involving a medical professional liability claim brought against a licensed health care professional, or a health care facility, the General Assembly may, by statute, limit the recovery of noneconomic damages for injuries resulting in death, or for injuries to persons.

(c) In no other cases shall the General Assembly limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property, and in case of death from such injuries, the right of action shall survive, and the General Assembly shall prescribe for whose benefit such actions shall be prosecuted.

(d) No act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes different from those fixed by general laws regulating actions against natural persons, and such acts now existing are avoided.

Section 2. (a) Upon the first passage by the General Assembly of this proposed constitutional amendment, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of this proposed constitutional amendment.

(b) Upon the second passage by the General Assembly of this proposed constitutional amendment, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of this proposed constitutional amendment. The Secretary of the Commonwealth shall submit this proposed constitutional amendment to the qualified electors of this Commonwealth at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendment is passed by the General Assembly.

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

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

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

Mr. Speaker, this amendment makes a minor change in the grammatical order of the words. When staff reviewed it, we felt that it was something that would make the language more clear, and I would appreciate the members' support for this amendment.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. DeWeese.

Mr. DeWEESE. Will the gentleman stand for interrogation?

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

Mr. DeWEESE. The honorable majority leader is indicating this is a technical change only?

Mr. S. SMITH. I did not use the word "technical." I said it was a minor change. It is more of a grammatical change, quite honestly.

Mr. DeWEESE. Thank you.

The SPEAKER. Those— The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Will the majority leader again politely acquiesce to a very brief interrogation?

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

Mr. DeWEESE. Thank you, Mr. Speaker.

If the majority leader would please just give us a minute or two on the effect of the change that he is requesting. And a second question, and then I will relinquish the microphone: Do you plan on bringing up a full-tort proposal later on in the next hour or day or three, just so we can try to prepare our debate in that regard?

Those are the two questions, if you could explain what this change will do, and then afterwards talk to us, if you would, if there is going to be a full-tort debate beyond the medical malpractice debate.

Thank you.

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

Mr. Speaker, as I said, it was a change in the grammatical format of it. It really just was trying to clarify phraseology, kind of under like a rule of parallel construction where you are trying to make each phrase be in line with the other phrases. So that is basically all the amendment does.

Relative to your second question, Mr. Speaker, I do have an amendment drafted to the bill that would deal with the broader full-based caps, like we do frequently, Mr. Speaker — one amendment depends on the previous amendment. So, you know, if you would like to talk about that more on the side, I would be glad to give you a better idea, but for the record I would like to see what happens with this amendment before I make any commitments on the ensuing one.

PARLIAMENTARY INQUIRY

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

Mr. PALLONE. Thank you, Mr. Speaker.

I rise for a parliamentary inquiry.

Will the passage of this amendment rule all other amendments out of order?

The SPEAKER. Yes.

Mr. PALLONE. Thank you, Mr. Speaker.

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, would the author of the amendment stand for interrogation?

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, would you provide some clarification as to the underlined section of your amendment which deals with the capping of noneconomic damages?

Mr. S. SMITH. Mr. Speaker, when you are looking at the amendment, on — excuse me, Mr. Speaker — when you are looking at the amendment where it reads down through section 18(b), the underlined section, "In a medical professional liability action involving a medical professional liability claim..." if that is where you are asking me to clarify—

Mr. THOMAS. Yes.

Mr. S. SMITH. —the bulk of that language is the constitutional change that the whole bill would seek to enact, and that is substantially the same as what is in the existing bill other than, as I said to the minority leader a few minutes ago, making a grammatical change.

Mr. THOMAS. Okay. Mr. Speaker, is this provision in current law?

Mr. S. SMITH. No.

Mr. THOMAS. My last question, Mr. Speaker, is, since health-care provider is used in the language of the amendment, is there any relationship or conflict with the United States Supreme Court's ruling with respect to bringing an action against a health-care provider?

Mr. S. SMITH. Mr. Speaker, none that I am aware of.

Mr. THOMAS. Thank you, Mr. Speaker.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I am not really certain what, if any, the import of the technical or minor changes that this amendment makes is on the bill, but it is very clear to me that if this amendment passes, based on the interrogation, it throws out our chance of enacting some very, very good amendments, and therefore, my feeling is that we ought not to adopt this amendment and we ought to be free to adopt some other amendments.

What other amendments? Marc Gergely has introduced amendments to prohibit any political subdivision levying a tax on real property from levying the tax—

The SPEAKER. Mr. Cohen?

Mr. COHEN. Yes, Mr. Speaker?

The SPEAKER. We have before us amendment A2780. The gentleman is in order to discuss or debate amendment A2780.

Mr. COHEN. Well, Mr. Speaker, the reason I am talking about the other amendments is because this amendment prevents us from considering the other amendments, and I like the other amendments. There are really some of the finest legislative proposals that we have been presented with in this session on this list of amendments.

The SPEAKER. The gentleman can make that argument, but he cannot discuss the content of the other amendments.

Mr. COHEN. Mr. Speaker, we have some excellent amendments that are precluded from being considered by the passage of this amendment. These amendments are Democratic amendments; these amendments are Republican amendments. These amendments deal with improving the bill; these amendments deal with improving the governmental process as a whole and improving society in Pennsylvania as a whole. These amendments deal with numerous issues that are of vital importance to our constituents, ranging from property taxes to the rights of National Guardsmen, to congressional reapportionment, to tax stabilization. These amendments deal with major, major issues that are just very, very difficult to get through the Pennsylvania General Assembly, and this would be the ideal vehicle for these amendments to be considered, because we know that if any of these amendments pass the House, we know, because of the gravity of this issue, we know the Senate will be under enormous pressure to consider them.

In addition, many of the amendments seek to improve this bill, and an awful lot of thought has gone into how the bill should be improved, and they are very, very detailed, very, very constructive suggestions made by members of both party caucuses on how this bill can be improved on the main subject matter of the bill.

So for both these reasons, because it both offers a chance to improve the bill and its main subject matter and it offers a chance to improve the operations of government in this Commonwealth, I would urge a “no” vote on the Smith amendment. It is very, very rare that we have a procedural motion before the House of Representatives that is so broad in effect.

I suspect, Mr. Speaker, and maybe I am being a little cynical, but I suspect that part of the reason for this change was to knock the other amendments out. I hope that is not the case. But these amendments are so broad and so worthwhile that are being kicked out that I think that whatever the rhetorical change, whatever the grammatical change in sentence structure is, it is not worth their being passed. The way to improve this bill, the way to improve the general functioning of government in this

Commonwealth on issue after issue, is to defeat this amendment and let us consider the other amendments introduced by members of both party caucuses.

I urge a “no” vote on the Smith amendment.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I checked the Smith amendment, and it looks like what the gentleman is doing is adding one comma on line 25 – adding one comma – and that does not throw the lines off at all, so I have a parliamentary inquiry as to why this change of adding one comma would rule 38 amendments out of order. I do not consider— The gentleman from Punxsutawney said that that was a minor change, but eliminating 38 amendments, that sounds pretty substantial. How does the one comma rule those 38 amendments out of order?

The SPEAKER. The amendment drawn guts the bill and replaces the bill with the amendment. That is permissible by any member of the General Assembly.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I guess my question is, when I look at the old language of 1 1/2 pages and the new language of 1 1/2 pages, I am seeing in the text of the bill a one-comma difference. I do not know how that— And it does not affect the line numbers. Sometimes amendments are drawn to add an extra line for the purpose of ruling amendments out of order, but in this case, under the old language it is all on line 25, under the new language it is all on line 25. How does that affect subsequent amendments?

The SPEAKER. It does not matter, Mr. Samuelson. It has the same effect.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I also wanted to add, the way the language is worded in the old version actually appears to be more grammatically correct. The comma that is being added seems to be an extraneous comma, “...brought against a licensed health care professional, or a health care facility...” It seems that for many reasons it would be better to stick with the old language as drafted the first time by the gentleman from Dauphin County.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his point.

Mr. GANNON. Mr. Speaker, also on the list of amendments is amendment A2779, which also guts the entire bill and replaces it with alternative language.

The SPEAKER. There are no other amendments, Mr. Gannon, to gut the bill.

MOTION TO TABLE

Mr. GANNON. Then, Mr. Speaker, I would like to make a motion.

The SPEAKER. The gentleman will state his motion.

Mr. GANNON. I would like to make a motion to lay this amendment on the table.

The SPEAKER. It is moved by the gentleman, Mr. Gannon, that this amendment be laid upon the table.

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

The SPEAKER. On that question, only the floor leaders may speak or the designee of the floor leader.

On that question, the Chair recognizes the gentleman—Does the gentleman, Mr. Smith, wish to go first?

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

The SPEAKER. The Chair would like to correct itself. The other amendment that Mr. Gannon referred to, 2779, is in order. It is a complete-gut-and-replace amendment.

PARLIAMENTARY INQUIRY

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

Mr. GANNON. Thank you, Mr. Speaker.

I wanted to restate my parliamentary inquiry. I was engaged in some conversation, and I am not absolutely certain that I heard the entire answer from the Speaker, and my parliamentary question was this, that if the amendment offered, if amendment A2780 is approved by the House, would amendment A2779 be the only amendment that would be in order?

The SPEAKER. If Mr. Smith chose to offer that amendment, yes.

Mr. GANNON. Okay. That was my point.

MOTION WITHDRAWN

Mr. GANNON. Then I withdraw my motion to table, Mr. Speaker, and I would like to speak on the amendment.

The SPEAKER. The gentleman is in order.

Mr. GANNON. Mr. Speaker, this presents the House with a dilemma, and it is this: Some time back this House voted on caps for limitations on damages. The House, when it acted, passed legislation that provided for caps on damages in all tort cases, not just limited to medical liability. If this Smith amendment is adopted, we would still have the opportunity to go forward on that if this amendment is defeated. We would have an opportunity to once again send a message that this House wants a bill dealing with all caps, if that is the case. I am not voting for it, but I think that this really subverts the intent of this House from prior dealings with this issue. This House has wanted to place before the people an amendment that would provide for caps on all damages, and by voting for the Smith amendment, that would preclude that opportunity, because the other Smith amendment could then be offered and provide the members an opportunity to vote on legislation providing for all caps.

Now, I do not know whether Mr. Smith would offer that amendment, because he is not required to, and I do not know whether another member could take it up without his permission. However, I believe that if this amendment were defeated, then Mr. Smith would more than likely offer this amendment as an alternative for reasons that do not necessarily have to be stated.

So I believe that we should vote “no” on this amendment and then get an opportunity for the House to have another choice, and that is a bill that provides for caps on medical liability only or an amendment that provides for caps on all tort cases, which this House has passed previously, and for that reason, Mr. Speaker, I urge a “no” vote on the amendment.

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

Mr. SCHRODER. Thank you, Mr. Speaker.

It is heartwarming to know that the gentleman is now a supporter of broad-based caps, and we welcome him to the fold. But, Mr. Speaker, be that as it may, unfortunately, the path of broad-based caps was really foreclosed to us this year when the bill that we sent over did not pass the Senate. So, Mr. Speaker, we find ourselves today at the 11th hour and 59th minute of our ability to amend the Constitution to allow for caps in medical malpractice cases. That is why it is important that the Smith amendment pass, because, Mr. Speaker, we cannot afford, I do not care if the amendment brings down manna from heaven, we cannot pass any amendments to this bill if we want to get the constitutional amendment process over to the Senate and have any chance of them supporting this bill.

Mr. Speaker, the Smith amendment I hope we will all support, because in limiting to medical malpractice caps, we had 130 bipartisan votes for the med-mal-only emergency provision that Representative Turzai offered on June 10, 2003, a little over a year ago – 130 bipartisan votes. Now, that was four short of the two-thirds needed to pass the emergency procedure. Nonetheless, it was an overwhelming bipartisan majority. So this House has indeed spoken in the past that we wish to have medical-malpractice-only caps, the constitutional amendment, for us to consider, the Senate to consider, and eventually the voters of Pennsylvania.

So I believe it is imperative that we pass the Smith amendment. Unfortunately, it is just the time condition that we find ourselves in that we need to keep this bill clean.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Greene, the minority leader, the gentleman, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

Would the gentleman, Mr. Smith, submit to a brief interrogation?

The SPEAKER. The gentleman, Mr. Smith, indicates he would be happy to stand for interrogation.

Mr. DeWEESE. I would like to query the honorable majority leader relative to this amendment. Is it essentially the same as SB 9?

Mr. S. SMITH. It is essentially the same, to the best of my knowledge, Mr. Speaker.

Mr. DeWEESE. My staff tells me it is 99.999999 percent the same, and I am only wanting to get that on the record.

Mr. S. SMITH. Except for the aforementioned comma.

Mr. DeWEESE. My second and final question, I believe, is – and again, it is for the record; I am not being disingenuous – would the gentleman please tell me where SB 9 currently resides?

Mr. S. SMITH. I think there is something about asking questions to which you know the answer, Mr. Speaker, but it is in the Judiciary Committee.

Mr. DeWEESE. Thank you, honorable majority leader.

I have no further interrogation, but I do have a comment or two.

The SPEAKER. The gentleman is in order.

Mr. DeWEESE. The gentleman from Jefferson County offers a proposal which is quintessentially the same as SB 9. SB 9 percolated through the process and wound up in the House of Representatives Judiciary Committee. The membership of that esteemed body is amongst the most august in this chamber, men and women with sterling academic credentials and legal pedigrees, and they have decided that SB 9 needs additional scrutiny. It is, after all, one of the most volatile issues of the modern political dialectic. So since the Republican chairman and the Republican members of the Judiciary Committee – we are in the minority; we are comparatively peripheral in this whole exchange – since the Republicans have decided to sequester SB 9, roughly the same as Mr. Smith's amendment, 99.99999 percent the same as Mr. Smith's amendment, then why, why are we dealing with it?

Mr. Speaker, I move to table his amendment and the bill back to the Judiciary Committee so that brother and sister can reside together in the Judiciary Committee.

The SPEAKER. Mr. DeWeese, you made two motions at the same time.

MOTION TO RECOMMIT

Mr. DeWEESE. Forgive me, Mr. Speaker. My impetuosity did take hold of me.

I would like to recommit to the Judiciary Committee.

The SPEAKER. The motion by the gentleman is to move HB 2722 along with amendments back to the Committee on Judiciary.

On the question,

Will the House agree to the motion?

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

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

Mr. Speaker, obviously I rise to oppose the motion to recommit.

As a previous speaker noted, the subject of this bill and this amendment is one that we have considered before in the House, although in sometimes slightly differing forms, and if this House and this legislature are to proceed to allow the people of Pennsylvania to take the first step toward ultimately deciding whether or not they want this legislature to come back and impose some kind of cap on noneconomic damages in the case of medical injuries, we are up against a legitimate timeframe here.

I would note the minority leader made mention of a similar bill being in the House Judiciary Committee, and as he was once the former chairman of the House Judiciary Committee,

I suspect that the record would reflect that during his tenure, he sought to move out bills when the vast majority of the members wanted to.

We are faced with a situation, and because the minority leader made reference to the wishes of the committee, I would like to note that 12 of the Republican members of that committee had indicated their strong support for bringing that legislation out. I think that is worthy to note, that it is not the majority that wants to keep it in but it is probably the majority that would like to have it before us for consideration.

So as we seek to work our way through the process of enacting law, there are different avenues that we have to venture down, and at this point in time, Mr. Speaker, HB 2722 along with this amendment is the most assured way that this legislature, this House, can continue its responsibility, to fulfill its responsibility and journey, towards allowing the people of Pennsylvania to ultimately decide if this legislature should come back one day and enact these caps on noneconomic damages.

So, Mr. Speaker, I would ask the members to vote “no” on the motion to recommit.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. BIRMELIN. Thank you, Mr. Speaker.

Just for the benefit of the members, I think we all understand that the timeframe that we are dealing with is such that if we do not enact this bill this week, this is an opportunity that will have been lost for at least 3 years. We will not be able to address this issue. It will be put off so far into the distant future that it is almost certain to kill it.

So if you are of a mind to kill it, this is your way to do it; you vote to recommit it to committee. But if you want to put this issue forward, you want to continue the process – after all, this is only the first passage of this; it still has to pass another legislature come next January and beyond – let us not cut this thing off in its infancy. Let us have it grow; let us continue the debate. Vote against this recommittal motion, because it will kill this whole issue if you vote to recommit.

So a negative vote if you want to keep this process going is essential, and as the majority leader and Representative Schroder both indicated, we just do not have any more time for any more games. This is a simple thing that we need to do, is to pass this bill today without any amendments. Otherwise, the whole deal is finished, and we can walk away and say that we have effectively killed the opportunity for the public to make this decision.

So vote “no” on this motion.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. DALLY. Thank you, Mr. Speaker.

A parliamentary inquiry.

The SPEAKER. The gentleman will state his point.

Mr. DALLY. Mr. Speaker, it was my understanding that this bill came from Rules. I was wondering whether the motion is proper since it is a recommittal to the Judiciary Committee when the bill was never there to begin with.

The SPEAKER. A motion can be made to recommit a bill to any committee.

Mr. DALLY. Okay. Thank you.

The SPEAKER. You are welcome.

The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

The gentleman from Wayne acutely observed that it is time to end the gamesmanship, but with the nimble craftsmen involved in the Republican parliamentary construction team, we have seen a comma decide that a whole bill will alter irrevocably, and we have seen the adroit machinations of the Republican drafters disallow 38 amendments.

Now, medical malpractice is one of the most arcane and challenging facets of the modern political debate, and Pennsylvania is certainly no exception to that phenomenon. But the Republican-controlled Judiciary Committee, with an amalgamation of Democratic and Republican members, with all the new information that has come to light, and with the successes that have been experienced in the last 18 months relative to other acts that have been signed by Governor Rendell on medical malpractice, should allow for this debate to take place in the Judiciary Committee.

I think it is a prudent gesture. We are asking for it to be returned to a Republican-controlled Judiciary Committee, and we are asking that these 38 amendments could be properly discussed and digested within that context. This is not a radical or mean-spirited effort. This is one where we would hope that explication would take place and that a better work product would be forthcoming. I do not think anyone is trying to kill this proposal per se; we are just trying to enhance it and make it more viable for a subsequent floor debate.

So again I would reassert my enthusiasms that this proposal be at least momentarily sent to the Judiciary Committee.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I think that it is only fair and timely to recommit this bill and the subsequent amendment back to the Judiciary Committee, and, Mr. Speaker, I am confident, very confident, I have the utmost respect for the majority leader and for members of his leadership team, and as long as that respect is there, then I know that there is no issue that is ever dead. So on the question of whether or not recommitment is tantamount to killing the bill, I think that it is not timely nor is it factual.

I am confident that the majority leader and his leadership team will keep this issue alive, because there are a number of members on both sides of the aisle that are very much interested in the outcome of this issue. So recommitment is not tantamount to death nor is it tantamount to this august body having an ability to discuss this issue in detail. And let us face it: As long as the door is open on factual questions regarding the state of medical malpractice in the Commonwealth of Pennsylvania, time is not of the essence. Rates are going down. There is very little information as to flight of doctors from Pennsylvania. Both sides of the aisle have raised very factual questions.

So time is not of the essence. We have time to discuss this in more detail, and to that end it is the right thing to do, to

recommit this bill and the amendment to the Judiciary Committee.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Westmoreland, Mr. Tangretti.

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, I am just wondering what the majority party is afraid of. I am just wondering why we cannot have a debate. I am just wondering if we are amending the Constitution of this Commonwealth why it becomes imperative that only the language that you want to include should be included. Why can we not talk about the limits on these noneconomic damages? Why can we not talk about bad doctors who create the problems and the limitations that maybe we ought to put on them? It just seems to me that this process is one which you have completely shut down because that is what you want to do, because the Medical Society and all the people who support this limitation are afraid to have the people of Pennsylvania know what this is about.

The SPEAKER. Would the gentleman please confine his remarks to recommitment.

Mr. TANGRETTI. If we cannot debate the amendments that have been offered and offered properly and timely, then let us recommit this turkey.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Frankel.

Mr. FRANKEL. Mr. Speaker, thank you.

Mr. Speaker, I rise reluctantly to support the motion to recommit.

I filed an amendment to this bill that I feel very strongly about, as I am sure my other colleagues do as well, that I believe improves it. I have, to date, supported virtually every effort to improve the tort system here in Pennsylvania, and we have made significant strides here. But there is an opportunity here to make some significant improvements to this bill. I believe my amendment would have been one of those, and I want that opportunity. That opportunity is being taken away from me at this time because of this procedure, and I am not going to support that.

We really deserve an opportunity to consider my amendments and the other amendments to this very, very important bill, and, Mr. Speaker, as for the Senate, the Senate handing us down an ultimatum that they are not going to consider something that we send back amended is outrageous. Let the advocates for this legislation take it back there and hold the Senate accountable. Why are we the ones holding the bag being accountable for the advocacy community as being the last place, the last place or resort, to get this thing done?

Let us improve this bill, send it back there, and the advocates can get to work and call them on the carpet and say, pass this bill as amended.

I think it is reasonable, and I again rise to support the motion to recommit because of this procedural effort to basically silence some very good amendments.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I would like to comment on this motion and the reason why we should not recommit it.

We have been working on this issue for almost a year and a half now. Everyone on this floor, everyone that is sitting in their seat today, knows what this issue is all about.

Let me just review for you some of the amendments that have been put on this issue regarding med mal.

The SPEAKER. We are on recommittal, Mr. Adolph.

Mr. ADOLPH. Well, if anybody would like to take a look at my notes, there are about a dozen or so amendments that have to do with property taxes; there is an amendment that has to do with the National Guard. We are here at the last hour, as Representative Schroder talked about, the first step in passing a referendum question that eventually the people of Pennsylvania are going to decide. That is what the question is. We are going to allow the first step for the people of Pennsylvania to decide whether they want to cap noneconomic damages for pain and suffering.

It is my opinion— Am I happy with the procedure the way we are doing it? I do not think there is anybody in this House right now that is happy with the way this had to be done. Our committee system failed us. Okay? Our committee system failed us. And both Republicans and Democrats want to vote this bill. We have voted similar amendments in the past, and I believe it has got over 130 votes.

You are not fooling anybody; you are not fooling anybody. You are not fooling the voters; you are not fooling the doctors, their patients, our hospitals, about these amendments. We are here to do one thing today, because we are forced to because it is June 30, and this has to be done today.

A vote to recommit this is a vote against your health-care providers and against the patients of Pennsylvania, your constituents. So I strongly urge a “no” vote on this.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, with all due respect to the immediate previous speaker, I think everybody here understands that this is a very important and very serious issue, and, Mr. Speaker, as you know, I am certainly one who is not trying to fool anyone. Speaking for myself, I am very clearly an opponent of allowing for caps on noneconomic damages for people who file medical malpractice suits. In fact, not just people who file medical malpractice suits but people who, in fact, a jury would find that they have been practiced on by a doctor in a negligent way, even that person who is a victim of a doctor who conducted malpractice on that individual would have their noneconomic damages capped. There is no question, I strongly oppose that.

But, Mr. Speaker, I would also make the point about this motion to recommit that this is a very serious undertaking. We are talking about amending the Constitution of the State of Pennsylvania. There is not a person here who does not take that responsibility very seriously, and, Mr. Speaker, I would make the case to the gentleman that there are other people in this Assembly with ideas about what the Constitution should be in this State and that we have a right to offer amendments to the Constitution about other things that we care about and that capping noneconomic damages is obviously not at the top of my list; that providing adequate health care to people in the

State of Pennsylvania is on my list. The gentleman’s amendment would not give me the opportunity to offer that.

And there are other things that we care about in Pennsylvania’s Constitution, and if we do not recommit this bill, we do not have the opportunity for other members here to talk about what their priorities are. If we are going to amend the Constitution of the State of Pennsylvania – a very serious undertaking – other members have important issues that they would like to talk about here on the floor of the House, amendments to the Constitution perhaps that they would like to see this legislature pass. You have made it an issue about medical malpractice, but in fact, it is an opportunity to amend the Constitution of the State of Pennsylvania, and we take that very seriously.

Let us recommit this bill, give us an opportunity on a bill that if we are going to do a constitutional amendment, that other members here have the opportunity to talk about how they would like to see that Constitution amended.

We ought to send the bill back to committee, and I ask for a “yea” vote on the motion to recommit.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lawrence, Mr. LaGrotta.

Mr. LaGROTTA. Thank you, Mr. Speaker.

Mr. Speaker, I am going to confine my remarks specifically to why this bill must be recommitted.

This bill must be recommitted because all this bill does is give the insurance industry and the legal profession the opportunity to cloud our airwaves and confuse our constituents, and it does not do anything to guarantee that our doctors will pay \$1 less in malpractice insurance premiums.

In every State where this has occurred – California, for instance – there has been no reduction until there was insurance premium regulation. If you really want to solve this problem, then let us put this bill back in Judiciary and have a hearing with the Insurance Federation of Pennsylvania and figure out why they keep making record profits, doctors pay higher malpractice insurance premiums, people do not have adequate health care, and the people of Pennsylvania get fooled again.

Let us not let this become a front for the insurance industry, whose pockets are deeper than the deepest hole in Pennsylvania. Let us put this back, and if you really want to help people in Pennsylvania, let us stop fooling Pennsylvanians and start talking about what the real problem is, because this bill will not solve anything unless the problem is making rich insurance companies even richer.

Recommit this bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

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

Mr. Speaker, I do not really want to belabor the debate on whether or not this bill should be recommitted. I think we all know exactly what is at stake, and many members before me have stated that, but I did want to just clarify a couple of things which I think the record may not reflect. At least it does not reflect it today.

The historical record of this chamber, however, clearly would show that we have not viewed this particular issue as the single, sole savior of the medical system in Pennsylvania, the

health-care system in Pennsylvania. In fact, this legislature has done many other things over the past year and a half as we have tried to deal with this crisis.

We have provided an enormous bailout, if you will, that helps to subsidize the premiums that medical providers are subject to. We did other things along with the venue reform and the statute of repose. We have dealt with issues on patient safety. Just, I think, last week we passed a bill dealing with a whistleblower provision. We are moving into the insurance arena in the coming months.

The simple fact is, Mr. Speaker, this is a very complex problem, and the solutions are not embodied in one piece of legislation but it is a culmination of several pieces of legislation.

This one in and of itself, a constitutional amendment, Mr. Speaker, I find it hard to believe that some members would suggest that the way to solve the problem is to refer this bill back to committee and that that would solve the problem or that we need to have hearings on it so that the people of Pennsylvania could understand and decide whether or not this is a good idea or not. The simple fact is, Mr. Speaker, by the very nature of a constitutional amendment, what we are doing is asking the people of Pennsylvania if they agree with what this legislature has suggested in the way of a constitutional amendment.

When this bill would pass into a pamphlet law and next session perhaps pass again and it would then be before the voters of Pennsylvania as a constitutional question, they will understand this issue and they will ultimately come back and tell us yes or no. If they say no, it is no. If they say, yes, we think it is good for the legislature of Pennsylvania to enact laws that would deal with this issue, at that point, Mr. Speaker, is when many of the topics of the amendments that are presented to this bill would be literally considered – what a cap might be, what exemption there might be.

That is a debate for another day, Mr. Speaker, and to present a constitutional amendment that could be that complex, I would argue, is the wrong kind of question you want to put before the people. It must be a question that is simple and straightforward, and I think this question is.

Mr. Speaker, a vote to recommit this bill is clearly a vote against the bill. We all know that, and I would urge the members to vote against recommitment and allow us to present this bill to the Senate.

Thank you, Mr. Speaker.

The SPEAKER. The motion made by the gentleman, Mr. DeWeese, was to send HB 2722, along with amendment, back to the Committee on Judiciary.

On that motion, those voting in the affirmative will be sending it back to committee; those voting “no” will be keeping it on the floor.

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

The following roll call was recorded:

YEAS—90

Bebko-Jones	Fabrizio	Manderino	Shaner
Belardi	Frankel	McGeehan	Solobay
Belfanti	Freeman	Melio	Staback
Bianucci	Gannon	Mundy	Stetler
Bishop	Gergely	Myers	Sturla

Blaum	Goodman	O'Brien	Surra
Butkovitz	Grucela	Oliver	Tangretti
Buxton	Gruitza	Pallone	Taylor, J.
Caltagirone	Haluska	Petrarca	Thomas
Casorio	Hanna	Petrone	Travaglio
Cohen	Harhai	Pistella	Veon
Costa	Hennessey	Preston	Vitali
Coy	Horsley	Readshaw	Walko
Cruz	James	Rieger	Wansacz
Curry	Josephs	Roberts	Washington
Daley	Keller	Roebuck	Waters
DeLuca	Kenney	Rooney	Wheatley
Dermody	Kirkland	Ruffing	Williams
DeWeese	Kotik	Sainato	Wojnaroski
Diven	LaGrotta	Samuelson	Yewcic
Donatucci	Laughlin	Santoni	Youngblood
Eachus	Lescovitz	Scrimenti	Yudichak
Evans, D.	Levdansky		

NAYS—113

Adolph	Evans, J.	Lynch	Rohrer
Allen	Fairchild	Mackereth	Ross
Argall	Feese	Maher	Rubley
Armstrong	Fichter	Maitland	Sather
Baker	Fleagle	Major	Saylor
Baldwin	Flick	Mann	Scavello
Bard	Forcier	Markosek	Schroder
Barrar	Gabig	Marsico	Semmel
Bastian	Geist	McCall	Smith, B.
Benninghoff	George	McGill	Smith, S. H.
Birmelin	Gillespie	McIlhatten	Stairs
Boyd	Gingrich	McIlhinney	Steil
Browne	Godshall	McNaughton	Stern
Bunt	Good	Metcalfe	Stevenson, R.
Cappelli	Habay	Micozzie	Stevenson, T.
Causer	Harhart	Millard	Taylor, E. Z.
Cawley	Harper	Miller, R.	Tigue
Civera	Harris	Miller, S.	True
Clymer	Hasay	Mustio	Turzai
Coleman	Herman	Nailor	Vance
Cornell, S. E.	Hershey	Nickol	Watson
Corrigan	Hess	O'Neill	Weber
Crahalla	Hickernell	Payne	Wilt
Creighton	Hutchinson	Petri	Wright
Dailey	Killion	Phillips	Zug
Dally	Leach	Pickett	
Denlinger	Lederer	Raymond	
DiGirolamo	Leh	Reed	Perzel,
Egolf	Lewis	Reichley	Speaker

NOT VOTING—0

EXCUSED—0

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,
Will the House agree to the amendment?

PARLIAMENTARY INQUIRY

The SPEAKER. On that question, the gentleman from Westmoreland, Mr. Pallone, for the second time.

Mr. PALLONE. Thank you, Mr. Speaker.

I do not believe I spoke on the motion at all yet.

The SPEAKER. We are back on the amendment, Mr. Pallone.

Mr. PALLONE. Okay.

I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. PALLONE. Thank you, Mr. Speaker.

I am a little bit confused, and I am hoping that you can explain it to me so that I have a better understanding of it.

The SPEAKER. I hope so, too.

Mr. PALLONE. The amendment process, as I have been led to believe it for going into my second term now, is that a bill is presented, we then present an amendment, and that amendment is voted up or down after debate, and then it either melds into the bill or it is forgotten about. Correct?

The SPEAKER. If the amendment is in order and the amendment is adopted, it is placed into the bill.

Mr. PALLONE. It melds into the bill and then subsequent amendments are considered. Correct?

The SPEAKER. As long as the subsequent amendments do not conflict with previously placed into the bill amendments.

Mr. PALLONE. But a subsequent amendment can alter the language of an approved amendment. Correct?

The SPEAKER. Could you please restate that question?

Mr. PALLONE. If amendment 1 is accepted, it melds into the bill. Correct?

The SPEAKER. That is correct.

Mr. PALLONE. And then we consider amendment 2 – timely filed; it meets all the other requirements. It may have language that somehow adjusts or changes amendment 1 that was already accepted.

The SPEAKER. If a later amendment is placed into the bill, that amendment prevails. However, if you are in conflict with a prior amendment, the prior amendment would prevail.

Mr. PALLONE. Mr. Speaker, could we have a sidebar, please?

The SPEAKER. Sure.

Mr. PALLONE. Thank you.

(Conference held at Speaker's podium.)

The SPEAKER. The Chair at this time recognizes the gentleman from Philadelphia, Mr. Thomas, for the second time on the amendment. Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the Smith amendment and the bill, and I rise in opposition for the following reasons.

Number one, Mr. Speaker, both sides of the aisle have worked very diligently to address the primary question, and the primary question was whether or not there should be a reduction in medical malpractice premiums. Mr. Speaker, the jury is in on whether or not the actions that we have taken have brought about a substantive reduction, and it has.

The second question, Mr. Speaker, and that is whether or not caps on noneconomic losses either in medical malpractice cases or in all torts, whether or not that will substantively lead to a change in medical malpractice premiums, and, Mr. Speaker, the jury is in on that. We have no definitive evidence that gives rise to caps on noneconomic losses or caps on noneconomic losses in medical malpractice cases or in all torts are going to bring about a major reduction in medical malpractice premiums. There is no definitive evidence on that.

Thirdly, Mr. Speaker, this whole question of caps came about as a result of allegations that doctors were leaving Pennsylvania in massive flight. Mr. Speaker, there is no evidence to substantiate that claim. In fact, in fact, the record seems to indicate that doctors are not leaving. In fact, they are coming to Pennsylvania as opposed to leaving Pennsylvania en masse.

And, Mr. Speaker, so this whole question of caps on noneconomic losses in medical malpractice and/or in all tort cases is really a flawed question, and we really should not, we should not be in a rush to address it.

I think that this issue, as articulated by the majority leader's amendment, is one that warrants further discussion, warrants an opportunity for the public to take part in the discussion, and warrants further research and analysis.

And so, Mr. Speaker, there is no rush for us to do this. This is June 30, 2004.

Mr. Speaker, the question for us today is, how do we provide health-care insurance to the thousands of Pennsylvanians—

The SPEAKER. Mr. Thomas—

Mr. THOMAS. —who are still without health-care insurance?

The SPEAKER. Mr. Thomas—

Mr. THOMAS. The question before us today is, how do we move from 27th in the country in job creation to tops in the country in job creation? The question before us today is, how do we reduce the property taxes—

The SPEAKER. Mr. Thomas, you got totally off the amendment, Mr. Thomas. We allowed you more leeway than we should have. If the gentleman will stay on the amendment, we will turn the mike back on. If the gentleman gets off the subject of the amendment, we will have to turn the mike back off. Turn the mike back on.

Mr. THOMAS. Thank you, Mr. Speaker, for turning the mike back on.

Mr. Speaker, in closing, I oppose the Sam Smith amendment, and I ask that people from both sides of the aisle who agree that this issue is not one that we are factually in a position to answer in the affirmative or in the negative, Mr. Speaker, for those members from both sides of the aisle that agree that this amendment will not do anything about reducing the medical malpractice premiums in the Commonwealth of Pennsylvania, and so to that end, I ask my colleagues to put up an affirmative “no” vote on the Sam Smith amendment.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lawrence, Mr. LaGrotta.

Mr. LaGROTTA. Mr. Speaker, may I ask if the gentleman, the majority leader, would stand for interrogation?

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

Mr. LaGROTTA. Thank you, Mr. Speaker.

Mr. Speaker, in the gentleman's amendment – and I am trying to see it with my aging eyes on the computer screen – in the gentleman's amendment, is there anything in that amendment that would require malpractice insurance premium providers, carriers, to reduce premiums on our doctors and our hospitals based on the savings that the gentleman indicates his amendment may in fact accrue?

Mr. S. SMITH. Mr. Speaker, to suggest that a constitutional amendment would go into that level of detail, I think, goes a little bit beyond what we all know is the nature of a constitutional document. The Constitution is a broad guideline and the ultimate law of the land and of this Commonwealth, but I think the amendment is very clear in its intent and the purpose. It does not seek to get into the specifics, such as what the questioner is referencing, and as I had mentioned in an earlier conversation on this, if the voters of Pennsylvania were to be allowed, if this body were to proceed and give them the opportunity to vote on this constitutional amendment, and if they in fact passed this constitutional amendment – because we are not passing a constitutional amendment; we are just giving the voters a chance to pass a constitutional amendment – if that took place, then the elements of such a specific nature as what the question is referencing would be considered.

Mr. LaGROTTA. Thank you, Mr. Speaker.

Mr. Speaker, can the gentleman cite any examples of other States where caps on noneconomic losses, such as the gentleman proposes in amendment A2780, have significantly reduced malpractice premiums for physicians? And I would ask, Mr. Speaker, that he would be specific as to those reductions.

Mr. S. SMITH. Mr. Speaker, I will provide you with a list of States that have – some have done it many years ago; others have done it more recently – enacted caps on noneconomic damages, and I believe that that information will, to the best of my ability, answer your question.

Mr. LaGROTTA. With all due respect, Mr. Speaker, is the gentleman asking us to wait to vote for this amendment until such time as he can demonstrate the effectiveness or the potential effectiveness of this amendment?

Mr. S. SMITH. No, Mr. Speaker. I am asking this body to allow the people of Pennsylvania to decide whether or not there should be a cap on noneconomic damages. The question is very clear. It is very simple, in my opinion, and that is the question I am asking or that is the question that has been posed before us.

Mr. LaGROTTA. Thank you, Mr. Speaker.

May I just for a brief second speak on the amendment?

The SPEAKER. The gentleman is in order.

Mr. LaGROTTA. Thank you, Mr. Speaker.

Mr. Speaker, I am looking at the gentleman's amendment, and I am reading verbatim from the amendment where it says that "In a medical professional liability action involving a medical professional liability claim brought against a licensed health care professional, or...facility," we "...may, by statute, limit the recovery of noneconomic damages for injuries resulting in death, or for injuries to persons."

In the next paragraph it says, "In no other cases shall the General Assembly limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property...."

Mr. Speaker, we know we are in for a long couple of days here, and I do not want to belabor the point, but I want to make this clear about this amendment and what it does and what it does not do.

This amendment will allow the unlimited resources of an industry that stands to make millions if not billions of dollars, should this pass and the Constitution of this State be amended, to bombard our citizens with mail, with billboards, with radio and television ads, suggesting, Mr. Speaker, that in some way, if they amend our Constitution, there will be more health care,

better health care, affordable health care, and for many people, health care at all.

Mr. Speaker, that simply is not the case. What the gentleman did not tell you in his answer to my interrogatory is that in States where caps have been imposed without regulating insurance premiums, nothing happened; nothing good happened.

Let me tell you, Mr. Speaker— If I could have just a little order, just so I can hear myself.

The SPEAKER. We talked about this a few days ago, Mr. LaGrotta.

Mr. LaGROTTA. And I was on your side, Mr. Speaker.

The SPEAKER. The gentleman is entitled to be heard. The members will please refrain from speaking. Would the conferences in the back of the hall of the House please break up.

Mr. LaGROTTA. Mr. Speaker, when this amendment passes and this piece of legislation passes – and by the total vote on the motion to recommit, I am not deluding myself into thinking it will not – members of this General Assembly will run to the media, to the constituents back home who support this, and talk about what they perceive this will do. I am going to suggest to you, Mr. Speaker, that nobody is going to talk about what this will not do.

This amendment will not reduce premiums for doctors. This amendment will not, contrary to the spin doctors in Washington, make health care more available. This amendment will not make health care more affordable.

What this amendment will do, if I may, Mr. Speaker, this amendment will tell every man, woman, and child in the Commonwealth of Pennsylvania that if, through no fault of their own, they are mistreated or malpracticed upon by a physician that Pennsylvania does not do enough to remove a license from, that their life, or even worse, the life of their child, is not worth more than \$250,000, \$300,000, \$400,000.

Now, if that same child goes out and gets run over by a lawnmower that has a bad tire, then it will be okay to sue the lawnmower company and the lawnmower driver and probably the guy that planted the grass for \$500 million.

But in Pennsylvania, to make insurance companies richer, we are about to tell you what your life, what your limbs, and the lives of your children are worth, and if those of us, Mr. Speaker, in this General Assembly cannot see that or choose not to, then I fear what will happen when we turn loose the insurance companies' money on the poor, innocent people of Pennsylvania who just want to see a doctor when they are sick and just want to be protected if something goes wrong.

Mr. Speaker, we have got to vote against this amendment and we have got to vote against this bill.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

It appears at this moment, the gentleman, Mr. Gannon, has waived off.

The Chair recognizes the gentleman from Indiana, Mr. Reed.

Mr. REED. Thank you, Mr. Speaker.

I would just like to start out by saying that as we have debated the tort reform issue over the past year and a half in office, I have oftentimes throughout my town hall meetings back in my district used a very simple example to describe what I believe to be one of the major problems we face in our society today, and I use this example.

There used to be a day and age when people used to walk down the street, and when they would trip on an uneven sidewalk or a stone or a branch, they would look around and they would hope that nobody saw them because they would be embarrassed. We have gotten to the point in today's society where those same people, or our generation's version of those people, come to look around after doing the same exact task and now they look for the first person or how many people they can sue to get rich quick.

I will also comment that I do not believe that this constitutional amendment goes far enough. I believe we should be looking at an all-torts version similar to that we passed in the House with HB 1326 last June. But the fact of the matter is, we are not truly debating caps today. We are not truly debating a number. We are not truly debating what these caps should apply to. All we are really doing is giving the voters the opportunity to allow us to debate the issue.

And you know, the folks who get up and like to quote numbers like \$250,000 or \$500,000 or so on and so forth and like to scare the people of Pennsylvania into believing that those numbers are going to apply if we pass this amendment today are completely misleading the people of Pennsylvania. The fact of the matter is, there is no number in this constitutional amendment, because there cannot be a number, and trust me, I would love to put a number in here today and I would love to enact caps today, but we cannot do it, because we have got to amend the Constitution; we have got to give the people of Pennsylvania the opportunity to allow us to engage in that debate, at the earliest, in the year 2005. Those folks who lead you to believe that \$250,000 will happen as a result of today's vote are misleading the people of Pennsylvania.

And at the same time, I find it rather ironic that the folks who at the same time in the past year have gotten up and striven and asked this body, asked the Senate, and asked the legislature of Pennsylvania to give the opportunity to the voters to vote on referendums for a bond issuance for the economic stimulus package, for a bond issuance in the past to give money for waste and wastewater projects across the State, and who have cried out in the past 3 months saying we must give voters the opportunity to vote on Growing Greener 2, we have got to let the voters decide, do they want Growing Greener 2, because they believe that the voters should have the ultimate power, I find it rather ironic that those same folks would stand up today and take that same power away from the voters.

Thank you, Mr. Speaker.

The SPEAKER. It appears the Chair was overly optimistic thinking that Mr. Gannon had waived off.

At this time the Chair recognizes the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, it is fairly obvious that the debate on the bill is not going to be on the bill; it is going to be on the amendment, because the amendment is the bill. So I wanted to make some comments that I was going to make on the bill, but I do not think we will get to that.

We have to look back to what brought us to this point in time, and what brought us to this point in time was what has been characterized as a crisis in medical malpractice insurance, and we were told that our doctors, because of the high premiums that they are paying for their medical liability insurance, were no longer able to make a living in Pennsylvania

and that we should do something about it and do it rather quickly.

Now, the idea of capping damages is not new. It has been around for a while. But we took a serious look at the problem, at the crisis that was laid on our doorstep, and we did a number of things over the past couple years, and each one of those things that we did was directed to improving the life and welfare of our doctors.

We addressed issues with respect to the judicial system. Our doctors were complaining that they were being dragged into courts in Philadelphia when they should have been in courts in Lancaster and Dauphin and Adams Counties, and we agreed with them. We said, you are right. If something happens in Adams County, you should not have to show up in court in Philadelphia. And that was one of their big complaints.

And then they came to us and they said, you know, our biggest problem is these frivolous lawsuits. They are what is burdening the system. It is the cost of these frivolous lawsuits that have no merit, and we end up paying millions and millions of dollars. And we did something about that. We penalized those folks, severely penalized those folks, who bring lawsuits that have no merit. They now have to pay the freight.

And then we were told that these lawsuits are just filed without any basis whatsoever and they just hope to get to court and win the lottery, the lawsuit lottery, and we think that before that lawsuit has even begun, the person filing the suit should be able to show that they have a case that has merit. And we did something about that. We now require that before the lawsuit is even filed and at the time of filing, proof has to be entered that in fact this lawsuit has merit, and that is an independent medical opinion that something was done wrong, and as a result of that wrong, someone was harmed.

And then they complained that they had to pay out all this money for medical bills for the lifetime of an individual or the estimated lifetime, and if that person died, they still had to pay that. And we did something about that. We said, you only have to pay medical bills as they are incurred – that is, if you are found liable, if you are found responsible for the injury – and if the person to whom you are obligated to pay those medical bills passes away, you do not have to pay them anymore; you do not have to pay those medical expenses anymore.

And then they said, you know, we have to pay all of this money out for someone's loss of earnings over their lifetime. If they make \$10,000 a year and they are expected to live 80 years or 30 years, we have to pay them \$10,000 times that or \$100,000 times that. And we said, you know, we can fix that; we can provide that you will pay out on an annuity, so instead of paying this large amount of money in one lump sum, these payments can be now made in small payments over a period of years. For example, if the person was going to lose lifetime income of \$1.4 million or \$1 1/2 million, prior to us acting, you would have to pay out \$1 1/2 million, but today, because of what we did, it only costs \$400,000, more or less, because now you are buying an annuity.

So we have done a lot of things to bring down the cost of our system, but you know, I do not think that is what this is all about. That is what we were told it was all about, but I am not certain that that is what it was all about, because now the facts belie why we are here today, because we were told back then there was a crisis. We addressed the crisis; we addressed every single issue that was brought to us. And now we are asked to

make one more quantum leap. This is not a small step. This is not something that could be rectified very easily if we make a mistake.

Now, we have had some speakers get up there and say, you know, we have got to leave it to the people; the people should decide on this. Well, going back to the Middle Ages and coming forward through when this country was founded, when our forefathers wrote the Constitution and when the States were organized and founded and the States wrote their Constitution, we said that when you are harmed by somebody's negligence, we are going to have a group of your peers, a panel of your peers, decide, first of all, whether or not you were injured; secondly, whether or not the person you are claiming injured you did in fact do so; and third, what compensation they were going to be required to pay to you for that injury. That is our jury system.

And no one has come up here and suggested that juries are always wrong when they find somebody who has committed a horrible crime is guilty or not guilty. We have not gotten up and said, you know, the jury cannot assess that penalty; they cannot make the decision, a life-or-death decision, in a criminal case. But now we are saying they cannot make that decision when somebody has been harmed by someone else's negligence and they are seeking compensation for that harm – not a profit; compensation.

That is a serious matter, and we are going to put that in the hands of not the people, because this is not over yet if this passes; we are going to put it in the hands of a bunch of politicians. Now, if something happened to a member of my family, I would not want a politician to determine the value of that life or the value of that harm, but that is what we are asking the people to decide, letting a bunch of politicians decide the value of our lives, because that is what we will be doing.

Now, when we looked and we were told this is a crisis and how much the doctors are paying for their insurance premium, well, I think it is fair to go back and say, well, let us take a look at the insurance companies, because that is who the doctors pay. They must be in bad shape, because that is why they have to be charging this money, these high dollars, to these poor doctors, because they must be in terrible financial condition.

Well, I took a look at the 2003 numbers, because that is the most current numbers that I have. We do not have the 2004, because they are not available yet.

But we have six companies in Pennsylvania that have 52 percent of the market. Only six companies write 52 percent of the medical liability insurance in this State.

Medical Protective is number one. In 2003 they had an earned premium of \$70,150,840. How much did they pay out? How much did they pay out in direct loss? \$48,172,228. They had an underwriting gain of \$22,078,612, and that is according to them. And these are hard numbers. These are numbers that they are required to report by law. And that does not include investment income, which was earned on their policyholders' premiums. That is just their premium income.

Well, let us take a look at company number two, the Pennsylvania Medical Society Liability Insurance Company. Earned premium: \$67,071,820 – 825; excuse me; I do not want to short them. What was their loss? How much did they pay out in direct loss? \$52,708,920. They are on the plus side \$14,362,905, just for 2003.

Well, let us keep on going; let us take a look at number three, Lexington Insurance Company. Those guys earned \$53,755,793, direct premiums. How much did they pay out? \$31,444,066. Gain: \$22,311,727.

Number four, Mountain Laurel Insurance Company: \$18,351,862. They took a big hit. They paid out \$12,852,542. Gain: \$5,499,320.

Number five, Tri-Century Insurance Company – now, I will bet many of you have never even heard of these companies, but they are out there; this is up in the top six – \$32,411,955. How much did they pay out? \$21,663,63 – \$21,663,631. I cannot even get it out, it was such a small number. Gain: \$10,748,324.

And then there is the granddaddy of them all, the one that we hear a lot about, the Pennsylvania Professional Liability Joint Underwriting Authority, the insurer of last resort. Premium: \$38,583,565. Loss: \$21,286,000. Gain: \$17,297,565.

Now, just looking at those companies together, who write 52 percent of the business, gain: \$92,298,453. Now, this is information that is readily available. I would think that these companies were ready to go belly-up because of what the doctors, the poor doctors, are paying on their insurance, and here, just on their underwriting losses, \$92 million, over \$92 million, and that is not their investment gains.

Now, I want to look at the 48 percent of the other medical liability insurance writers in Pennsylvania. How many are there? Well, there are 147 other companies that write medical liability insurance in Pennsylvania, and they cover the other 48 percent of the market.

In addition to that, in 2003 alone – and I do not have the numbers for these guys – in 2003, 19 companies have newly signed up to write medical liability insurance in Pennsylvania. Maybe the doctors might be leaving, but the insurance companies are coming in and they are coming in hot and heavy, because this looks like it is a pretty good market, and it is a good market because of the work that we did before.

And now we are here to seek an amendment to the Constitution, and somebody said, hey, you know, this is a serious issue and it is an important issue, but who is it serious to and who is it most important to? The doctors? We already know that this will not impact on the amount of money that they pay for their liability insurance. The insurance industry has testified a couple of times before our committees. They do not see any reduction in premium. They do not see any reduction, not for this; maybe for other reasons but certainly not for this.

So who is it serious and important to? Well, it is serious and important to the people it hurts, not to the people it is supposed to help, because we already know and we have been told it really does not help that much, but it does hurt and it hurts a lot, and it particularly hurts somebody who is poor or somebody who is moderate income, somebody who is middle class, because under our system of jurisprudence, you do not go out and hire a lawyer. It costs thousands and thousands of dollars. Most people that are injured because of someone else's negligence, they are not rich. Some of them are; most of them are not. They are just the average guy, the average gal, the little kid – the 2-, 3-, 4-year-old. They cannot afford to go out and pay thousands of dollars to hire a lawyer to seek justice in our courts. So we have developed the system of jurisprudence called the contingency fee. Now, I know a lot of people out there hate, loathe, and despise it, but it gives people without means or people with moderate means access to our courts, and it gives

them justice. It gives them an opportunity to have their case heard, and it gives them an opportunity to seek compensation from the person that caused them harm.

So there is a lot at stake here to the people that are hurt, the people that are harmed, by someone else's carelessness or recklessness or indifference or negligence. That is who it hurts. It does not help anybody.

Now, maybe some of you will feel good because you are going after those rotten trial lawyers who caused all this problem. Blame the trial lawyers. Shakespeare blamed the lawyers, so nothing is new. Every problem that we have is, blame the lawyers. You would think the lawyers, you know, manufactured these cases, manufactured these claims; that the people that they represent were not really injured – they are just seeking a lottery ticket; they want jackpot justice.

Well, it is obvious that many of you have not spent much time in court or sat behind an insurance claims desk for 12 years like I did and saw some of the horrible things that happen to people, how their lives are destroyed, how their loved ones are lost – never, never to be regained – and they are seeking two things. They are seeking compensation; they are seeking justice. Mostly they are seeking justice, and we have a mechanism in place today that provides that justice. Sometimes we do not like it. Sometimes we have to tinker it and fix it a little bit, and we have done that, and we have done that for one group – our medical doctors.

Now, we have been told that they have been leaving in droves; that that crisis is so bad that they are leaving the State, they are going other places. And yet we now have reports that have been substantiated that in fact that has not been the case. Are doctors retiring? Yes, they are retiring. Are they dying? Yes, just like everybody else; they are dying. Are they going someplace else where they can earn more money? Sure, they are. But that is not the reasons we have been told that they have been leaving. We have been told that they have been leaving because of their medical liability insurance premiums, and we have been told we have not done anything and that we have to act now.

Well, Mr. Speaker, this is a bad piece of legislation. It sets a bad precedent for Pennsylvania, which should be that shining city to give good example, to show people that we believe that our people, when they are harmed, they should get justice, they should be compensated for their harm, and it should be done in a reasonable, rational way. We have a system of jurisprudence in place that works very, very well, and now we are trying to break that system; we are trying to break that system. And not one person has come up with clear facts, clear facts, supporting documentation, to say why we should take this dramatic step.

This is a bad bill, it is a bad amendment, and I urge a “no” vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Westmoreland, Mr. Tangretti.

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, I had no intention of speaking again, but the gentleman from Indiana who spoke a little bit ago made a statement that I found a little hard to take. He suggested that somebody tripping on a sidewalk or on a branch is comparable to a baby being injured at birth because of the negligence of a doctor. He is making a comparison of somebody tripping on a

branch to a woman who had a mistaken double mastectomy or somebody who had the wrong leg taken off because of negligence. I find that very difficult to accept.

The gentleman from Lawrence County suggested, as did the gentleman from Delaware County, there is absolutely no evidence that these caps will reduce premiums for doctors. I will give you, however, a way to reduce premiums for doctors. In fact, we passed a bill in this House – and it is sitting in the Senate now – that will do that, the chairman of the Insurance Committee's bill, HB 158. You put on a Web site of the Department of State a doctor's records of his malpractice experience, and, Mr. Speaker, those doctors who have 8 and 9 and 10 and 12 and 17 claims, which we have in this State, will be out of business.

Those folks who have multiple, year after year of claims, and we are not allowed to know who they are, where they are, if they are our doctors or your doctors. Twenty-seven other States have done this. We can do it, too, and I guarantee you that when you and I and our neighbors and our constituents have to have some sort of procedure and they can access that Web site and they can look and see what that doctor's record is, guess what? That guy with 17 claims, he is not going to get the business. That will bring down the claims. That will bring down the premiums. But, no, we are going to take it out on the little guy. We are going to take it out on the injured person.

If we have four parties to a malpractice claim – we have the injured person; we have the provider, the hospital, the doctor; we have the insurance company; and we have an attorney – insurance companies, doctors, and attorneys, and who are we going to take it out on? The little guy. The individual who was harmed. Even if you allow – pick a number – 10 percent of the cases that are frivolous, 15 percent, my God, you are going to limit the rest of the people who are injured to 250,000 or some number that makes no sense at all, one size fits all. That does not make any sense, none. Maybe the person that tripped on the sidewalk and hurt his knee it makes sense for, but for that baby's family who was injured at birth and for the rest of that baby's life those parents have to deal with the negligence of that doctor, it makes no sense.

This is wrong. This is a crime perpetrated on the citizens of Pennsylvania, and you know what? And the gentleman from Lawrence is absolutely right. If this gets to the ballot, it will look like California times 10. We will see hundreds of millions of dollars by those three other groups pouring money in, confusing the voters, nobody knows what is going to be what, and we have the ability to stop that from happening.

Let us deal with the issues. As the gentleman from Delaware County so eloquently stated, let us deal with the issues – the insurance companies. Those things could bring down premiums – the bad doctors, those who have multiple claims. Let us deal with those things. Let us not hurt the little guy.

Vote this amendment down.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I am not an attorney, and in most cases I defer to the Parliamentarian to guide me in these matters, but I recall

after being here for 14 years that we are in part governed by Mason's Manual and Jefferson's Manual, as our rules state. In Jefferson's Manual, rule XVI says that a dilatory motion may not be entertained by the Speaker.

Now, as I understand it, the amendment that is before us was described earlier as doing exactly what the bill did, that there was simply a comma that was being changed, and we have a process in this House by which commas and periods can be taken care of just in the drafting process. It does not require an amendment to make that happen. So it would seem to me that the act of this amendment, its sole total effect is to block the other 48 amendments, thus making it a dilatorious motion.

I guess what I am asking for is a ruling by the Speaker that declares the motion which puts this amendment into play as out of order.

The SPEAKER. A dilatory motion is a motion that is offered time after time after time or an amendment that is offered time after time after time. The amendment makes a change and therefore is not dilatory. There is also rule 54, which states that "No dilatory motion shall be entertained by the Speaker," at which time you would have to appeal the ruling of the Speaker.

Mr. STURLA. Mr. Speaker, if I could, in Mason's Manual, section 180, where it defines "Dilatory Motions," it talks about "Every legislative body has the inherent right to protect itself from dilatory motions," and in fact, that "Any regular parliamentary motion, when improperly used for the purpose of delaying or obstructing business, is a dilatory motion." This amendment obstructs 48 other amendments and makes no substantive change to the language of the legislation, only does a comma, which we can handle under other procedures in the House. So the sole intent of this amendment is a dilatory motion.

The SPEAKER. In reading page 141, section 180, it says that a motion, it cannot delay or obstruct, and at this point in time it appears to the Chair that this amendment has the effect of actually speeding up the entire process.

Mr. STURLA. Mr. Speaker, if I can be recognized.

The SPEAKER. Yes. The gentleman has the floor.

Mr. STURLA. Mr. Speaker, I believe for those members who want to offer those other 48 amendments, they would view it as obstructing those other 48 amendments.

But that aside, several years back there was a maneuver that was used here in the House where we would take a bill honoring a Coal Queen and turn it into a Title 75 bill, and we would change a title on a bill so that all amendments would be out of order. And one day I had a discussion with then Speaker Ryan about how we might get around that maneuver, and my suggestion was that all members of the House could start offering amendments filed to every title so that when the bill's title got changed, there would be another amendment there waiting at the new changed title, and shortly thereafter there was a memo that came around saying, you know, we really cannot do this practice of changing titles.

What this amendment has the effect of doing is that same type of dilatory action. If we allow this type of amendment to occur, any bill will be subject to somebody gutting the bill, adding a comma, and saying all amendments are out of order, not just on this one but on every bill that is before the floor of the House, and the only remedy that we will have as members is to then ask that every time we file an amendment, that we file it to amend all other amendments that the Legislative Reference

Bureau has access to, and that will have the effect of bringing this House to its knees in that you will go file an amendment and it will take days for it to get back because we will file amendments to each other's amendments.

I am just suggesting that I would hope that the Speaker would understand the severity or the magnitude that this action has in allowing a dilatory amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

I agree that we have a medical liability crisis. However, Mr. Speaker, we also have a medical error crisis in the State of Pennsylvania. We know that in our State there is an epidemic of medical errors. We have errors with respect to prescriptions, we have errors with respect to infection rates in hospitals, we have errors, an epidemic in errors with respect to surgical treatments, and what is missing from this entire debate is the issue of patient safety.

This system that we have today encourages a code of silence among practitioners and providers. We tried to rectify that through Act 13 in the Patient Safety Authority, but the fact of the matter is it remains largely a voluntary system. There is no muscle to it.

Now, I oppose this amendment because it precludes the ability, in my view, to be able to incorporate language into the caps legislation that would create a tie between the issue of patient safety and caps on noneconomic damages. In other words, the amendment that I would have proposed here today that is being precluded by this would have created an eligibility requirement for a physician or a health-care provider to qualify for caps on noneconomic damages. They would have to adhere to the Act 13 provisions which require a timely reporting of a medical error to the patient and their family and some remedial steps taken to take care of it. We know, we know that if a person who is injured through medical error and their family are informed in a timely way, the likelihood of a lawsuit is very slim. But the fact of the matter is we have this code of silence here, and we are not ever going to address it unless we have some incentive for medical providers to participate under Act 13's provisions in the Patient Safety Authority. There should be a requirement for a physician or a health-care institution to adhere to the requirements under Act 13 in order to qualify for a cap.

This is our opportunity to address that issue. This is the opportunity for us to tie caps to patient safety and make sure that our constituents are protected and not just deal with the medical liability crisis. We have both things going on here. We have an opportunity to address both of them.

I am opposing this amendment because it is not allowing us to be able to take a more comprehensive look at this issue and tie patient safety with the caps on noneconomic damages. That opportunity exists if you vote down this amendment.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Schroder, for the second time.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, there have been a number of things said here this evening that I feel compelled to comment upon and correct

the record or at least provide the rest of the story, as they sometimes say.

Many people have asked, well, where are there or give me examples of States and give me examples of where caps have worked, either reduced malpractice premiums or to control the problem that they have. Certainly the evidence is there, and the evidence is there very much in the State of California where, during the time period between 1975 and 2001, while premiums were rising 420 percent nationwide, they did rise in California also but only at 168 percent. Meantime, in Pennsylvania we experienced a 1400-percent growth between 1976 and 2000.

Now, there is another State out there that has had considerable success, too, and that is the State of Wisconsin, which in 1995 adopted a \$350,000 cap on noneconomic damages in medical malpractice cases, and between '98 and 2000 the average annual premium for general surgeons in Pennsylvania tripled, but in Wisconsin during that same period of time with the caps, there was a rate increase, but it was just 8.5 percent. So we see right there in at least two particular States where caps have worked to both lower and level off the types of wild spike in premium increases that we see here in Pennsylvania.

The Milliman USA study report states that large States without caps have the highest medical malpractice costs in the country, and Pennsylvania is 171 percent of the national average, according to the Milliman report. The report concludes that States with caps of \$250 to \$300,000 on noneconomic damages have averaged combined premium increases of between 12 and 15 percent, and that is compared to 44-percent premium increases in States without caps.

Mr. Speaker, some other facts, according to a journal called Health Affairs. They state that insurance premiums are 17 percent lower in the 24 States with some limit on noneconomic damage awards. An analysis of the 15 largest States demonstrates that large States with limits have lower costs than those States without them.

We have evidence all around us that our malpractice payouts continue to increase in this State. All you have to do is look at the Mcare statistics that are provided by the Insurance Department. In 2001 the payout was \$323 million, in 2002 it was \$348 million, and in 2003 it was \$377 million.

Now, Mr. Speaker, I, too, have the statistics from the Insurance Department about the medical liability carriers in Pennsylvania that the gentleman from Delaware County was referring to earlier, and, Mr. Speaker, all I would say is that there is a lot more to the story than what the gentleman told us here on the floor of the House. He cited some of the insurers which, on the face of it, made out very well. Well, Mr. Speaker, there are insurers who have had loss ratios of 189 percent, 128 percent, 153 percent, 101 percent, 170 percent, 115 percent, 1,012 percent, 1,137 percent. Mr. Speaker, I could go on for three pages reading the loss ratios of these medical malpractice insurers in Pennsylvania that are losing their shirts.

And finally, Mr. Speaker, when you add them all up, the ones that made money and the ones that lost money, you get for the entire year of 2003, you get a loss ratio of 97.79 percent. Mr. Speaker, that is before they pay the salaries to their employees; that is before they pay the electric lights for their buildings; that is before they pay their taxes. So anyone who is standing up here and telling this General Assembly and the public that the malpractice insurers of this State are raking it in

and living the high life, it is a fantasy; it is an absolute fantasy, and one that is very easy to disprove.

Now, Mr. Speaker, I also heard a couple speakers tonight talk about what they consider to be the fallacy of disappearing doctors and how we really do not have a disappearing doctor crisis in Pennsylvania, and that has all, quote, I think someone said, "been disproven."

Mr. Speaker, I have a doctor list given to me by the Chester County Medical Society, not the one that has been disputed statewide and that the Allentown Morning Call and some of the other papers out there in the fringe have taken to task. Mr. Speaker, according to this, we have a dermatologist from Paoli who moved to Maine; we have a general surgeon who relocated to Maine but kept their PA license; we have a pulmonologist from Brandywine Hospital following 18 years of service who has moved to Virginia; we have an OB-GYN (obstetrician-gynecologist) who has given up obstetrics; we have an internist who relocated to Montana after 15 years as a primary-care provider; we have a family practitioner who has moved to Texas; we have a neurosurgeon who has relocated to Georgia in 2003 but maintained his Pennsylvania license; we have an OB-GYN who has given up obstetrics; we have a urologist who resigned from the Southern Chester County Medical Center staff to continue practicing at other area hospitals due to increased workload and inability to recruit other urologists; we have an ENT (ear, nose, and throat) from Phoenixville Hospital who moved to North Carolina, a cardiac surgeon from Paoli Hospital who has moved to Delaware, a general surgeon who retired early, a plastic surgeon from Chester County Medical Center who moved his practice to Delaware but once again retained his PA license. Just tell me when you want me to stop because, Mr. Speaker, because this is three pages' worth, three pages of doctors who have retired early, who have moved out of this State.

These are actual names, Mr. Speaker. These are the actual people who are putting the fact that they are no longer capable of practicing in Pennsylvania due to this problem and crisis, which some of you still after all this evidence feel compelled to deny. That is why we are here tonight. That is why we are fighting for this constitutional amendment. That is why we are trying to get this passed and over to the Senate so that they can act on it.

Mr. Speaker, I will not burden the House with reading all of these names, but I could if I wanted to. I will not; I will not. But I did want to make the point, Mr. Speaker, that when we have this many surgeons, physicians, doctors, specialists moving from one geographic area, it has a devastating impact on health care.

Mr. Speaker, just in closing, we also have heard about patient safety. The Philadelphia Inquirer – by the way, a newspaper which has been no fan of our efforts on medical malpractice reform at all – ran an editorial just recently praising our patient safety efforts in Act 13 calling it the most progressive in the nation, not that there is not more that we can or perhaps should do, but calling it the most progressive, along with New Jersey's, in the nation.

And finally, Mr. Speaker, that same Philadelphia Inquirer – once again, no fan of the reforms and the efforts that we have made here in Harrisburg on this – just a couple days ago called for us to pass this constitutional amendment so that the people, the voters of Pennsylvania, can decide, and for once I find

myself in agreement with the Philadelphia Inquirer editorial board.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Mustio.

Mr. MUSTIO. Thank you, Mr. Speaker.

I would just like to follow up on those comments.

The loss ratios that were mentioned earlier were kind of cherry-picked a little bit, and as the previous speaker mentioned, out of every dollar collected in premiums, 97 cents was paid out average in claims. That does not include the salaries or commissions or overhead or marketing expenses, which if you add that, you would be paying, the insurance companies are paying, about \$1.25 for every dollar collected. And one of the earlier speakers mentioned all these insurance companies that are flocking to Pennsylvania to write professional liability for malpractice insurance. Again, they are not flocking to Pennsylvania to write the high-risk exposures like our OB-GYNs. They may be flocking here to write our dentists but not our OB-GYNs. So we need to pass this bill in the utmost urgency.

Thank you.

The SPEAKER. We believe that we are down to the leaders, who have requested that they be the last two to speak.

So with that, the Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

"I have never killed a man, but I have read many obituaries with great pleasure."—Clarence Darrow.

I do not think I am going to get a chance to read the obituary of the honorable majority leader's amendment. It probably has enough votes to sustain its forward momentum.

Notwithstanding my respect for the gentleman from Jefferson, this amendment was not carved from the solid quarry of sober reason. We have done three things in this chamber, and they have been expressed quite eloquently by members of both sides of the political divide.

The articulate former chairman of the Republican House Judiciary Committee from Delaware County, who now serves as the chairman of the Professional Licensure Committee, gave an articulate commentary on innumerable reasons why we should countervail against Mr. Smith's amendment. A variety of other men and women have also spoken passionately about why we need to protect our jury system and the injured men and women, boys and girls, of Pennsylvania that could be treated deleteriously if Mr. Smith's amendment is enacted into this proposal.

There are three things that have happened, and I am just going to repeat them quickly. One, we have arrested the number of frivolous suits that were going on in Pennsylvania as recently as 3 years ago. When I was privileged to serve as the chairman of the Judiciary Committee with Jeffrey Piccola in the late 1980s, frivolous suits were an intrinsic problem in Pennsylvania that needed legislative remedy. This chamber and our colleagues in the Senate recently cracked down with help from the Supreme Court on frivolous suits.

Number two, there were all kinds of allegations and some of them probably were with merit that lawyers would go jury hunting into the big metropolitan areas and they would try to get a more favorable verdict in Philadelphia and Pittsburgh and a

variety of other settings even if the link between Philadelphia and the malpractice was quite extenuated. We remedied that, Mr. Speaker, with the change-of-venue language in the last session of the Assembly. We cracked down on frivolous suits. We said you cannot go jury shopping. And then – and this is the big one – we spent \$750 million of taxpayer-generated funds from cigarettes and from the Federal government and a variety of other sources, \$750 million, one more time, \$750 million and directed it to our medical doctors in Pennsylvania to help abate some of the challenges that they had in paying their insurance premiums. There was no income eligibility requirement. That doctor could have received \$2 million in compensation the year before or \$100,000 in compensation the year before. There were no income eligibility requirements. That was a mistake of this General Assembly, but nevertheless, \$750 million have been spread around the Commonwealth to our M.D.s to try to bring down their insurance premiums.

It just does not make sense that after all these actions by the Pennsylvania House of Representatives in the world of frivolous suits, in the world of jury shopping and venue change, in the world of the Mcare money that has been streaming in to our M.D.s throughout the State, that the Smith amendment is necessary.

Every gambit, every trick, every lunge of our parliamentary process has been utilized. The gentleman's amendment will probably prevail, but it is a sad day for the State. It is a sad day for injured Pennsylvanians, and it is a sad day for our constitutional structure. This is a hotly contested debate, and notwithstanding my dubiety relative to the passage of the proposal, I would ask for a negative vote.

The SPEAKER. The Chair thanks the gentleman.

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

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

I will not belabor this debate any longer. I think many members have had an opportunity to speak their piece.

All I would suggest is that as each of us respond to the calls and letters and e-mails that we get from our constituents relative to these issues, that we recognize that what we are doing today is giving them a direct voice on a very important issue that would allow for the Constitution to be amended.

On a lighter note, Mr. Speaker, I also wanted to point out to the minority leader that although he began about 2 hours ago questioning this amendment and the fact that it was, in essence, a comma, I found it interesting that a comma has brought about 2 hours of debate. So perhaps it was a bigger comma than usual.

Mr. Speaker, I would just urge the members to vote for the amendment and then we can proceed to final passage.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—113

Adolph	Fairchild	Mackereth	Rohrer
Allen	Feese	Maher	Ross
Argall	Fichter	Maitland	Rubley
Armstrong	Fleagle	Major	Sather
Baker	Flick	Mann	Saylor
Baldwin	Forcier	Markosek	Scavello

Bard	Gabig	Marsico	Schroder
Barrar	Geist	McCall	Semmel
Bastian	George	McGill	Smith, B.
Benninghoff	Gillespie	McIlhattan	Smith, S. H.
Birmelin	Gingrich	McIlhinney	Stairs
Boyd	Godshall	McNaughton	Steil
Browne	Good	Metcalfe	Stern
Bunt	Habay	Micozzie	Stevenson, R.
Cappelli	Harhart	Millard	Stevenson, T.
Causar	Harper	Miller, R.	Taylor, E. Z.
Cawley	Harris	Miller, S.	Tigue
Civera	Hasay	Mustio	True
Clymer	Hennessey	Nailor	Turzai
Coleman	Herman	Nickol	Vance
Cornell, S. E.	Hershey	O'Neill	Watson
Corrigan	Hess	Payne	Weber
Crahalla	Hickernell	Petri	Wilt
Creighton	Hutchinson	Phillips	Wright
Dailey	Killion	Pickett	Zug
Dally	Lederer	Raymond	
Denlinger	Leh	Reed	
DiGirolamo	Lewis	Reichley	Perzel,
Egolf	Lynch	Roberts	Speaker

NAYS—90

Bebko-Jones	Evans, J.	Levdansky	Shaner
Belardi	Fabrizio	Manderino	Solobay
Belfanti	Frankel	McGeehan	Staback
Biancucci	Freeman	Melio	Stetler
Bishop	Gannon	Mundy	Sturla
Blaum	Gergely	Myers	Surra
Butkovitz	Goodman	O'Brien	Tangretti
Buxton	Grucela	Oliver	Taylor, J.
Caltagirone	Gruitza	Pallone	Thomas
Casorio	Haluska	Petrarca	Travaglio
Cohen	Hanna	Petrone	Veon
Costa	Harhai	Pistella	Vitali
Coy	Horsey	Preston	Walko
Cruz	James	Readshaw	Wansacz
Curry	Josephs	Rieger	Washington
Daley	Keller	Roebuck	Waters
DeLuca	Kenney	Rooney	Wheatley
Dermody	Kirkland	Ruffing	Williams
DeWeese	Kotik	Sainato	Wojnaroski
Diven	LaGrotta	Samuelson	Yewcic
Donatucci	Laughlin	Santoni	Youngblood
Eachus	Leach	Scrimenti	Yudichak
Evans, D.	Lescovitz		

NOT VOTING—0

EXCUSED—0

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—122

Adolph	Fairchild	Lynch	Ross
Allen	Feese	Mackereth	Rubley
Argall	Fichter	Maher	Sather
Armstrong	Fleagle	Maitland	Saylor
Baker	Flick	Major	Scavello
Baldwin	Forcier	Mann	Schroder
Bard	Frankel	Markosek	Semmel
Barrar	Gabig	Marsico	Shaner
Bastian	Geist	McCall	Smith, B.
Belfanti	George	McGill	Smith, S. H.
Benninghoff	Gillespie	McIlhattan	Staback
Birmelin	Gingrich	McIlhinney	Stairs
Boyd	Godshall	McNaughton	Steil
Browne	Good	Metcalfe	Stern
Bunt	Habay	Micozzie	Stetler
Cappelli	Harhart	Millard	Stevenson, R.
Causar	Harper	Miller, R.	Stevenson, T.
Cawley	Harris	Miller, S.	Taylor, E. Z.
Civera	Hasay	Mustio	Tigue
Clymer	Hennessey	Nailor	True
Coleman	Herman	Nickol	Turzai
Cornell, S. E.	Hershey	O'Neill	Vance
Corrigan	Hess	Payne	Watson
Coy	Hickernell	Petri	Weber
Crahalla	Hutchinson	Phillips	Wilt
Creighton	Killion	Pickett	Wright
Dailey	Leach	Raymond	Yewcic
Dally	Lederer	Reed	Zug
Denlinger	Leh	Reichley	
DiGirolamo	Lescovitz	Roberts	Perzel,
Egolf	Lewis	Rohrer	Speaker

NAYS—81

Bebko-Jones	Evans, J.	Levdansky	Santoni
Belardi	Fabrizio	Manderino	Scrimenti
Biancucci	Freeman	McGeehan	Solobay
Bishop	Gannon	Melio	Sturla
Blaum	Gergely	Mundy	Surra
Butkovitz	Goodman	Myers	Tangretti
Buxton	Grucela	O'Brien	Taylor, J.
Caltagirone	Gruitza	Oliver	Thomas
Casorio	Haluska	Pallone	Travaglio
Cohen	Hanna	Petrarca	Veon
Costa	Harhai	Petrone	Vitali
Cruz	Horsey	Pistella	Walko
Curry	James	Preston	Wansacz
Daley	Josephs	Readshaw	Washington
DeLuca	Keller	Rieger	Waters
Dermody	Kenney	Roebuck	Wheatley
DeWeese	Kirkland	Rooney	Williams
Diven	Kotik	Ruffing	Wojnaroski
Donatucci	LaGrotta	Sainato	Youngblood
Eachus	Laughlin	Samuelson	Yudichak
Evans, D.			

NOT VOTING—0

EXCUSED—0

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

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

SUPPLEMENTAL CALENDAR A CONTINUED

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 200, PN 1765**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for termination of annuities.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. It is moved by the gentleman, Mr. Smith, that the House concur in the amendments.

The Chair at this time will recognize the gentleman from Philadelphia, Mr. O'Brien, who moves that the rules of the House be suspended for immediate consideration of amendment 2941.

The gentleman, Mr. O'Brien, has withdrawn the amendment.

It is moved by the gentleman, Mr. Smith, that the House concur in the amendments.

Those voting to concur will vote "aye"; those voting to nonconcur will vote "no."

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS—203

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

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

NAYS—0

NOT VOTING—0

EXCUSED—0

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

Ordered, That the clerk inform the Senate accordingly.

DEMOCRATIC CAUCUS

The SPEAKER. Are there any caucus announcements for tomorrow?

The Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the Democratic Caucus will meet tomorrow at 10:30 a.m.; 10:30 a.m. In addition, there will be informal discussions in the Democratic caucus room effective upon the recess.

**STATE GOVERNMENT
COMMITTEE MEETING**

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, the members of the State Government Committee will meet tomorrow at 9:30 in room 39E; that is in the East Wing. That is the State Government Committee, 9:30 tomorrow, and the bills that we are going to consider are SB 1184, the Mellow bill, and HB 2762, the Staback bill.

And also, Mr. Speaker, the members of the antigambling coalition will meet very briefly right now in room 205 in the Ryan Building.

Thank you.

The SPEAKER. The State Government Committee will meet tomorrow in room 39E at 9:30 a.m.

VOTE CORRECTION

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

To correct the record.

The SPEAKER. The gentleman is in order.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Yesterday, June 29, I inadvertently voted in the affirmative for HB 2269. I would like the record to indicate that my vote would be in the negative.

The SPEAKER. The Chair thanks the gentleman.

SUNSHINE NOTICE

The SPEAKER. The clerk will read the following sunshine notice.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

NOTICE
SESSION TIME
HOUSE OF REPRESENTATIVES

Notice is hereby given, in accordance with the Act of July 3, 1986, P.L. 388, Number 84, that the House of Representatives will convene in open session in the Hall of the House on the following dates:

Thursday and Friday,
DATE: July 1 and July 2, 2004

Ted Mazia, Chief Clerk

DATE: June 30, 2004

VOTE CORRECTION

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

Mr. PALLONE. Thank you, Mr. Speaker.

I rise to correct the record.

The SPEAKER. The gentleman is in order.

Mr. PALLONE. Yesterday when we voted final passage on HB 2269, my button malfunctioned, and I wanted to be voted in the negative.

Thank you.

The SPEAKER. The Chair thanks the gentleman. The gentleman's remarks will be spread across the record.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that HB 2655 be recommitted to the Committee on Appropriations.

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

SENATE BILL FOR CONCURRENCE

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

SB 1184, PN 1734

Referred to Committee on STATE GOVERNMENT, June 30, 2004.

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 2268, PN 3119**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

HOUSE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 319, PN 1030; SB 751, PN 1432; and SB 752, PN 1545**.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 2268, PN 3119

An Act repealing provisions relating to a permanent centennial exposition building in Philadelphia.

SB 319, PN 1030

An Act authorizing the Commonwealth of Pennsylvania to join the Interstate Compact for Juveniles; providing for the form of the compact; imposing additional powers and duties on the Governor, the Secretary of the Commonwealth and the Compact; establishing the State Council for Interstate Juvenile Supervision; and making a repeal.

SB 751, PN 1432

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for respiratory care practitioners; and providing for continuing respiratory care education.

SB 752, PN 1545

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for definitions, for licensing of physician assistants and for temporary respiratory care permits; and providing for continuing education.

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

RECESS

The SPEAKER. Are there any further announcements?
This House stands in recess to the call of the Chair.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

The SPEAKER pro tempore. Members, please be advised there is no need to report to the floor of the House at this time. We will notify you this afternoon when the voting session will begin.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The gentleman, Mr. Cohen, is recognized.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I am here to announce that there will be a Democratic caucus at 12:30. There will be informal discussions in the caucus room at noon. At our caucus at 12:30 we will be going over today's schedule.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Are there any other announcements?

GUEST INTRODUCED

The SPEAKER pro tempore. Please welcome, as the guest of Representative Kelly Lewis and Representative Mario Scavello, Jacqueline Berchielli. Jacqueline attends Penn State University and currently is interning at Triad Strategies. Welcome.

SENATE BILLS FOR CONCURRENCE

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

SB 1095, PN 1565

Referred to Committee on TRANSPORTATION, June 30, 2004.

SB 1099, PN 1739

Referred to Committee on JUDICIARY, June 30, 2004.

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

HB 2762, PN 4178

By Rep. CLYMER

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Conservation and Natural Resources, to convey to Anthony R. Domiano, Sr., and Anthony R. Domiano, Jr., a certain tract of land situate in the Borough of Archbald, Lackawanna County, in exchange for certain tracts of land.

STATE GOVERNMENT.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 1184, PN 1734

By Rep. CLYMER

An Act authorizing the release of Project 70 restrictions imposed on certain lands owned by the City of Scranton, Lackawanna County, being conveyed by the city in return for the imposition of Project 70 restrictions on certain lands being conveyed to the city.

STATE GOVERNMENT.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the majority leader, who requests an immediate meeting of the Rules Committee.

BILL REREPORTED FROM COMMITTEE

HB 56, PN 4242

By Rep. S. SMITH

An Act providing a bonus to Pennsylvanians who are United States Merchant Marine veterans who served during World War II; imposing certain duties on the Adjutant General; providing penalties; and making an appropriation.

RULES.

BILL ON SECOND CONSIDERATION

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

HB 56, PN 4242.

BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that SB 1092 be taken off the table.

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

BILL ON SECOND CONSIDERATION

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

SB 1092, PN 1557.

BILL RECOMMITTED

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

Mr. S. SMITH. Mr. Speaker, I move that SB 1092 be recommitted to the Appropriations Committee.

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

REPUBLICAN CAUCUS

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

Mr. HUTCHINSON. Thank you, Mr. Speaker.

On behalf of the caucus chairman, I would like to announce that the Republicans will have informal discussions at noon followed by caucus at 1 o'clock. That is a formal caucus at 1 o'clock.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair is most grateful for his announcement.

BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that SB 1184 be removed from the table.

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

BILL RECOMMITTED

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

Mr. S. SMITH. Mr. Speaker, I move that SB 1184 be recommitted to the Appropriations Committee.

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

TRANSPORTATION COMMITTEE MEETING

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

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

We will call a meeting of the Transportation Committee immediately upon us coming back to the floor. There will be a meeting of the Transportation Committee immediately upon us coming back to the floor.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Transportation Committee will meet immediately when we come back to the floor.

RECESS

The SPEAKER pro tempore. This House stands in recess until the call of the Chair.

AFTER RECESS

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

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that HB 56 be recommitted to the Committee on Appropriations.

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

TRANSPORTATION COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Geist, who calls for an immediate meeting of the Transportation Committee in the rear of the hall of the House.

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

SB 1095, PN 1565

By Rep. GEIST

An Act designating Exit 182 on Interstate 81 in Lackawanna County as the Chuck Mattei Interchange.

TRANSPORTATION.

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 the gentleman from Montgomery, Mr. Leach.

Mr. LEACH. Mr. Speaker, I move that this House do now adjourn until Thursday, July 1, 2004, at 2:45 p.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 2:43 p.m., e.d.t., Thursday, July 1, 2004, the House adjourned.